



**Date:** Tuesday, 18 October 2022  
**Time:** 1.00pm  
**Location:** Narrabri Shire Council Chambers  
46-48 Maitland Street  
Narrabri

# **AGENDA**

## **Supplementary Reports** **Ordinary Council Meeting** **18 October 2022**

**Rob Williams**  
**GENERAL MANAGER**

**AGENDA**

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## 1 OUR CIVIC LEADERSHIP



### THEME 4 *Our Civic Leadership*

## THEME 4: OUR CIVIC LEADERSHIP

### STRATEGIC DIRECTION 4: COUNCIL AS STRONG LEADERS FOR THE COMMUNITY

Through extensive community engagement, the Narrabri Shire community identified several civic leadership priority areas to be actioned over the 2022/2026 period.

#### COMMUNITY SERVICES

Current services provided within the Narrabri Shire community include:

- Integrated strategic planning and reporting
- Community engagement and consultation
- Representation and governance
- Human resource management
- Customer services
- Information services
- Financial services
- Risk management
- Compliance and regulation

#### COMMUNITY OBJECTIVES

In partnership with the community, government and non-government agencies, the Operational Plan will work towards achieving the following civic leadership strategic objectives:

- A transparent and accountable Council
- A strong Council that advocates for the Community
- A resilient and sustainable Council

#### KEY STAKEHOLDERS





- Narrabri Shire Council
- Narrabri Shire Community
- NSW Office of Local Government
- New England Joint Organisation
- Department of Premier and Cabinet
- Department of Prime Minister and Cabinet
- State and Federal Government

## 1.1 POLICY REVIEW

**Responsible Officer:** Andrew Brown, Director Corporate and Community Services

**Author:** Jason Townsend, Manager Governance and Risk

**Attachments:**

1. Table 1 Policies- for adoption [↓](#) 
2. Table 2 Policies- for endorsement and public exhibition [↓](#) 
3. Table 3 Policies- for repeal due to merger [↓](#) 
4. Table 4 Policies- for repeal [↓](#) 

## DELIVERY PROGRAM ALIGNMENT

### 4 Civic Leadership - Council as strong leaders for the Community

**Objective** 4.1 A transparent and accountable Council

**Strategy** 4.1.2 Enforce good governance, risk management, and statutory compliance

## EXECUTIVE SUMMARY

Council is required to undertake a review of Council Policies within twelve months of an Ordinary Council Election. Council staff and management have conducted that review, and present recommendations to Council for adoption

### RECOMMENDATION

1. That Council adopt the policies listed in table 1 of this report.
2. That Council endorse the policies listed in table 2 this report to be placed on public exhibition for a period of at least 28 days.
3. That Council repeal the policies listed in table 3 of this report on the basis that they have been subsumed into a new policy in table 1 of this report.
4. That Council repeal the policies listed in table 4 of this report.

## BACKGROUND

Council Policies are high level, publicly facing documents that set out Council's strategic position on matters. They set parameters and objectives for the way Council operates and interacts with the community. In Council's Policy Framework, Policies are the highest level of Council specific documents. Beneath them, where required, are Operational Protocols issued by the General Manager or their delegate(s). Policies tend to set what Council's position on matters is, and what it intends to do. Operational Protocols detail how Council will go about doing them.

Council is required to review its policies within twelve months of the 2021 Ordinary Council Election. In other words, Council Policies must be reviewed by 23 December 2022.

The last policy review was conducted in 2017, following the 2016 Ordinary Council Election.

**CURRENT SITUATION**

Staff and management have reviewed Council's policies and submit the attached draft reviewed policies for adoption, endorsement, or repeal.

Much work was undertaken to re-draft the policies in a format that improved clarity, certainty, and accessibility for users. Generally speaking, policies were:

- Fine in terms of policy position and content, and simply required re-drafting for improved clarity, certainty, enforceability, and accessibility;
- Required additional policy positions and/or content, while also requiring re-drafting for improved clarity, certainty, enforceability, and accessibility;
- Required significant shift in policy position and/or content as well as re-drafting for improved clarity, certainty, enforceability, and accessibility;
- Merged with other policies for efficiency, consistency, and accessibility;
- Replaced by model or recommended policies issued by the Office of Local Government or ICAC; or
- Recommended to be repealed because they are no longer necessary, appropriate, in line with Council's position.

Some policies, namely those that involve interaction with the public or affect the public, require at least 28 days' public exhibition. Others, mainly inwardly facing ones, do not.

For ease of reference, there are four tables below:

- Table 1- Draft policies that do not require public exhibition and can be adopted immediately;
- Table 2- Draft policies recommended for public exhibition (policies marked with an asterix (\*) must be placed on public exhibition for a period of at least 28 days);
- Table 3- policies subsumed into new merged policies that are in table 1 and that can be repealed upon the adoption of the merged policies; and
- Table 4- Policies for repeal without replacement.

**Table 1 - Draft policies that do not require public exhibition and can be adopted immediately**

<b>Policy</b>	<b>Summary of changes</b>
Alcohol Free Public Policy	Minor amendments.
Aquatic Plant Management Policy	Minor amendments and updated legislation.
Asbestos Policy	No significant changes.
Backflow Prevention Policy	Re-structured for clarity and removed irrelevant content.
Bin Contamination Policy	Re-structured for clarity and removed irrelevant content.
Building Over Council's Underground Services Policy	Re-structured for clarity and removed irrelevant content.
Burning of Vegetation Policy	Re-structured for clarity.
Companion and Non-Companion Animals Policy	Re-drafted for clarity and consistency. Merged the Companion Animals Policy with the Non-Companion Animals on Residential Premises Policy.
Concrete Footpath Cost Recovery Commercial Premises Policy	Re-structured for clarity and removed irrelevant content.
Crown Roads Maintenance Policy	Re-structured for clarity.
Disposal of Assets Policy	Re-drafted for consistency and clarity.
Fleet Management Policy	Minor amendments.
Gates and Grids on Public Roads Policy	Re-structured for clarity and removed irrelevant content.
Heritage Policy	Minor amendments.
Infrastructure and Service Level Investment Policy	Minor amendments.
Investment Policy	Minor amendments.
Maintenance of Nature Strips in Urban Areas Policy	Re-structured for clarity.
Management of Feral or Infant Animals Policy	Re-structured for clarity. Additions in line with legislative developments. Added procedures and governance requirements.
Media Policy	New version based on Model provided by NSW Office of Local Government.
Narrabri Lawn Cemetery - Floral and Other Tributes Policy	Re-structured for clarity.
Property Addressing Policy	Re-structured for clarity and removed irrelevant content.

Policy	Summary of changes
Public Safety Close-Circuit Television Camera Policy	Re-drafted for clarity and consistency and to align with best practice principles.
Public Space Tree Policy	No changes.
Recognition of Assets Policy	Minor amendments.
Records Management Policy	Re-drafted for consistency and clarity. Significant structure/content change to allow for more clarity.
Related Party Disclosures Policy	No Policy changes. Updated legislative references. Reordered for clarity and accessibility.
Rural Property Access Policy	Minor amendments.
Sewer Junction Connection Policy	Minor amendments.
Social Media Sites Policy	New version based on Model provided by NSW Office of Local Government.
Staff Interaction with Councillors Policy	New version based on Model provided by NSW Office of Local Government. Replaces Councillor Access to Information and Interaction with Staff Policy. Covers the same fields.
Street Lighting on Public Roads Policy	Minor amendments.
The Crossing Theatre Catering Policy	Re-structured for clarity.
The Crossing Theatre Concessional Use Policy	Re-drafted for consistency and clarity and to align with other functions of section 356 of the <i>Local Government Act 1993</i> (NSW).
Use of Council Facilities by Elected Politicians Policy	Re-drafted for consistency and clarity. Added governance processes.
Wee Waa Town Levee Management	Minor amendments.



**Table 2 - Draft policies recommended for public exhibition**

*Policies marked with an asterix (\*) must be placed on public exhibition for a period of at least 28 days.*

<b>Policy</b>	<b>Summary of changes</b>
Arts and Cultural Policy	Minor amendments.
Business Ethics Policy	Formatting and updated values.
Community Engagement Policy	Minor amendments.
Community Grants and Sponsorships Policy	Re-drafted and re-structured for clarity. Further allowances were included to enable the sponsorship of events as requested by Council.
Community Member Appointment to Committees Policy	Significant additions of procedure and formatting changes.
Competitive Neutrality Complaints Management Policy	Minor amendments.
Complaints Management Policy*	Significant process changes, removal of duplication with code of conduct.
Compliance and Enforcement Policy*	Minor amendments.
Customer Service Policy	Made more concise, removed arbitrary clauses, added unreasonable customer declarations.
Debt Recovery and Hardship Policy	Merged with Financial and Medical Hardship Policy and Water Flow Restriction Policy. Significant changes in process to strengthen governance and provide consistency across the organisation.
Donations in Lieu of Ordinary Rates	Re-drafted for consistency and clarity.
Film Policy	Minor amendments (based on model provided by Arts North West).
Fraud and Corruption Policy	Replaced with Model from ICAC.
Gifts and Benefits Policy	Re-drafted. Amended for consistency with Code of Conduct. Removed redundant clauses.
Libraries Childrens Policy	Re-structured for clarity. Added child-safe principles.
Liquid Trade Waste*	Re-drafted for clarity. Minor substance changes.
Local Approvals Policy*	Re-drafted for clarity. Further requirements were included to meet best practice standards.
Local Orders Policy*	Re-drafted and re-structured for clarity. Further requirements were included to meet best practice standards.

Policy	Summary of changes
Naming Public Assets Policy	Re-drafted and re-structured for clarity and included governance processes.
Onsite Wastewater Management Policy*	Re-drafted for clarity.
Privacy Management Policy	No Policy or Content change. Updated legislative references. Reordered for clarity and accessibility.
Procurement Policy	Re-draft for clarity and to tighten. Removed procedure (as it directed staff. To be replaced by internal operational protocol).
Public Interest Disclosure Policy	ICAC Model. Replaces existing policy. Significant addition and strengthening of policy position and framework.
Refund of Application Fees for Development Policy	Re-drafted and re-structured for clarity.
Revenue – Water Sewer Policy*	Only formatting changes made.
Section 355 Committee Policy	Re-drafted for consistency and clarity.
Sporting Wall of Fame Policy	No changes.
Water Service Connection Policy	Re-drafted and merged with Water Meter Policy and Undetected Water Leak Policy. Significant changes in process to strengthen governance and provide consistency across the organisation.

**Table 3- policies subsumed into new merged policies that are in table 1 and that can be repealed upon the adoption of the merged policies**

Policy	Replacement in Table 1
Financial and Medical Hardship Policy	Debt Recovery and Hardship Policy.
Non-Companion Animal on Residential Premises Policy	Companion and Non-Companion Animals Policy.
Undetected Water Leak Policy	Water Service Connection Policy.
Water Billing Policy	Debt Recovery and Hardship Policy.
Water Flow Restriction Policy	Debt Recovery and Hardship Policy.
Water Meter Policy	Water Service Connection Policy.

**Table 4- Policies for repeal without replacement**

<b>Policy</b>	<b>Reason for Repeal</b>
Controlled Works on a Floodplain Policy	No real policy position included in document.
Extractive Industries Policy	No real policy position included in document. This area is already heavily regulated by legislation.
Laundry Stained by Rust in the Town Water Supply Policy	No real policy position included in document. Converted to a fact sheet to aid community and policy position regarding damage incurred by town water supply included in Water Service Connection Policy.
Optic Fibre Installation on Council Land Policy	No real policy position included in document.

**FINANCIAL IMPLICATIONS**

Nil

**STATUTORY AND POLICY IMPLICATIONS**

This policy review will:

- Ensure Council's compliance with legislated post-election requirements;
- Ensure up to date compliance with best practice and legislated requirements; and
- Provide clearer, more precise, more enforceable, and more accessible policies.

**CONSULTATION****External Consultation**

- Office of Local Government.
- Independent Commission Against Corruption.

**Internal Consultation**

- Executive Management.
- Senior Management.
- Governance and Risk Section.
- Subject Matter Experts.



## ALCOHOL FREE PUBLIC SPACES POLICY

<b>Responsible Department:</b>	Planning and Sustainability
<b>Responsible Section:</b>	Regulatory Compliance
<b>Responsible Officer:</b>	Manager Regulatory Compliance

### Objective

To provide a framework and set of guidelines for the implementation and suspension of designated areas where the drinking of alcohol is illegal, within the revenue space Narrabri Shire Council.

### Introduction

Section 644 of the *Local Government Act 1993* (NSW) permits Council to establish designated areas where it is illegal to drink alcohol in the Narrabri Shire Council a on public roads and public car parks.

In other areas, e.g. parks, reserves and other public spaces, sections 632 and 670 of the Act permit Council to make it illegal to drink alcohol by erecting a notice. For the purpose of this policy these areas will be known as Alcohol Free Areas as they do not comply with the official definition of an Alcohol Free Zone as defined in the *Local Government Act 1993* (NSW).

### Policy

#### 1. Establishment of an Alcohol Free Zone or Alcohol Free Area in Accordance with the *Local Government Act 1993* (NSW)

- 1.1. Narrabri Shire Council shall, from time-to-time, establish Alcohol Free Zones on public roads and car parks, within the Narrabri Local Government Area, in accordance with Section 644 of the *Local Government Act 1993* (NSW).
- 1.2. Narrabri Shire Council shall establish Alcohol Free Areas on other public land, within the Narrabri Shire Council Local Government Area, in accordance with Section 632 of the *Local Government Act 1993* (NSW).
- 1.3. An Alcohol Free Zone or Alcohol Free Area may only be established by resolution of the Council.

#### 2. Suspension or Cancellation of an Alcohol Free Zone or Alcohol Free Area

##### **Request for the suspension of an Alcohol-Free Zone or Alcohol-Free Area**

- 2.1. All requests for suspension of an Alcohol-Free Zone or Alcohol-Free Area, or part thereof, shall be forwarded to Council in writing at least 60 days prior to the proposed suspension period;
- 2.2. All requests for suspension of an Alcohol-Free Zone or Alcohol-Free Area, shall be accompanied by a non-refundable lodgement fee;
- 2.3. All requests for suspension of an Alcohol-Free Zone or Alcohol-Free Area, shall detail the following information:
  - (a) The organisation requesting the suspension;
  - (b) The reason for the suspension;
  - (c) The section of the Alcohol-Free Zone or Alcohol-Free Area to be suspended;
  - (d) The date and timeframe for the suspension;

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- (e) Estimated number of people attending the event; and
- (f) The proposed security and control measures to be implemented, including the name of the registered security company they propose to use for the event. Council has a standard form available for such requests to be submitted.

**Insurance**

- 2.4. An applicant seeking approval to suspend an Alcohol-Free Zone or Alcohol-Free Area, shall provide relevant certificates in respect of a minimum \$20 million public liability insurance cover.

**3. Determination of Application for Suspension of Alcohol Free Zones or Alcohol Free Areas**

- 3.1. Suspension of an Alcohol Free Zone shall be as per Section 645 of the *Local Government Act 1993* (NSW), requiring a valid resolution of the Council to suspend a Zone.
- 3.2. Suspension of an Alcohol Free Area shall require a valid resolution of the Council to suspend the notice designating an Alcohol Free Area.
- 3.3. An application to suspend an Alcohol Free Zone or Alcohol Free Area, shall be forwarded to the Local Police Service for comment.
- 3.4. Applications to suspend an Alcohol Free Zone or Alcohol Free Area shall be assessed under the following criteria:
  - (a) Consideration of comments by the Local Police Service;
  - (b) The nature of the event;
  - (c) The proposed number of people attending the event;
  - (d) The security and control measures to be instigated;
  - (e) The timeframe proposed for the suspension of the zone;
  - (f) Perceived benefits or otherwise to the broader community interests.
  - (g) Traffic Management Plan and Event Management Plan if required by Council.
- 3.5. Suspension of an Alcohol Free Zone, or suspension of the notice designating an Alcohol Free Area for an event in one year, does not apply to the event in subsequent years. Separate applications shall be submitted as required in line with this policy.
- 3.6. Following determination of the suspension of an Alcohol Free Zone and the appropriate resolutions of Council, the suspension shall be advertised as per Section 645 of the *Local Government Act 1993*, and the local Police Service advised.
- 3.7. Following determination of the suspension of the notice designating an Alcohol Free Area and the appropriate resolutions of Council, the suspension shall be advertised in a paper circulating in the district where the Alcohol Free Area has been suspended, and the local Police Service advised.
- 3.8. Should the application to suspend an Alcohol Free Zone or suspend the notice designating an Alcohol Free Area not be successful, the applicant shall be advised in writing, and the local Police Service notified.

**4. Enforcement of Alcohol Free Zones and Alcohol Free Areas**

- 4.1. Alcohol Free Zones shall be enforced as per Sections 642, 647, 648 and 649 of the *Local Government Act 1993* (NSW), the Police are responsible for enforcing Alcohol Free Zones.
- 4.2. Alcohol Free Areas shall be enforced as per Section 632 of the *Local Government Act 1993* (NSW); the Police are responsible for enforcing the notices erected by Council.





## 5. Signage Denoting Alcohol Free Zone or Alcohol Free Area

- 5.1. An Alcohol Free Zone shall be indicated by the erection of a sign as follows:

*"Alcohol Free Zone*

*For the period*

*Dd/mm/yy*

*To*

*DD/mm/yy*

*Pursuant to Section 644C*

*Local Government Act 1993 (NSW)*

*By Order: General Manager*

*Narrabri Shire Council"*

- 5.2. An Alcohol Free Area shall be created by erecting a notice in accordance with section 632 & 670 of the *Local Government Act 1993 (NSW)*, stating:

*"Narrabri Shire Council*

*Notice to the Public*

*No intoxicating liquor is to be taken onto or consumed on any portion of this reserve without Council consent.*

*Pursuant section 632 Local Government Act 1993*

*By Order: General Manager*

*Narrabri Shire Council"*

The word reserve may need to be substituted from time to time by more relevant wording, e.g. park, lake foreshore, etc., to properly reflect Council's resolution.

## References

- *Local Government Act 1993 (NSW).*
- *Local Government (General) Regulation 2021 (NSW).*



## History

Minute Number	Meeting Date	Description of Change
602/2001	December 18, 2001	Adopted
292/2007	May 15, 2007	Adopted
316/2009	April 21, 2009	Reviewed
26/2012	February 21, 2012	Reviewed
210/2013	April 2, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	June 2, 2020	Rebranded
	Xxxx, 2022	Review



## AQUATIC PLANT MANAGEMENT POLICY

**Responsible Department:** Planning and Sustainability  
**Responsible Section:** Regulatory Compliance  
**Responsible Officer:** Manager Regulatory Compliance

### Objective

To provide a framework for coordinated management of aquatic plants situated on Council managed land, including:

- Stormwater infrastructure;
- Parks and open spaces;
- Reserves;
- Community Land;

To reduce the impacts of aquatic plants on water quality, biodiversity, and infrastructure, and to achieve high quality water bodies that require minimal resource input and improved environmental and social benefits.

### Introduction

Aquatic plants are managed in compliance with relevant legislation to maintain the health of the existing aquatic environment while managing risk to people, property, and infrastructure. Council's management approach will be based on risk assessment and contribute to the long-term enhancement and improvement of ecological, economic, and social benefits.

### Policy

#### 1. Definitions

Term	Definition
<b>NSW DPI Jurisdiction</b>	NSW DPI has jurisdiction over all fish and marine vegetation in State waters. This includes permanent and intermittent freshwater areas and 'water land' below the highest astronomical tide in tidal areas, extending to three nautical miles offshore (or beyond where other legislative powers of the State apply). 'Water land' is defined under the Fisheries Management Act as land submerged by water, whether permanently or intermittently or whether forming an artificial or natural body of water and includes wetlands and any other land prescribed by the regulations as water land.
<b>Native vegetation</b>	Plants that are indigenous to NSW including trees, understory plants, herbs including groundcovers, plants occurring in a wetland, and grasses that existed in the State prior to European settlement.
<b>Ecological restoration</b>	Aims to restore pre-existing indigenous ecosystems and ecological processes, maintaining and developing the capacity of a natural system to self-perpetuate.
<b>Resilience</b>	Refers to the ability of an ecosystem to regenerate naturally and to withstand, or recover from, disturbances such as weed invasion, clearing, or fire.

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Term	Definition
<b>Natural Ecosystem</b>	Natural ecosystems are communities of biotic and abiotic components in oceans, rivers and on land in which the components interact to form complex food webs, nutrient cycles, and energy flows. The term 'ecosystem' describes an ecological community of any size or scale.
<b>Management Zone</b>	Management zones are areas that require different levels of management intervention or different restoration actions at different times. These actions can include maintenance and repair, measures to minimize impacts to flora and fauna during restoration works.
<b>Weeds</b>	Weeds includes plants categorised as environmental weeds, agricultural weeds, Weeds of National Significance (WoNS) and National Environmental Alert List weeds by the NSW Government in accordance with the <i>Biosecurity Act 2015</i> (NSW). In NSW all plants are regulated with a general biosecurity duty to prevent, eliminate or minimise any biosecurity risk they may pose.

## 2. Authorities and Responsibilities

- 2.1. Council will assess a request for the removal of aquatic plants on Council managed water ways in accordance with this Policy.
- 2.2. The General Manager, or their delegate, has authority to authorise the removal of aquatic plants in accordance with this Policy.

## 3. Benefits of Aquatic Plants

- 3.1. Aquatic plants have multiple uses in a water system contributing to the overall health of the aquatic environment as well as providing a pleasing aesthetic outlook. Removal of these plants may result in destroying water quality and habitat with no real benefit.
- 3.2. Aquatic plants rely on water quality and environmental inputs for their growth and health. When water becomes rich in nutrients aquatic plants can grow vigorously to a point where they become a nuisance and are considered a weed.
- 3.3. Managing aquatic plants in existing water bodies is closely linked to planning, design, and improvement of stormwater management.

## 4. Management Principles

- 4.1. Aquatic plants should only be controlled when they interfere with the use of a particular aquatic environment or when there is a statutory obligation.
- 4.2. Assessment of the plants ecology and the problem it poses will be completed before taking action to ensure the most cost-effective and environmentally sound control techniques are used.
- 4.3. Assessment will include:
  - (a) The source of the plant;
  - (b) The reason it poses a problem;
  - (c) The use made of the waterway;
  - (d) The management options available; and
  - (e) The ongoing costs and benefits of the management options.

## 5. Criteria for Assessment of Aquatic Plant Removal



- 5.1. It is Council's policy not to remove non-declared or non-impacting aquatic plants. All possible solutions and management options will be explored to resolve the source of the problem rather than the removal of the aquatic plants.
- 5.2. Council's policy is to avoid the removal of aquatic plants except when they:
  - (a) Blanket the entire water surface, causing oxygen depletion which could in turn destroy the under surface ecosystem and kill aquatic species;
  - (b) As introduced species, compete with native species and reduce biodiversity;
  - (c) Impact on the aquatic habitat of bird species and cause them to relocate;
  - (d) Impede stormwater flows and consequently place property at risk;
  - (e) Interfere with commercial and recreational activities;
  - (f) Cause blockages or impede water intake to pumping equipment;
  - (g) Contaminate and taint drinking water supplies;
  - (h) Cause pungent odours; or
  - (i) Accumulate debris.

## 6. Aquatic Plant Removal Requests by Residents

- 6.1. Requests from residents for removal of aquatic plants will be received by Council via a fully completed *Application Form - Request for Council Management of Aquatic Plants*.
- 6.2. A response acknowledging receipt of the application will be sent within five (5) business days of the request being received.
- 6.3. Correctly completed requests will be assessed within 30 business days of receipt of the application notifying:
  - (a) Approval of the request, advice if State and/or National permits are required, and the proposed timeframe for necessary permits and works; or
  - (b) Reasons for denial of the request, citing the relevant sections of this policy and/or relevant legislation.
- 6.4. If the request cannot be assessed within 30 days, the applicant will be notified in writing as soon as practical of additional information required for assessment of the application, and/or additional time required for assessment of the application, and an explanation as to the reasons for the additional information/time required. An alternative timeframe will be provided to the applicant for completion of the assessment of the request.

## 7. Options for Managing Aquatic Plants

- 7.1. Managing aquatic plants successfully depends on the budget and resources available, the assessment of the plants as outlined previously in this policy, and the ability to carry out effective control methods.
- 7.2. Control methods can include one or a combination of the methods outlined below:
  - (a) Prevention
    - (i) Council will actively engage in prevention measures including monitoring and early detection of new infestations; the use of booms and fences to prevent spread; hygienic practices when moving boats, trailers, and watercraft from one water body to another; and proper management of a water body and uses of its surrounding land to minimise nutrient loads and disturbances to banks and riparian vegetation.
  - (b) Monitoring and Early Intervention





- (i) Council will regularly inspect water bodies at risk of infestation by aquatic plants. Inspections will increase up to once per week during the warmer months when growth is at its peak.
  - (ii) Council will control identified small infestations before the plants have reached a mature stage, when their mass can make removal difficult. Early intervention can avoid use of herbicides and labour-intensive methods.
- (c) Water Quality
  - (i) Council will monitor and improve the quality of water entering water bodies to inhibit nutrient rich environments which may result in undesirable infestations of aquatic plants.
- (d) Maintenance Control
  - (i) Council will control maintenance of water bodies under its management to prevent infestations of aquatic plants.
  - (ii) Note: Council will use the following methods (mechanical and physical removal, environmental, chemical and biological) if assessed as the most cost-effective and environmentally sound control technique as per items 2 and 3 in this policy.
- (e) Mechanical and physical removal
  - (i) Mechanical removal involves the removal of the plant biomass from the water body using specially designed harvesters or equipment. Mechanical harvesting can be difficult and expensive to implement.
  - (ii) Physical control includes the removal of plant material by hand and can also be expensive to implement unless intervention is early.
- (f) Environmental control
  - (i) Control can be achieved by altering the water body in some way to limit the growth of aquatic plants including (but not limited to):
    - A. Lowering the water level to expose submerged plants to the sun; and
    - B. Limiting the inflow of nutrients by diverting nutrient or poor-quality water.
- (g) Chemical control
  - (i) Control by chemical can only be undertaken by suitably qualified Council personnel or contractors with the appropriate licences and/or permits as required by relevant legislation and regulation.
- (h) Biological control
  - (i) Biological control uses the natural enemies of the plant to attack, weaken and kill it. Biological control agents are available for a limited number of species and may not be successful in some areas due to climatic and other constraints.

## 8. Aquatic Plant Removal on Private Land

- 8.1. Aquatic plant management on private properties will be completed by the landowner in accordance with relevant legislation and regulations.
- 8.2. Further information for private landowners is available at from the NSW Government (<http://www.dpi.nsw.gov.au>).



## Related Documents

- Application Form - Request for Council Management of Aquatic Plants.
- Narrabri Lake - Public Access Locations Map.

## References

Jurisdiction	Relevant policy, legislation, and planning frameworks
<b>International</b>	Convention on Wetlands (RAMSAR 1971 Convention)
<b>National</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) Australian Weeds Strategy Weeds of National Significance (WONS) Strategies National Environmental Alert List
<b>State</b>	<i>Local Government Act 1993</i> (NSW) <i>Biosecurity Act 2015</i> (NSW) <i>Protection of the Environment (Operations) Act 1997</i> (NSW) <i>Biodiversity Conservation Act 2016</i> (NSW) <i>Fisheries Management Act 1994</i> (NSW) <i>Pesticides Act 1999</i> (NSW)
<b>Regional</b>	Catchment Action Plans (CAP) Namoi Northern Inland Weeds Advisory Committee (NIWAC) Weeds Action Plan (WAP)
<b>Local</b>	Narrabri Lake Plan of Management 2013 Narrabri Lake Planting Plan 2014

## History

Minute Number	Meeting Date	Description of Change
781/2014	December 16, 2014	Adopted
164/2017	August 15, 2017	Reviewed
	August 31, 2021	Rebranded
	2022	Reviewed



## ASBESTOS POLICY

<b>Responsible Department:</b>	Infrastructure Delivery
<b>Responsible Section:</b>	Waste Services
<b>Responsible Officer:</b>	Manager Waste Services

### Objective

This policy aims to outline:

- The role of Council and other organisations in managing asbestos;
- Council's relevant regulatory powers;
- Council's approach to dealing with naturally occurring asbestos, sites contaminated by asbestos and emergencies or incidents;
- general advice for residents on renovating homes that may contain asbestos;
- Council's development approval process for developments that may involve asbestos and conditions of consent;
- Waste management and regulation procedures for asbestos waste in the Local Government Area (LGA);
- Council's approach to managing asbestos containing materials in Council workplaces;
- Sources of further information.

### Introduction

- Narrabri Shire Council acknowledges the serious health hazard of exposure to asbestos.
- In Australia, asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited since 31 December 2003. Yet asbestos legacy materials still exist in many homes, buildings and other assets and infrastructure. It is estimated that one in three Australian homes contains asbestos. Some houses and Infrastructure across Narrabri Shire are likely to contain asbestos.
- Where material containing asbestos is in a non-friable form (that is, cannot be crushed by hand into a powder), undisturbed and painted or otherwise sealed, it may remain safely in place. However, where asbestos containing material is broken, damaged, disturbed or mishandled, fibres can become loose and airborne posing a risk to health. Breathing in dust containing asbestos fibres can cause asbestosis, lung cancer and mesothelioma.
- It is often difficult to identify the presence of asbestos by sight. Where a material cannot be identified or is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions. Further information about asbestos and the health impacts of asbestos can be found in Appendix A and website links to additional information are provided in Appendix B.
- Council has an important dual role in minimising exposure to asbestos, as far as is reasonably practicable, for both:
  - (a) Residents and the public within the Local Government Area (LGA);
  - (b) Workers (employees and other persons) in Council workplaces.
- Council's legislative functions for minimising the risks from asbestos apply in various scenarios including:



- (a) as a responsible employer;
- (b) Contaminated land management;
- (c) Council land, building and asset management;
- (d) Emergency response;
- (e) Land use planning (including development approvals and demolition);
- (f) Management of naturally occurring asbestos;
- (g) Regulation of activities (non-work sites);
- (h) Waste management and regulation.

## Policy

- This policy was formulated to be consistent with council's legislative obligations and within the scope of council's powers. This policy should be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail.
- This policy is based upon the Model Asbestos Policy for NSW Councils developed by the Heads of Asbestos Coordination Authorities to promote a consistent Local Government approach to asbestos management across NSW.
- This policy does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred as a result of reliance on this policy.

## History

Minute Number	Meeting Date	Description of Change
235/2018	October 30, 2018	New Policy Adopted
	January 12, 2021	Rebranded
	2022	Reviewed



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## 1. Introduction

- Narrabri Shire Council acknowledges the serious health hazard of exposure to asbestos.
- In Australia, asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited since 31 December 2003. Yet asbestos legacy materials still exist in many homes, buildings and other assets and infrastructure. It is estimated that one in three Australian homes contains asbestos. Some houses and infrastructure across Narrabri Shire are likely to contain asbestos.
- Where material containing asbestos is in a non-friable form (that is, cannot be crushed by hand into a powder), undisturbed and painted or otherwise sealed, it may remain safely in place. However, where asbestos containing material is broken, damaged, disturbed or mishandled, fibres can become loose and airborne posing a risk to health. Breathing in dust containing asbestos fibres can cause asbestosis, lung cancer and mesothelioma.
- It is often difficult to identify the presence of asbestos by sight. Where a material cannot be identified or is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions. Further information about asbestos and the health impacts of asbestos can be found in Appendix A and website links to additional information are provided in Appendix B.
- Council has an important dual role in minimising exposure to asbestos, as far as is reasonably practicable, for both:
  - (a) Residents and the public within the Local Government Area (LGA);
  - (b) Workers (employees and other persons) in council workplaces.
- Council's legislative functions for minimising the risks from asbestos apply in various scenarios including:
  - (a) As a responsible employer;
  - (b) Contaminated land management;
  - (c) Council land, building and asset management;
  - (d) Emergency response;
  - (e) Land use planning (including development approvals and demolition);
  - (f) Management of naturally occurring asbestos;
  - (g) Regulation of activities (non-work sites);
  - (h) Waste management and regulation.

## 2. Purpose

2.1. This policy aims to outline:

- (a) The role of council and other organisations in managing asbestos;
- (b) Council's relevant regulatory powers;
- (c) Council's approach to dealing with naturally occurring asbestos, sites contaminated by asbestos and emergencies or incidents;
- (d) General advice for residents on renovating homes that may contain asbestos;
- (e) Council's development approval process for developments that may involve asbestos and conditions of consent;
- (f) Waste management and regulation procedures for asbestos waste in the LGA;
- (g) Council's approach to managing asbestos containing materials in council workplaces;
- (h) Sources of further information.

## 3. Scope

- 3.1. This policy applies to all of the Narrabri Shire LGA within council's jurisdiction.
- 3.2. The policy provides information for council workers, the local community and wider public. Part 1 of the policy includes the sections that are likely to be of most interest to the local community and wider public.

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- Part 2 is information that applies to workers associated with council including employees, contractors, consultants, and volunteers (as defined by the NSW *Work Health and Safety Regulation 2011*). Definitions for key terms used in the policy are provided in Appendix C and acronyms are listed in Appendix D.
- 3.3. The policy applies to friable, non-friable (bonded) and naturally occurring asbestos (where applicable) within the LGA.
  - 3.4. The policy outlines council's commitment and responsibilities in relation to safely managing asbestos and contains general advice. For specific advice, individuals are encouraged to contact council or the appropriate organisation (contact details are listed in Appendix E).
  - 3.5. The policy does not provide detail on specific procedures. Practical guidance on how to manage risks associated with asbestos and asbestos containing material can be found in the:
    - (a) Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560);
      - (i) published by SafeWork NSW.
    - (b) Code of practice on how to safely remove asbestos (catalogue no. WC03561);
      - (i) published by SafeWork NSW.
    - (c) Additional guidance material listed in Appendix B;
    - (d) Detailed information on council's procedures and plans may be found in other documents, which are referenced in part 2 under section 18.1.

#### 4. Definitions

Definitions are provided in Appendix C.

#### 5. Roles and Responsibilities of Council

##### 5.1. Educating Residents

- (a) Council shall assist residents to access appropriate information and advice on the:
  - (i) Prohibition on the use and re-use of asbestos containing materials;
  - (ii) Requirements in relation to development, land management and waste management;
  - (iii) Risks of exposure to asbestos;
  - (iv) Safe management of asbestos containing materials;
  - (v) Safe removal and disposal of minor quantities of asbestos containing materials.
- (b) Educational information and website links for educational materials can be found in Appendices A and B.

##### 5.2. Managing Land

- (a) Council is responsible for managing public land. This may include land with naturally occurring asbestos as described in section 5 and land contaminated with asbestos as outlined in section 6.

##### 5.3. Managing Waste

- (a) Where council is the appropriate regulatory authority, council is responsible for:
  - (i) Issuing clean up notices to address illegal storage or disposal of asbestos waste or after an emergency or incident (under the Protection of the Environment Operations Act 1997);
  - (ii) Issuing prevention or clean up notices where asbestos waste has been handled (including stored, transported or disposed of) in an unsatisfactory manner (under the Protection of the Environment Operations Act 1997);



- (iii) Issuing penalty infringement notices for improper transport of asbestos (under the Protection of the Environment Operations Act 1997);
- (iv) Applying planning controls to proposals to dispose of asbestos waste on-site, seeking advice from the Environment Protection Authority (EPA) on this matter and making notation on planning certificates (section 149 certificates) where on-site disposal is permitted;
- (v) Operating the Narrabri waste Management Facility that accept asbestos waste. Waste facilities that are licensed to accept asbestos waste are listed in Appendix F.

#### 5.4. Regulatory Responsibilities

- (a) Council has regulatory responsibilities under the following legislation, policies and standards in situations where council is the appropriate regulatory authority or planning authority:
  - (i) *Contaminated Land Management Act 1997 (NSW)*;
  - (ii) *Environmental Planning and Assessment Act 1979 (NSW)*;
  - (iii) *Environmental Planning and Assessment Regulation 2000 (NSW)*;
  - (iv) *Local Government Act 1993 (NSW)*;
  - (v) *Protection of the Environment Operations Act 1997 (NSW)*;
  - (vi) *Protection of the Environment Operations (General) Regulation 2009 (NSW)*;
  - (vii) *Protection of the Environment Operations (Waste) Regulation 2014 (NSW)*;
  - (viii) *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*;
  - (ix) *State Environmental Planning Policy No. 55 – Remediation of Land*;
  - (x) *Demolition work code of practice 2015 (catalogue no. WC03841)*.
- (b) Additional legislation, policies and standards relating to the safe management of asbestos are listed in Appendix G. The situations in which council has a regulatory role in the safe management of asbestos are listed in Table 1.

**Table 1: Situations in which council has a regulatory role in managing asbestos**

Issue	Council's role	Section of policy
Contaminated land	<ul style="list-style-type: none"> <li>Record known asbestos site contamination on section 149 certificates where practicable and for council workplaces, record on council's asbestos register.</li> <li>Notify stakeholders of land use planning policy requirements relating to contamination.</li> <li>Manage residential asbestos contaminated land that is not declared 'significantly contaminated' under the <i>Contaminated Land Management Act 1997</i> (NSW) (excluding oversight of removal or remediation work which is the role of SafeWork NSW).</li> </ul>	Section 6
Development assessment	<ul style="list-style-type: none"> <li>Assess development applications for approval under the <i>Environmental Planning and Assessment Act 1979</i> (NSW).</li> <li>Set conditions of consent for renovations, alterations, additions, demolitions or other developments requiring consent and which may involve disturbance of asbestos containing materials.</li> <li>Ensure compliance with development conditions.</li> <li>Apply conditions relating to development involving friable and non-friable asbestos material under the relevant legislation and planning codes and as outlined in section 9.</li> </ul>	Section 9
Demolition	<ul style="list-style-type: none"> <li>Approve demolition under the <i>Environmental Planning and Assessment Act 1979</i> (NSW).</li> <li>Council certifiers approve development as complying development under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</li> </ul>	Section 9
Emergencies and incidents	<ul style="list-style-type: none"> <li>Regulate the clean up of asbestos waste following emergencies where sites are handed over to the council or a local resident by an emergency service organisation (excluding oversight of licensed removal or remediation work which is the role of SafeWork NSW). Council may consider the need to issue a clean up notice, prevention notice or cost compliance notice under the <i>Protection of the Environment Operations Act 1997</i> (NSW).</li> </ul>	Section 7
Naturally occurring asbestos	<ul style="list-style-type: none"> <li>Verify compliance with environmental planning and assessment legislation for development applications that could disturb naturally occurring asbestos.</li> <li>Prepare an asbestos management plan for council workplaces or road works which occur on land containing naturally occurring asbestos.</li> </ul>	Section 5
Residential premises	<ul style="list-style-type: none"> <li>Respond to any public health risks (risks to council workers and wider public) relating to the removal of asbestos containing materials or asbestos work at residential properties that does not involve a business or undertaking.</li> <li>Respond to complaints about unsafe work at a residential property that is undertaken by a resident (not a worker, which is the role of SafeWork NSW).</li> <li>Respond to public health risks posed by derelict properties or asbestos materials in residential settings.</li> </ul>	Section 9
Waste	<ul style="list-style-type: none"> <li>Manage waste facilities in accordance with environmental protection legislation.</li> <li>Respond to illegal storage, illegal dumping and orphan waste.</li> <li>Regulate non-complying transport of asbestos containing materials.</li> </ul>	Section 10





#### 5.5. Responsibilities to workers

- (a) Council is committed to fulfilling its responsibilities to workers under the NSW Work Health and Safety Act 2011 and NSW Work Health and Safety Regulation 2011 and maintaining a safe work environment through council's:
  - (i) *General responsibilities;*
  - (ii) *Education, training and information for workers;*
  - (iii) *Health monitoring for workers;*
  - (iv) *Procedures for identifying and managing asbestos containing materials in council premises. These responsibilities are outlined in part 2.*

#### 6. Other stakeholders involved in managing asbestos

- 6.1. Council is committed to working collaboratively with other government agencies and where appropriate, other stakeholders as needed to respond to asbestos issues.
- 6.2. Appendix E notes useful contacts and Appendix H notes agencies involved in managing asbestos. Various asbestos scenarios requiring stakeholders to work together are outlined in Appendix I.

### Part 1 – Asbestos in the Local Government Area: Information for the community

#### 7. Naturally occurring asbestos

- 7.1. There is the potential for asbestos to be found as a naturally occurring mineral, however Council is not aware of any naturally occurring asbestos in the LGA.
- 7.2. Naturally occurring asbestos only poses a health risk when elevated levels of fibres are released into the air, either by human activities or by natural weathering and these fibres are breathed in by people. Information on naturally occurring asbestos, work processes that have the potential to release naturally occurring asbestos fibres into the air and known locations of naturally occurring asbestos in NSW is provided in Appendix A under section 2.1. This information is indicative, and not a complete picture of all naturally occurring asbestos in NSW.

#### 7.3. Responsibilities for naturally occurring asbestos

- (a) For naturally occurring asbestos that will remain undisturbed by any work practice, council is the lead regulator. Where development applications propose activities that may disturb areas of naturally occurring asbestos (such as excavation), any consent or approval should contain conditions requiring: testing to determine if asbestos is present, and the development of an asbestos management plan if the testing reveals naturally occurring asbestos is present. Council will verify compliance with environmental planning and assessment legislation and together with the EPA and SafeWork NSW will coordinate enforcement where non-compliance is suspected.
- (b) Where naturally occurring asbestos will be disturbed due to a work process, including roadwork, excavation and remediation work, SafeWork NSW is the lead regulator. Requirements for workplaces are summarised in the Naturally-occurring asbestos fact sheet (catalogue no. WC03728) published by SafeWork NSW. Where naturally occurring asbestos is part of a mineral extraction process, the NSW Department of Industry is the lead regulator.



#### 7.4. Managing naturally occurring asbestos

- (a) Where naturally occurring asbestos is encountered or suspected, the risk from disturbance of the naturally occurring asbestos should be assessed by an occupational hygienist.
- (b) The management of naturally occurring asbestos that stays in its natural state is not prohibited if managed in accordance with an asbestos management plan. Requirements for risk management, asbestos management plans and provisions for workers are outlined in the Naturally-occurring asbestos fact sheet (catalogue no. WC03728) published by SafeWork NSW. The SafeWork NSW website provides further information on naturally occurring asbestos and supporting documents on what people can do to avoid contact with naturally occurring asbestos.

#### 7.5. Management of naturally occurring asbestos by Council

- (a) Council will aim to prevent the exposure of workers and the public to any naturally occurring asbestos that is known or discovered in the council workplace.
- (b) If naturally occurring asbestos is discovered in the LGA, council will develop risk controls, an asbestos management plan in relation to the naturally occurring asbestos in the council workplace and provide guidance materials where necessary.
  - (i) Background information on contamination of land with asbestos and potential disturbance of asbestos contaminated sites can be found in Appendix A under sections 2 and 3. The nature of asbestos contamination of land can vary significantly and there can be a number of different mechanisms available to address this contamination depending upon its source and extent.

### 8. Contamination of land with asbestos

#### 8.1. Responsibilities for contaminated land

- (a) Responsibility for cleaning up contaminated land lies with the person responsible for contaminating the land or the relevant landowner.
- (b) Council may issue a clean up notice to the occupier of premises at or from which council reasonably suspects that a pollution incident has occurred, or is occurring, requiring asbestos waste to be removed (under part 4.2 of the *Protection of the Environment Operations Act 1997* (NSW)).
- (c) Council may also issue prevention notices (under part 4.3 of the *Protection of the Environment Operations Act 1997* (NSW)) to ensure good environmental practice. If a person does not comply with a prevention notice given to the person, council employees, agents or contractors may take action to cause compliance with the notice.
- (d) Any reasonable costs incurred by council in monitoring or enforcing clean up and prevention notices may be recovered through a compliance cost notice (under part 4.5 of the *Protection of the Environment Operations Act 1997* (NSW)). Council shall keep records of: tasks undertaken; the hours council employees have spent undertaking those tasks; and expenses incurred.
- (e) During site redevelopment council will consider contamination with asbestos containing materials in the same way as other forms of contamination as stipulated by the *Environmental Planning and Assessment Act 1979* (NSW). That is, council will apply the general requirements of State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land and the Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land.
- (f) Council provides information about land contamination on planning certificates (issued under section 149 of the *Environmental Planning and Assessment Act 1979* (NSW)) as outlined in section 6.2.
- (g) For sites that are 'significantly contaminated' and require a major remediation program independent of any rezoning or development applications, the EPA and SafeWork NSW are the lead regulatory authorities as outlined in Appendix A under section 2.4.2.

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- (h) The management of council workplaces contaminated with asbestos is outlined in section 14.4.

#### **8.2. Finding out if land is contaminated**

- (a) A person may request from council a planning certificate containing advice on matters including whether council has a policy to restrict the use of land due to risks from contamination. Certificates are issued under section 149(2) of the *Environmental Planning and Assessment Act 1979*.
- (b) Factual information relating to past land use and other matters relevant to contamination may also be provided, even when land use is not restricted. When council receives a request for a certificate under section 149(2), it may also inform applicants of any further information available under section 149(5). Council may also use section 149(5) certificates to record other information, particularly anything else of a factual nature about contamination which council deems appropriate (such as details of land history, assessment, testing and remediation).
- (c) Council records can only indicate known contaminated sites. Any site may potentially be contaminated.
- (d) Council may issue notices to land owners or occupiers requiring information about land it has reason to believe may be contaminated by asbestos using section 192 and section 193 of the *Protection of the Environment Operations Act 1997*.

#### **8.3. Duty to report contaminated land**

- (a) A person whose activities have contaminated land or a landowner whose land has been contaminated is required to notify the EPA when they become aware of the contamination (under section 60 of the *Contaminated Land Management Act 1997*). Situations where this is required are explained in the document: *Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997*.
- (b) The EPA will inform council of contaminated land matters relating to the LGA as required under section 59 of the *Contaminated Land Management Act 1997*.

#### **8.4. Derelict buildings**

- (a) Concerns regarding potential health risks from derelict properties may be directed to council. Derelict properties include abandoned buildings, fire damaged buildings and otherwise dilapidated buildings.
- (b) Where derelict properties contain friable asbestos and asbestos is exposed, either from human activities or weathering, this poses a potential risk to public health.
- (c) Council may respond to derelict properties that pose a demonstrable public health risk using a range of regulatory tools according to the particular circumstances.
- (d) Council may issue a clean up notice or prevention notice and compliance cost notice as noted in section 6.1. Council may also order a person to demolish or remove a building if the building is so dilapidated as to present harm to its occupants or to persons or property in the neighbourhood (under section 121B 2(c) of the *Environmental Planning and Assessment Act 1979*). An order may require immediate compliance with its terms in circumstances which the person who gives the order believes constitute a serious risk to health or safety or an emergency (under section 121M of the *Environmental Planning and Assessment Act 1979*). If a person fails to comply with the terms of an order, council may act under section 121ZJ of the *Environmental Planning and Assessment Act 1979* to give effect to the terms of the order, including the carrying out of any work required by the order.
- (e) If the derelict building is on a site that is a workplace then SafeWork NSW is the lead agency responsible for ensuring that asbestos is removed by appropriately licensed removalists.



## 9. Responding to emergencies and incidents

9.1. Emergencies and incidents such as major collapses, cyclones, explosions, fires, storms, or vandalism can cause damage to buildings or land that contain asbestos. This may include working with state agencies in accordance with the NSW Asbestos Emergency Plan and the Disaster Assistance Guidelines. This can create site contamination issues and potentially expose emergency service workers and the wider public to asbestos. Emergencies or incidents can arise from natural hazards, or from accidental or deliberate human activities including criminal activity.

### 9.2. Responsibilities in the clean up after an emergency or incident

- (a) Council may play a role in ensuring that asbestos containing materials are cleaned up after an emergency or incident. If the emergency or incident occurs at a workplace, SafeWork NSW is the lead agency.
- (b) Council may issue a clean up, prevention, cost compliance or penalty infringement notice as outlined in section 3.3 and section 6.1.
- (c) Alternatively, council may act under the *Environmental Planning and Assessment Act 1979* as outlined in section 6.4 of this policy.
- (d) Council will determine an appropriate response depending on the nature of the situation. This may include to:
  - (i) Seek advice from an occupational hygienist on the likely level of risk and appropriate controls required;
  - (ii) Liaise with or consult the appropriate agencies;
  - (iii) Inform emergency personnel of any hazards known to council as soon as practicable;
  - (iv) Follow the Code of practice on how to safely remove asbestos (catalogue no. WC03561) published by SafeWork NSW;
  - (v) Ensure that any council workers attending the site have appropriate training and are wearing appropriate personal protective equipment;
  - (vi) Exclude the public from the site;
  - (vii) Inform the public of the potential sources of exposure to asbestos, health risks and emergency management response;
  - (viii) Minimise the risks posed by any remaining structures (see section 6.4);
  - (ix) Address the risks posed by disturbed asbestos containing materials by engaging a licensed removalist (as outlined in section 14.6.2) or issuing a clean up or prevention notice (as outlined in section 6.4) to ensure asbestos containing materials are removed for disposal.
  - (x) Ensure that the site is kept damp, at all times or sprayed with PVA glue, particularly where friable asbestos is present, if considered appropriate (noting that in some instances this may not be appropriate, for example if there are live electrical conductors or if major electrical equipment could be permanently damaged or made dangerous by contact with water);
  - (xi) Ensure that asbestos containing materials are disposed of at a facility licensed to accept asbestos waste and sight proof of appropriate disposal through weighbridge dockets or similar documentation.

### 9.3. Advice to the public regarding clean up after an emergency or incident

- (a) During a clean up after an emergency or incident, the possibility of neighbours being exposed to asbestos fibres may be very low if precautions are taken to minimise the release and inhalation of asbestos dust and fibres.
- (b) As a precautionary measure, where council is involved in a clean up, council may consider advising those in neighbouring properties to:



- (i) Avoid unnecessary outdoor activity and do not put any laundry outside during the clean up;
- (ii) Close all external doors and windows and stay indoors during the clean up;
- (iii) Consider avoiding using air conditioners that introduce air from outside into the home during the clean up;
- (iv) dispose of any laundry that may have been contaminated with asbestos as asbestos waste after The clean up (advice on disposing of asbestos waste is provided in section 10);
- (v) Use a low pressure hose on a spray configuration to remove visible dust from pathways after the clean up;
- (vi) Wipe dusty surfaces with a damp cloth and bag and dispose of the cloth as asbestos waste after the clean up (advice on disposing of asbestos waste is provided in section 10);
- (vii) Any other measures recommended by an occupational hygienist following assessment of the situation.

### 10. Council's process for changing land use

- 10.1. Council recognises the need to exercise care when changing zoning for land uses, approving development or excavating land due to the potential to uncover known or unknown asbestos material from previous land uses (for example, where a site has been previously been used as a landfill or for on-site burial of asbestos waste).
- 10.2. State Environmental Planning Policy No. 55 – Remediation of Land states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.
- 10.3. Managing sites contaminated with asbestos material is addressed in section 6.

### 11. Council's procs for assessing development

- 11.1. This section applies to development applications assessed under the Environmental Planning and Assessment Act 1979 and complying development applications assessed under the State Environmental Planning Policy (*Exempt and Complying Development Codes*) 2008 or council's complying codes (see section 9.5.2). This includes alterations and additions to residential development, which may include internal work as well as extensions to the existing main structure, or changes to outbuildings, sheds or garages.
- 11.2. This section also covers renovations that do not require development consent or a complying development certificate. Development consent is not required to maintain an existing structure. For example, the replacement of windows, doors and ceilings may involve the removal of asbestos but is categorised as exempt development under the *Environmental Planning and Assessment Act 1979* and does not require development consent. In these instances, council has an educative role in providing owners and occupiers with advice and information about the identification and safe management of asbestos.

#### 11.3. Responsibilities for approving development

- (a) Council is the consent authority for the majority of development applications in the LGA. The Joint Regional Planning Panel (JRPP) is also consent authority for certain local or regional development. Council may have representation on the JRPP.
- (b) Council or the JRPP may impose conditions of consent and a waste disposal policy to a development consent to ensure the safe removal of asbestos, where asbestos has been identified or may be reasonably assumed to be present.
- (c) Either council or a private certifier may assess a complying development certificate. Where a private certifier is engaged to assess a complying development certificate, the private certifier is responsible for ensuring that the proposed development activities include adequate plans for the safe removal and disposal of asbestos.
- (d) This also applies to the demolition of buildings. Certifiers are able to issue a complying development certificate under the Demolition Code of the *State Environmental Planning Policy*

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(*Exempt and Complying Development Codes*) 2008. Further information on demolition is provided in section 9.4.

- (e) When a private certifier issues a complying development certificate and is appointed as the Principal Certifying Authority for the development it is the certifier's responsibility to follow up to ensure that works including asbestos handling, removal and disposal if present, are carried out appropriately in accordance with the *Environmental Planning and Assessment Regulation 2000* (clause 136E). Compliance is covered in section 9.7.

#### **11.4. Providing advice to home owners, renovators and developers**

- (a) Council is committed to providing information to minimise the risks from asbestos in the LGA. Information is provided below and in Appendix A. Appendix B lists additional sources of information on how to deal safely with the risks of asbestos and Appendix J lists asbestos containing products that may be found around the home.
- (b) The key points are:
  - (i) Before any renovation, maintenance or demolition work is carried out, any asbestos or asbestos containing materials should be identified (refer to section 9.3);
  - (ii) Where a material cannot be identified or it is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions;
  - (iii) If asbestos containing materials can be maintained in good condition it is recommended that they be safely contained, left alone and periodically checked to monitor their condition, until demolition or redevelopment;
  - (iv) If asbestos materials cannot be safely contained, they should be removed as outlined in section 9.4;
  - (v) For demolition or redevelopment, any asbestos containing materials should be safely removed and disposed of prior to the work commencing.
- (c) Anyone who is undertaking renovations themselves without a contractor is encouraged to refer to Appendices A and B for more information and contact council where they require further advice or clarification. Anyone engaging an asbestos removal contractor may contact SafeWork NSW with any queries as SafeWork NSW regulates asbestos removal by workers (as explained in section 9.4). Contact details for council and SafeWork NSW are provided in Appendix E.

#### **11.5. Identifying asbestos**

- (a) Information on common places where asbestos is likely to be found in residential, commercial and industrial premises with materials from prior to 2004 on the premises is provided in Appendix A.
- (b) A person may apply to council for a planning certificate (called a section 149 certificate) for the relevant land. Council may provide information on a planning certificate including whether council has a policy to restrict the use of land due to risks from asbestos contamination, as outlined in section 6.2.
- (c) Council aims to ensure that records are, as far as possible, accurate. In some instances, council may not have up-to-date information about asbestos for a property. Council may be able to provide general advice on the likelihood of asbestos being present on the land based on the age of the buildings or structures on the land. A general guide to the likelihood of asbestos presence based on building age is provided in Appendix A under section 2.2.
- (d) The most accurate way to find out if a building or structure contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos, such as an occupational hygienist (a competent person is defined by the *NSW Work Health and Safety Regulation 2011*). This is highly advisable before undertaking major renovations to buildings constructed or containing materials from prior to 2004.





- (e) Property owners and agents are encouraged to inform any tenants or occupiers of the presence of asbestos and to address any potential asbestos hazards where appropriate.
- (f) Property owners who let their properties out are required to identify any asbestos within those properties before any work is carried out (this includes residential properties).
- (g) The *Work Health and Safety Regulation 2011* states that the person conducting a business or undertaking in any building constructed before 31 December 2003 must identify if there is any asbestos in the building.
- (h) All commercial properties that contain asbestos must have and maintain a current asbestos register and asbestos management plan.

#### 11.6. Removing asbestos, refurbishments and demolitions

- (a) Removing asbestos at domestic premises
  - (i) If development is undertaken by contractors, as is the case with a lot of home renovations, then the work is considered to be at a workplace and is regulated by SafeWork NSW under the *NSW Work Health and Safety Regulation 2011*. This requires that a person conducting a business or undertaking who is to carry out refurbishment or demolition of residential premises must ensure that all asbestos that is likely to be disturbed by the refurbishment or demolition is identified and, so far as reasonably practicable, is removed before the refurbishment or demolition is commenced.
  - (ii) Depending on the nature and quantity of asbestos to be removed, a licence may be required to remove the asbestos. The requirements for licenses are outlined below and summarised in the table in Appendix K. SafeWork NSW is responsible for issuing asbestos licences.
  - (iii) Friable asbestos must only be removed by a licensed removalist with a friable (Class A) asbestos removal licence. Except in the case of the removal of:
    - A. Asbestos containing dust associated with the removal of non-friable asbestos; or
    - B. Asbestos containing dust that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination (which is when the asbestos contamination is incidental and can be cleaned up in less than one hour).
  - (iv) The removal of more than 10 square metres of non-friable asbestos or asbestos containing material must be carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist.
  - (v) The removal of asbestos containing dust associated with the removal of more than 10 square metres of non-friable asbestos or asbestos containing material requires a non-friable (Class B) asbestos removal licence or a friable (Class A) asbestos removal licence.
  - (vi) Removal of 10 square metres or less of non-friable asbestos may be undertaken without a licence. However, given the risks involved, council encourages residents to consider engaging a licensed asbestos removal contractor. The cost of asbestos removal by a licensed professional is comparable in price to most licensed tradespeople including electricians, plumbers and tilers.
  - (vii) All asbestos removal should be undertaken in accordance with the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).
  - (viii) If a residential premise is a workplace, the licensed asbestos removalist must inform the following persons before licensed asbestos removal work is carried out:
    - A. The person who commissioned the work;
    - B. A person conducting a business or undertaking at the workplace;
    - C. The owner and occupier of the residential premises;
    - D. Anyone occupying premises in the immediate vicinity of the workplace (as described in section 467 of the *NSW Work Health and Safety Regulation 2011*).
  - (ix) In certain circumstances, a premise may be used for both residential and commercial purposes and is therefore classified as a workplace.

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- (x) All licensed asbestos removal must be:
  - A. Supervised by a supervisor named to SafeWork NSW;
  - B. Notified to SafeWork NSW at least five days prior to the work commencing. Requirements for the transport and disposal of asbestos waste are covered in section 10.
- (b) Removing asbestos at workplaces
  - (i) The NSW *Work Health and Safety Regulation 2011* specifies requirements for demolition and refurbishment at a workplace with structures or plants constructed or installed before 31 December 2003. SafeWork NSW is the lead agency for regulating the safe management of asbestos at workplaces.
- (c) Obtaining approval for demolition
  - (i) Demolition work is classified as high risk construction work in the NSW *Work Health and Safety Regulation 2011* and demolition licenses are required for some demolition work. The *Demolition work code of practice 2015* provides practical guidance on how to manage the risks associated with the demolition of buildings and structures. In most circumstances demolition of a structure requires development consent or a complying development certificate. Applicants need to enquire to council as to whether and what type of approval is required. Where a development application is required council's standard conditions need to be applied to ensure that asbestos is safely managed. Council's conditions for development consent are referred to in section 9.6.
  - (ii) A wide range of development, including residential, industrial and commercial development, can be approved for demolition as complying development under the Demolition Code of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and the *Environmental Planning and Assessment Regulation 2000* provides mandatory conditions for complying development certificate applications.
  - (iii) Demolition of development that would be exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* is also exempt development and does not require consent. This includes minor structures such as carports, fences, sheds and the like.

#### 11.7. Exempt or complying development

- (a) Exempt development
  - (i) Exempt development does not require any planning or construction approval if it meets the requirements of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
  - (ii) This means that there is no ability for council or a private certifier to impose safeguards for the handling of asbestos through conditions of development consent. However, council advises that all asbestos removal work should be carried out in accordance with the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).
- (b) Complying development
  - (i) The *Environmental Planning and Assessment Regulation 2000* (clause 136E) outlines conditions under which a complying development certificate can be issued for development that involves building work or demolition work and friable or non-friable asbestos.
  - (ii) Applications for complying development certificates must include details of the estimated area (if any) in square metres of friable and/or non-friable asbestos material that will be



- disturbed, repaired or removed in carrying out the development (under Schedule 1 part 2 of the *Environmental Planning and Assessment Regulation 2000*).
- (iii) Where more than 10 square metres of non-friable asbestos is to be removed, a contract evidencing the engagement of a licensed asbestos removal contractor is to be provided to the principal certifying authority. The contract must specify the landfill site lawfully able to accept asbestos to which the removed asbestos will be delivered.
  - (iv) If the contract indicates that asbestos will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.
  - (v) If the work involves less than 10 square metres of non-friable asbestos and is not undertaken by a licensed contractor, it should still be undertaken in a manner that minimises risks as detailed in the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561). In instances where asbestos removal is less than 10 square metres of non-friable asbestos and not from a place of work, then SafeWork NSW would not be the agency responsible for regulating this activity. Concerns or complaints may be directed to council as outlined in section 11.
  - (vi) The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* outlines the requirements for the applicant to notify their neighbours that works may include asbestos removal.
  - (vii) Further requirements to inform other persons of licensed asbestos removal are described in section 467 of the *NSW Work Health and Safety Regulation 2011* as noted in section 9.4.1 of this policy.

#### 11.8. Development applications

- (a) If a proposed building does not meet the requirements of exempt or complying development then the alternative planning approval pathway is a development application (DA). A DA can only be approved by a local council, the JRPP or, for very large, State-significant development proposals, the State Government. A development application needs to be prepared and it will be assessed in accordance with the requirements of relevant environmental planning instruments and the development standards established by council. Council may undertake a site inspection as part of the DA assessment.
- (b) Council's pre-DA service enables proponents to discuss asbestos-related issues with council prior to lodging a DA, if the issue is raised. Council may inform applicants of this policy, fact sheets or websites. Generally this may be most relevant to structures erected or modified before the 1980s and any other structure that could be reasonably suspected to contain asbestos including those with building materials from prior to 2004.

#### 11.9. Compliance and enforcement

- (a) Responsibilities for compliance and enforcement
  - (i) The controls rely on information being provided and checked by the principal certifying authority which may be either the local council or a private certifier. A private certifier has powers under the *Environmental Planning and Assessment Act 1979* to issue construction certificates, compliance certificates, complying development certificates, occupation certificates and to carry out mandatory inspections. Councils will not always be the principal certifying authority. When a council is not nominated as the principal certifying authority for a complying development certificate or development application, the council may not have any knowledge of the asbestos matter. Accordingly, coordination of compliance and/or enforcement actions between the council and the private certifier will be required.
  - (ii) Council may take action on any development for which council has issued the development consent, even when not appointed as the principal certifying authority to ensure

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enforcement. Where council receives a complaint about a development for which council is not the principal certifying authority, council should consider whether council is the appropriate authority to resolve the matter. Complaints that warrant action by councils because of their greater enforcement powers include:

- A. Urgent matters, for example, a danger to the public or a significant breach of the development consent or legislation;
- B. Matters that are not preconditions to the issue of the occupation/subdivision certificate.

- (iii) In relation to naturally occurring asbestos, council is to verify compliance with environmental planning and assessment legislation and together with the EPA and SafeWork NSW is to coordinate enforcement where non-compliance is suspected.

(b) Compliance strategies

- (i) Illegal works include:
  - A. Works that are undertaken without a required development consent or complying development certificate;
  - B. Works that are undertaken that do not comply with the conditions of the development consent or complying development certificate.
- (ii) Where council becomes aware of illegal work involving asbestos or asbestos containing materials, council will notify SafeWork NSW if the site is a workplace.
- (iii) The *Environmental Planning and Assessment Act 1979* empowers council to issue orders to direct specific work be undertaken to comply with a development consent.
- (iv) Council may need to issue an order under the *Local Government Act 1993* (section 124) to direct a person to 'do or refrain from doing such things as are specified in the order to ensure that land is, or premises are, placed or kept in a safe or healthy condition.'
- (v) Council may also issue a clean up notice or prevention notice under the *Protection of the Environment Operations Act 1997* as outlined in section 6.1 of this policy.
- (vi) Council may audit asbestos-related demolition works which council has recently approved by using a legal notice under section 192 of the *Protection of the Environment Operations Act 1997* to require developers to provide information and records regarding disposal of their asbestos waste.

## 12. Managing asbestos as a waste

12.1. It is illegal to dispose of asbestos waste in domestic garbage bins or to recycle, reuse, bury or illegally dump asbestos waste. Asbestos must not be placed in general waste skip bins, yet there have been instances where asbestos has been illegally placed in skip bins by third parties. Members of the public need to be aware of this hazard and may need to secure their skip bins to prevent a third party from illegally disposing of asbestos in the skip bin.

12.2. Asbestos waste (in any form) must only be disposed of at a landfill site that may lawfully receive asbestos waste.

### 12.3. Responsibilities for asbestos waste management

- (a) Council's responsibilities for asbestos waste management are outlined in section 3.3.
- (b) The handling and, where appropriate, temporary storage of asbestos waste at worksites is regulated by SafeWork NSW.
- (c) The EPA regulates premises that have or require an environment protection licence in accordance with the *Protection of the Environment Operations Act 1997*. A licence is required where more than 5 tonnes of asbestos waste, brought from off-site, is stored at any time. All other sites where asbestos waste is stored, typically those that are non-work sites, are regulated by local councils.





#### 12.4. Handling asbestos waste for disposal

- (a) The *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) provides details on waste containment and disposal and controls applicable to all types of asbestos removal (in section 4.8 of the Code).

#### 12.5. Transporting asbestos waste

- (a) The following requirements apply to the transport of asbestos waste and non-compliance with these requirements is an offence under clause 78 of the *Protection of the Environment Operations (Waste) Regulation 2014*:
  - (i) Any part of any vehicle in which the person transports the waste is covered, and leak-proof, during the transportation; and
  - (ii) If the waste consists of bonded asbestos material-it is securely packaged during the transportation; and
  - (iii) If the waste consists of friable asbestos material-it is kept in a sealed container during transportation; and
  - (iv) If the waste consists of asbestos-contaminated soils-it is wetted down.
- (b) Asbestos waste that is transported interstate must be tracked in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*. The transport of asbestos waste in NSW must be recorded from the place of generation to its final destination. The waste tracking system is administered by the EPA. Operators that use the EPA's WasteLocate system will be in compliance with these requirements. Information about EPA's WasteLocate system can be found at:
- (c) [www.epa.nsw.gov.au/wasteregulation/transport-asbestos-tyres.html](http://www.epa.nsw.gov.au/wasteregulation/transport-asbestos-tyres.html)
- (d) An environment protection licence issued by the EPA is required to transport asbestos waste interstate where any load contains more than 200 kilograms of asbestos waste.
- (e) It is an offence to transport waste to a place that cannot lawfully receive that waste, or cause or permit waste to be so transported (under section 143 of the *Protection of the Environment Operations Act 1997*). Penalty notices may be issued for \$7,500 (to individuals) and \$15,000 (to corporations). NSW courts may impose penalties up to \$250,000 (for individuals) and \$1,000,000 (for corporations) found guilty of committing this offence.

#### 12.6. Disposing of asbestos waste at waste facilities

- (a) Narrabri Waste Management Facility is the only landfill in Narrabri Shire licenced to accept asbestos:

**Address:** Dump road with Yarrie Lake road. Narrabri 2390

**Contact Number:** 0427 101 125

**Operation Hours:** Open Daily from 8:00am to 5:00pm. Narrabri Waste facility is closed on Good Friday, Easter Sunday, Anzac Day, Christmas Day and New Year's Day.

**Fees and Charges:** Fees and Charges are found at <http://www.narrabri.nsw.gov.au/fees-and-charges-1039.html>

**Requirement:** Persons delivering waste to a landfill site must comply with the following requirements:

- (i) Asbestos disposal must be book through Council 24 hours prior to the disposal;
- (ii) A person delivering waste that contains asbestos to a landfill site must inform the landfill occupier of the presence of asbestos when delivering the waste;
- (iii) Asbestos must be wrapped as per EPA requirements;
- (iv) When unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust.

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Non-compliance with these requirements is an offence under the *Protection of the Environment Operations (Waste) Regulation 2014* and these offences attract strong penalties.

#### 12.7. Situations in which asbestos waste may be rejected from waste facilities

- (a) Asbestos waste may be rejected from a waste facility if the waste is:
  - (i) Not correctly packaged for delivery and disposal (as per sections 10.2 and 10.3);
  - (ii) Not disclosed by the transporter as being asbestos or asbestos containing materials; or
  - (iii) Taken to a waste facility that does not accept asbestos waste.
- (b) Where waste is rejected, the waste facility must inform the transporter of the waste of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the *Protection of the Environment Operations (Waste) Regulation 2014*).
- (c) Individuals may be fined \$7,500 and corporations may be fined \$15,000 under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Waste) Regulation 2014* for transporting asbestos waste to a facility that cannot lawfully receive asbestos waste.

#### 12.8. Illegal dumping of asbestos waste

- (a) Illegal dumping is the unlawful deposit of waste onto land. That is waste materials dumped, tipped or otherwise deposited onto private or public land where no licence or approval exists to accept such waste. Illegal landfilling, which is waste used as fill material, with or without the consent of the owner or occupier of the land and without the necessary council or EPA approvals, is also considered to be illegal dumping and pollution of land.
- (b) Illegal dumping of asbestos waste in public places such as parks, streets or nature strips can attract regulatory action including:
  - (i) on the spot fines of up to \$15,000;
  - (ii) Prosecution for pollution of land of up to \$1 million for a corporation and \$120,000 for each day the offence continues (under section 142A of the *Protection of the Environment Operations Act 1997*); or
  - (iii) Up to \$1 million, or seven years imprisonment, or both for an individual (under section 119 of the *Protection of the Environment Operations Act 1997*);
  - (iv) The responsibility for cleaning up illegally dumped waste lies with the person or company that deposited the waste. If they cannot be identified the relevant occupier or landowner becomes the responsible party;
  - (v) Local councils are the appropriate regulatory authority for illegal dumping unless:
  - (vi) The activity was part of the carrying on of an activity listed in Schedule 1 of the *Protection of the Environment Operations Act 1997*.
  - (vii) The activity was carried out by a public authority or the state; or
  - (viii) The site is regulated by a different authority such as the Minister for Planning;
  - (ix) A handbook to assist Aboriginal communities to prevent and arrange the clean up of illegal dumping (published by the EPA) is noted in Appendix B.

#### 12.9. Asbestos remaining on-site

- (a) The disposal of asbestos on site is not encouraged as it requires an effective ongoing system of long term management to ensure the material does not pose unacceptable risks to future site activities and occupants. For on-site burial of asbestos waste, council will seek advice from the EPA. Council will confirm if on-site disposal is permitted under planning controls whether or not consent is required and will require recording of on-site disposal on the zoning certificate (section 149 certificate).



### 13. Complaints and investigations

13.1. Complaints and inquiries may be directed to council about incidents in public places and private properties. Complaints and inquiries regarding a workplace should be directed to SafeWork NSW. Complaints and inquiries regarding licensed premises under the *Protection of the Environment Operations Act 1997* should be directed to the EPA.

13.2. Council will respond to complaints and inquiries regarding:

- (a) Council's requirements in relation to development, land management and waste management;
- (b) Derelict properties;
- (c) General asbestos safety issues;
- (d) Illegal dumping;
- (e) Safe removal and disposal of minor quantities of asbestos materials;
- (f) Unsafe work at a residential property conducted by a homeowner or tenant.

13.3. Complaints about council in relation to asbestos may be directed to the NSW Ombudsman.

## Part 2 – Management of asbestos risks within Council

### 14. Rights and responsibilities of workers at the Council workplace

#### 14.1. Duties of Council workers at the Council workplace

- (a) The General Manager
  - (i) The General Manager has a duty to exercise due diligence to ensure that council complies with the *NSW Work Health and Safety Act 2011* and the *NSW Work Health and Safety Regulation 2011*. This includes taking reasonable steps to ensure that council has and uses appropriate resources and processes to eliminate or minimise risks associated with asbestos.
- (b) Workers
  - (ii) Workers have a duty to take reasonable care for their own health and safety and that they do not adversely affect the health and safety of other persons. Accordingly, workers:
    - A. Must comply with this policy and any reasonable instruction outline within Council Procedure - Management of workplace asbestos relating to health and safety at the workplace;
    - B. Provide notification and gain approval prior to working in or around Asbestos as per the Councils Permit to Work System;
    - C. Must use any personal protective equipment provided, in accordance with information, training and reasonable instruction provided so far as the worker is reasonably able;
    - D. May cease, or refuse to carry out, work if the worker has a reasonable concern that to carry out the work would expose them, or other persons, to a serious health or safety risk, emanating from an immediate or imminent exposure to a hazard;
    - E. Should ensure they are using the latest version of all relevant procedures, plans, guidelines and legislation (refer to Appendix G).
  - (iii) Managers are responsible for ensuring workers who report to them have access to this policy and appropriate information, documentation and training.
- (c) Prohibited work activities



- (i) Council will not permit the use of the following on asbestos or asbestos containing material:
  - A. High pressured water spray (unless for fire fighting or fire protection purposes); or
  - B. Compressed air.
- (ii) Council will not permit the following equipment to be used on asbestos or asbestos containing material unless the use of the equipment is controlled in accordance with the NSW Work Health and Safety Regulation 2011.
  - A. Power tools;
  - B. Brooms (note brooms are allowed for use on vinyl floor tiles); or
  - C. Any other implements that cause the release of airborne asbestos into the atmosphere.

#### 14.2. Responsibilities of Council to Council workers

- (a) Council's general responsibilities
  - (i) Council has general responsibilities under the *NSW Work Health and Safety Act 2011* and the *NSW Work Health and Safety Regulation 2011*. Accordingly, council will:
    - A. Not use any asbestos containing materials (unless in accordance with part 8.1 (419) of the *NSW Work Health and Safety Regulation 2011*) and will not cause or permit asbestos waste in any form to be reused or recycled;
    - B. ensure that exposure of a person at the workplace to airborne asbestos is eliminated so far as is reasonably practicable;
    - C. Ensure that the exposure standard for asbestos (defined in Appendix C) is not exceeded in the workplace;
    - D. Notify SafeWork NSW immediately if persons are likely to be affected by asbestos fibres or if an air monitoring process records respirable asbestos fibre levels above 0.02 fibres/ml of air;
    - E. Ensure that any contractors engaged to undertake the removal of asbestos for council are appropriately licensed;
    - F. Consult with workers as required by the *Work Health and Safety Act 2011*.
  - (ii) Council will not import asbestos or asbestos containing material into Australia as prohibited under the *Customs (Prohibited Imports) Regulations 1956*. If plant or other materials are imported from countries where asbestos is not yet prohibited, council shall ensure the plant or materials do not contain asbestos prior to supply or use in the workplace.
- (b) Education, training and information for workers
  - (i) As required by the *NSW Work Health and Safety Act 2011* and *NSW Work Health and Safety Regulation 2011*, council will:
    - A. Provide any information, training, instruction or supervision that is necessary to protect all persons at the workplace from risks to their health and safety arising from work carried out as part of the conduct of council business;
    - B. Ensure workers who council reasonably believes may be involved in asbestos removal work or the carrying out of asbestos-related work in the workplace are trained in the identification, safe handling and suitable control measures for asbestos and asbestos containing material.
  - (ii) Any workers who is involved in any activity listed in Appendix A under section 3 on behalf of, or for, council shall be provided with training and instruction for use of the Permit to Work System relating to Asbestos suitable to their role and the activity.



- (iii) Initially all workers are required to complete a Council Safety Induction and once completion workers are required to sign an Induction statement to the effect that they acknowledge they have received, read and understood council's approach to managing Asbestos in the workplace.
  - (iv) Ongoing assessments and reinforcement will be conducted via various means such as the Safety Interaction process, tool box meetings, general in-house training or workplace audits.
  - (v) External Training topics are outlined in the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561). Education and training will be provided by appropriately accredited organisations and attended by workers within defined sections within Council Courses may include but are not limited to; Asbestos awareness training in Local Government delivered through TAFE, or 91233 NSW Bonded Asbestos Nominated Supervisor or a course in Bonded Asbestos and Removal. Records of such training will be placed on personnel files and will be kept until five years after the day the worker ceases to work for council.
- (c) Health monitoring for workers
- (i) Council will ensure health monitoring is provided to a worker if they are carrying out licensed asbestos removal work, other ongoing asbestos removal work or asbestos-related work at the workplace for council and are at risk of exposure to asbestos when carrying out the work.
  - (ii) The health monitoring will be consistent with the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) and meet the requirements of the *NSW Work Health and Safety Regulation 2011* (part 8.5 Division 1).
  - (iii) Health counselling may be appropriate where a heightened sense of concern exists for individuals possibly exposed to elevated levels of airborne asbestos fibres.
  - (iv) Employees who were exposed to asbestos in the past and if there is a risk to the health of the employee as a result of that exposure, are covered by the *NSW Work Health and Safety Regulation 2011* (clauses 435-444). Council will ensure these employees are kept on the health monitoring program.
  - (v) Council has a commitment to develop a health monitoring plan based on the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) and part 8.5 Division 1 of the *NSW Work Health and Safety Regulations 2011*.

## 15. Identifying and recording asbestos hazards in the Council workplace

15.1. This section outlines how council will identify and record asbestos hazards in the workplace. This section does not cover naturally occurring asbestos which is addressed in section 5 or illegal dumping which is addressed in section 10.5.

### 15.2. Identifying asbestos

- (a) Council will ensure, so far as is reasonably practicable, that all asbestos or asbestos containing material at the workplace is identified by a competent person (as defined by the *NSW Work Health and Safety Regulation 2011*). If a material cannot be identified or accessed, it will be assumed to be asbestos. This does not apply if council has reasonable grounds to believe that asbestos or asbestos containing material is not present.
- (b) Material sampling
  - (i) Council may choose to identify asbestos or asbestos containing material by arranging for a sample to be analysed. Where council arranges sampling of asbestos containing material, this will be undertaken by an appropriately trained and competent council worker or a competent person will be contracted to undertake this task. Analysis of the sample must





only be carried out by a National Association of Testing Authorities (NATA) accredited laboratory (refer to Appendix E) or a laboratory approved or operated by the regulator.

#### **15.3. Indicating the presence and location of asbestos**

- (a) Council will clearly indicate the presence and location of any asbestos or asbestos containing material identified or assumed at the workplace. Where it is reasonably practicable to do so, council will indicate the presence and location of the asbestos or asbestos containing material by a label.

#### **15.4. Asbestos register**

- (a) Council's asbestos register will be maintained to ensure the register lists all identified (or assumed) asbestos in the workplace and information in the register is up to date. The asbestos register will be accessible, reviewed, revised and otherwise managed as mandated by the NSW *Work Health and Safety Regulation 2011* (clauses 425 – 428).
- (b) Council will ensure that any worker carrying out or intending to carry out work at a council workplace that involves a risk of exposure to airborne asbestos, can access a copy of the asbestos register.

#### **15.5. Suspected asbestos**

- (a) If a worker suspects there is asbestos in a council workplace, they should inform their manager or supervisor. A competent worker should check the asbestos register for existing asbestos locations and control measures and may need to arrange for an inspection and sampling of the material (refer to section 13.1.1). If it is likely that asbestos or suspected asbestos is present, the asbestos register will be updated, and workers will be notified of any newly identified asbestos locations.
- (b) Council may need to manage the suspected asbestos as outlined in section 14. If the suspected asbestos has been disturbed and has, or could, become airborne, council may need to respond immediately as outlined in section 15.
  - (i) Removal of asbestos or asbestos containing materials (preferred wherever reasonably practicable;
  - (ii) Interim control measures: enclosure (only for non-friable asbestos), encapsulation (when the original asbestos bond is still intact) or sealing (where the sealed material is unlikely to be subject to mechanical damage) asbestos containing material, to be implemented along with regular inspections by a competent person;
  - (iii) Leaving asbestos containing material in situ (deferring action).
- (c) Council may undertake an asbestos risk assessment, in consultation with workers and/or their representatives, in order to inform decision-making. Only competent persons will perform risk assessments or any subsequent reviews or revisions of risk assessments.
- (d) For all asbestos work or asbestos-related work, safe work practices will be in place and suitable personal protective equipment will be used. The Council has articulated in procedure – Management of Asbestos in the Workplace which is supported by the completion of a Permit to Work which outlines the control measures and risk assessment process to complete when asbestos is identified in the workplace.

### **16. Managing asbestos-related risks in the Council Workplace**

#### **16.1. Asbestos management plan**

- (a) Council will prepare an asbestos management plan for asbestos in the council workplace. The asbestos management plan will be accessible, reviewed, revised and otherwise managed as mandated by the NSW *Work Health and Safety Regulation 2011* clause 429.

**16.2. Asbestos management plan for naturally occurring asbestos**

- (a) Council is not aware of any naturally occurring asbestos in the workplace. If naturally occurring asbestos is discovered, council will prepare an asbestos management plan in relation to the naturally occurring asbestos in accordance with the NSW Work Health and Safety Regulation 2011 part 8.4 (Management of naturally occurring asbestos).

**16.3. Management options for asbestos-related risks in the Council workplace**

- (a) Council's asbestos management plan includes decisions and reasons for decisions about the management of asbestos at the workplace.
- (b) Options for managing asbestos-related risks include:

**16.4. Sites contaminated with asbestos that are council workplaces**

- (a) Where asbestos is identified as contaminating a workplace, the site will be included in council's asbestos register and asbestos management plan.
- (b) Council may need to ensure that an exposure assessment is undertaken and that appropriate risk management options are determined and implemented..
- (c) For asbestos in soil or aggregate, a suitably qualified occupational hygienist must carry out an assessment if the material in the soil and aggregate is unknown or classified as friable.
- (d) Council should engage specialists, who may include asbestos removalists, for all cases except in the case of minor, non-friable contaminations.
- (e) Further details on managing land contaminated with asbestos may be found in section 6.

**16.5. Demolition or refurbishment of Council buildings and assets**

- (f) Council will ensure that before any demolition or refurbishment of a council structure or plant constructed or installed before 31 December 2003 is undertaken, the asbestos register is reviewed and a copy provided to the business undertaking the demolition or refurbishment. Council will ensure that any asbestos that is likely to be disturbed is identified and, so far as is reasonably practicable removed.

**16.6. Removal of asbestos in the Council workplace**

- (a) Removal of asbestos or asbestos containing materials in the council workplace will be undertaken in accordance with the:
  - (i) *NSW Work Health and Safety Act 2011*;
  - (ii) *NSW Work Health and Safety Regulation 2011*.
- (b) Council may also refer to the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).
- (c) For licensed asbestos removal work, a licensed asbestos removalist must meet the requirements of the *NSW Work Health and Safety Regulation 2011* including the requirements to:
  - (iii) Notify SafeWork NSW at least five days prior to the asbestos removal work commencing. However, in the case of emergency work, such as burst pipes, fires and illegally dumped asbestos, council may request to SafeWork NSW that this five days period be waived;
  - (iv) prepare, supply and keep an asbestos removal control plan
  - (v) Obtain a copy of the asbestos register for the workplace before carrying out asbestos removal work at the workplace (this does not apply if the asbestos removal work is to be carried out at residential premises, for example cleaning up asbestos that has been illegally dumped at a residential premises);
  - (vi) Inform the person with management or control of the workplace that the licensed asbestos removal work is to be carried out at the workplace;
  - (vii) Erect signs and barricades;



- (viii) Limit access to the asbestos removal area;
  - (ix) Properly dispose of asbestos waste and dispose of, or treat, contaminated personal protective equipment;
  - (x) Arrange a clearance inspection and clearance certificate.
- (d) Where council is informed that asbestos removal work is to be carried out at the workplace, council will inform workers and those in the immediate vicinity of the workplace and limit access to the asbestos removal area as per the *NSW Work Health and Safety Regulation 2011*.

#### **16.7. Removal by Council employees**

- (a) Council will ensure that before any council employee undertakes asbestos (or suspected asbestos) removal work they are:
- (i) Appropriately trained;
  - (ii) Adequately supervised;
  - (iii) Provided with appropriate personal protective equipment and clothing;
  - (iv) Provided access to the Permit to Work System – Asbestos to ensure all hazards associated are controlled to as low as reasonably practicable;
  - (v) Provided with information about the health risks and health effects associated with exposure to asbestos and the need for, and details of, health monitoring.

#### **16.8. Removal by contractors**

- (a) Where council commissions the removal of asbestos at the workplace, council will ensure asbestos removal work is carried out only by a licensed asbestos removalist who is appropriately licensed to carry out the work, unless specified in the *NSW Work Health and Safety Regulation 2011* that a licence is not required.
- (b) Where council requires the services of asbestos removalists, council will require the licence details of asbestos removalists prior to engaging their services and will verify the licence details with SafeWork NSW's Certification Unit prior to entering a contract or agreement with the licensed asbestos removalists.
- (c) Council is required to ensure that the work is carried out by a competent person who has been trained in the identification and safe handling of, and suitable control measures for, asbestos and asbestos containing material. Council will therefore require a statement in a written contract or agreement with the licensed asbestos removalist that the licensed asbestos removalist who will undertake the work has been adequately trained and is provided with appropriate health monitoring by their employer.
- (d) The licensed asbestos removalist is to provide the following documentation prior to carrying out asbestos removal work:
- (vi) Asbestos removal control plan;
  - (vii) Public liability certificate of currency;
  - (viii) Workers compensation certificate of currency;
  - (ix) SafeWork NSW confirmation details to carry out the removal work.
- (e) Council will provide a copy of the asbestos register to the licensed asbestos removalist.
- (f) Where council becomes aware of any breaches by licensed asbestos removalists, council will report this to SafeWork NSW.

#### **16.9. Clearance inspections and certificates**

- (a) Where council commissions any licensed asbestos removal work, council will ensure that once the licensed asbestos removal work has been completed, a clearance inspection is carried out





and a clearance certificate is issued by an independent licensed asbestos assessor (for Class A asbestos removal work) or an independent competent person (in any other case) before the asbestos removal area is re-occupied.

- (b) The friable asbestos clearance certificate will require visual inspection as well as air monitoring of the asbestos removal site. Air monitoring is mandatory for all friable asbestos removal. The air monitoring must be conducted before and during Class A asbestos removal work by an independent licensed asbestos assessor.
- (c) The friable asbestos clearance certificate is to state that there was no visible asbestos residue in the area or vicinity of the area where the work was carried out and that the airborne asbestos fibre level was less than 0.01 asbestos fibres/ml.

## 17. Accidental disturbance of asbestos by workers

17.1. In situations where asbestos is accidentally disturbed by council work and has, or could, become airborne, council will act to minimise exposure of workers and the wider public to airborne asbestos.

17.2. It may be appropriate that council:

- (a) *stop works in the vicinity of the asbestos immediately;*
- (b) *inform the site supervisor immediately, inform necessary workers and record the incident;*
- (c) *evacuate the area*
- (d) *provide personal protective equipment and briefing to appropriately trained workers who will respond to the incident;*
- (e) *restrict access to the area and ensure only appropriately trained and equipped council workers attend the site;*
- (f) *exclude the public from the site and provide information to the public if in a public area;*
- (g) *wet surfaces to reduce the dust levels;*
- (h) *prevent the spread of contamination by using wash down facilities;*
- (i) *provide information, training and supervision to all workers potentially at risk;*
- (j) *contact SafeWork NSW to report the disturbance. SafeWork NSW must be immediately notified if persons are likely to be effected by asbestos fibres or if an air monitoring process records a level above 0.02 fibres/ml of air;*
- (k) *implement an air monitoring program to assess asbestos exposure levels and specific risk control measures;*
- (l) *liaise with or consult the appropriate agencies;*
- (m) *seek advice from an occupational hygienist;*
- (n) *follow the Code of practice on how to safely remove asbestos (catalogue no. WC03561);*
- (o) *ensure that asbestos materials are disposed of at a facility licensed to accept asbestos materials, and where contractors have been engaged to dispose of asbestos waste, sight proof of appropriate disposal through weighbridge dockets or similar documentation update the asbestos register and notify workers of any newly identified asbestos locations.*

## 18. Council's role in the disposal of asbestos waste

### 18.1. Responding to illegal dumping

- (a) Removal of illegally dumped asbestos material or suspected asbestos material by council employees will be undertaken in accordance with section 14.6.1 or section 14.6.2. Illegal dumping incidents must be reported through the IRO online.
- (b) Where council becomes aware of illegally dumped asbestos material outside of council's jurisdiction, council will promptly notify the relevant authority.

### 18.2. Transporting and disposing of asbestos waste

- (a) Council will transport and dispose of waste in accordance with the legislation and as outlined in section 10.



### 18.3. Operating council's waste management facility licensed to accept asbestos waste

- (a) Waste management facilities must be managed in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014* including clause 80 which specifies that:
  - (i) A person disposing of asbestos waste off the site at which it is generated must do so at a landfill site that can lawfully receive the waste.
  - (ii) When a person delivers asbestos waste to a landfill site, the person must inform the occupier of the landfill site that the waste contains asbestos.
  - (iii) When a person unloads or disposes of asbestos waste at a landfill site, the person must prevent:
    - A. any dust being generated from the waste; and
    - B. any dust in the waste from being stirred up.
  - (iv) The occupier of a landfill site must ensure that asbestos waste disposed of at the site is covered:
    - A. initially (at the time of disposal), to a depth of at least 0.15 metre; and
    - B. at the end of each day's operation, to a depth of at least 0.5 metre; and
    - C. finally, to a depth of at least 1 metre (in the case of bonded asbestos material or asbestos- contaminated soils) or 3 metres (in the case of friable asbestos material) beneath the final land surface of the landfill site.
- (b) Council has developed a charging policy for receiving asbestos waste, which reflects the actual cost of managing the asbestos waste, plus any applicable levies.
- (c) When council is receiving construction, renovation and demolition waste, council should visually screen and may also inspect incoming loads to minimise asbestos contamination risk as this waste may be high risk for asbestos materials. Council shall develop procedures to avoid asbestos contamination in material intended for resource recovery.
- (d) Council may issue a receipt for asbestos waste received at a licensed landfill facility. The receipt provided may note the time, date and location of disposal, weight of asbestos containing material disposed, method of disposal (note on handling) and a receipt number. This information must be recorded by the facility, regardless of whether a receipt is issued. Council uses Mandalay system to record the transactions at the Narrabri Landfill.

#### (e) Asbestos waste incorrectly presented to Council's waste facility:

- (i) This section applies to situations where asbestos waste is taken to a council waste facility and the waste is:
  - D. Not correctly packaged for delivery and disposal (as per sections 9.2 and 9.3);
  - E. Not disclosed by the transporter as being asbestos or asbestos containing materials;
  - F. Taken to a waste facility that does not accept asbestos waste.
- (ii) In these situations, council may record relevant details such as the:
  - A. Contact details of the transporter;
  - B. Origin of the asbestos or asbestos containing material;
  - C. amount and type of asbestos or asbestos containing material;
  - D. Reasons why the asbestos waste was not properly packaged, disclosed or transported to a waste facility licensed to receive asbestos waste;
  - E. Development consent details (if applicable).
- (iii) Where asbestos waste is not correctly packaged for delivery and disposal, or is not disclosed by the transporter as being asbestos or asbestos containing materials, council may:

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- A. Reject the asbestos waste from the facility;
  - B. Suggest the transporter re-package the load correctly at the facility;
  - C. Provide a bay for wetting and/or wrapping the asbestos and protective equipment for the transporter eg the option to purchase an asbestos waste handling kit (for non-commercial operators with less than 10 square metres of non-friable asbestos);
  - D. Provide the transporter with educational material such as SafeWork NSW fact sheets on correct methods for packaging, delivery and disposal of asbestos;
  - E. Question the transporter about the source of asbestos waste;
  - F. Issue a clean up notice or prevention notice under the Protection of the Environment Operations Act 1997;
  - G. Issue a compliance cost notice under the Protection of the Environment Operations Act 1997;
  - H. Issue a penalty infringement notice for improper transport of asbestos (under the Protection of the Environment Operations Act 1997).
- (iv) Where asbestos waste is taken to a waste facility that does not accept asbestos waste, council may reject the waste. Where waste is rejected, council should complete a rejected loads register (a template is available from SafeWork NSW). Council will also inform the transporter of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the *Protection of the Environment Operations (Waste) Regulation 2014*). If council suspects that there is a risk of illegal dumping of the rejected waste, council will inform council's rangers or council's compliance officers. Suitable disposal for loads that are refused entry will remain the responsibility of the transporter and at a later date the transporter will need to demonstrate to council that the waste has been appropriately disposed.
- (v) Where asbestos waste is illegally dumped at an unstaffed waste station, management options for council include to:
- A. Undertake surveillance via video cameras to issue fines or deter dumping;
  - B. Provide targeted education to neighbouring landholders to ensure that they do not allow access to the waste station.

#### 18.4. Recycling facilities

- (a) There are not construction and demolition Waste in Narrabri Shire Council. The Waste Recovery Facility in Narrabri Shire is operated by an independent body. The Waste Recovery Facility should screen and inspect incoming loads at recycling facilities for the presence of asbestos or asbestos containing materials to minimise asbestos contamination risk.

#### 18.5. Re-excavation of landfill sites

- (a) The re-excavation of a council landfill site where significant quantities of asbestos waste are deposited is not encouraged and should only be considered with reference to any available records on the nature, distribution and quantities of asbestos waste required under the relevant legislation, and consultation with the Environment Protection Authority (as the appropriate regulatory authority under the *Protection of the Environment Operations Act 1997*).

### 19. Advice to tenants and prospective buyers of council owned property

19.1. Council may provide advisory notes to tenants and prospective buyers of council owned property that is likely to contain asbestos.

19.2. Council may request that tenants in council property:

- (a) Advise council of any hazards relating to asbestos;
- (b) Minimise damage to asbestos containing material;



- (c) Co-operate with council in facilitating any risk management work arranged by Council;
- (d) Act on advice from council to minimise risks from asbestos.

## **20. Implementing Council's asbestos policy**

### **20.1. Supporting documents**

- (a) The implementation of this policy is supported by council's guidelines to dispose asbestos waste.
  - (i) Council also has several internal documents that support this policy;
  - (ii) Asbestos register complaints handling procedures;
  - (iii) Council's existing risk assessment matrix and a pre task assessment – R U Safe system employee health monitoring plan;
  - (iv) Incident Report & Investigation form maintenance and inspection schedules for council owned assets safe work method statements/ procedures for tasks that may expose workers to asbestos handling and removal;
  - (v) Permit to Work System – Asbestos to manage task specific hazard management;
  - (vi) Personnel training files/ records (relevant to identifying, handling and removing of asbestos materials).

### **20.2. Communicating the policy**

- (a) This is a publicly available policy. The policy is to be made available via:
  - (i) Council's website <http://www.narrabri.nsw.gov.au>
  - (ii) Council's intranet
- (b) All employees shall receive information about the Council's approach to managing workplace asbestos at induction from the Human Resources Department.
- (c) Any workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public) who are involved in any activity or activities listed in Appendix A under section 3 on behalf of, or for, council shall be provided with access to a copy of this policy and relevant supporting documents. This includes any workers involved in commencing, arranging, undertaking, regulating, inspecting or supervising a potentially hazardous activity or activities. Managers are responsible for ensuring workers who report to them have access to the policy and appropriate information, documentation and training in asbestos awareness (as per the NSW Work Health and Safety Regulation 2017) prior to planning the activity or activities. Further information about training is noted in section 12.2.2 of this policy.
- (d) Council shall incorporate a statement regarding compliance with the SHIRE Safety system in all relevant contracts and agreements with workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public).
- (e) In the case of any substantive revisions to the policy, the revisions will be approved by the General Manager and the General Manager will notify all persons who may have cause to undertake, arrange or supervise any activities listed in Appendix A under section 3 on behalf of, or for, council.

### **20.3. Non-compliance with the policy**

- (a) Failure by workers to adhere to the policy and failure by managers to adequately inform relevant workers of this policy shall be considered non-compliance with this policy.
- (b) The appropriate supervisor, manager, director, or the General Manager, shall take action in the case of non-compliance with the Council Safe system of work which includes this policy. This may include providing further education and training, issuing a verbal or written warning, altering the worker's duties, or in the case of serious breaches, terminating the worker's services.



Each case shall be assessed on its merits with the aim of achieving a satisfactory outcome for all parties.

- (c) Workers should approach their supervisor or manager if they are experiencing difficulties in understanding or implementing the policy or if they are concerned that other workers are not complying with the policy.

## **21. Variations to this policy**

- 21.1. Council reserves the right to review, vary or revoke this policy. The General Manager may allow variations to the policy for minor issues in individual cases.





## Appendices

### Appendix A – General information and guidance

#### 1. What is asbestos?

- Asbestos is the generic term for a number of naturally occurring, fibrous silicate materials. If asbestos is disturbed it can release dangerous fine particles of dust containing asbestos fibres. Breathing in dust containing elevated levels of asbestos fibres can cause asbestosis, lung cancer and mesothelioma.

There are two major groups of asbestos:

- The serpentine group contains chrysotile, commonly known as white asbestos;
- The amphibole group contains amosite (brown asbestos) and crocidolite (blue asbestos) as well as some other less common types (such as tremolite, actinolite and anthophyllite).

Further information about the different types of asbestos can be found in: Environmental Health Standing Committee (enHealth), *Asbestos: A guide for householders and the general public*, Australian Health Protection Principal Committee, Canberra, 2013 (available at: [www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc~asbestos-about](http://www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc~asbestos-about)).

In Australia, in the past asbestos was mined and widely used in the manufacture of a variety of materials. Asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited in Australia since 31 December 2003.

Asbestos legacy materials still exist in many homes, buildings and other assets. It is estimated that 1 in 3 Australian homes contains building materials with asbestos. Where the material containing asbestos is in a non- friable form (or bonded), undisturbed, and painted or otherwise sealed, it may remain safely in place. However, where the asbestos containing material is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health. Disturbing or removing asbestos unsafely can create a health hazard.

It is often difficult to identify the presence of asbestos by sight. If you are in doubt, it is best to assume that you are dealing with asbestos and take every precaution. The most accurate way to find out whether a material contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos such as an occupational hygienist. It can be unsafe for an unqualified person to take a sample of asbestos. Licensed asbestos removalists can be found by using the telephone directory. Council encourages residents to ask the contractor for a copy of their licence prior to engaging them. Residents can then check with SafeWork NSW (phone 13 10 50) to confirm the contractor has the appropriate class of licence for the asbestos removal job.

#### Where is asbestos found?

Asbestos can be found where it occurs naturally and in a variety of materials (from prior to 2004) in residential, commercial and industrial premises and on public and private land.

##### (a) Naturally occurring asbestos

- Naturally occurring asbestos refers to the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.
- Asbestos is found as a naturally occurring mineral in many areas of NSW. Asbestos may occur in veins within rock formations. The map provided in Appendix L gives an indication of areas in NSW known to have naturally occurring asbestos.
- Work processes that have the potential to inadvertently release naturally occurring asbestos into the air include:
  - Agriculture;
  - Forestry;
  - Landscaping;
  - Mining;



- E. Other excavation or construction activities;
- F. Pipe works and telecommunications works;
- G. Road construction and road works.

(iv) Further information can be found in this policy under section 5 and in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW, which provides a photograph of naturally occurring asbestos. The SafeWork NSW website provides further information on naturally occurring asbestos and supporting documents on what people can do to avoid contact with naturally occurring asbestos.

**(b) Residential premises**

- (i) As a general rule, a house built:
  - A. Before the mid 1980s – is highly likely to contain asbestos containing products;
  - B. Between the mid 1980s and 1990 – is likely to contain asbestos containing products;
  - C. After 1990 – is unlikely to contain asbestos containing products. However, some houses built in the 1990s and early 2000s may have still used asbestos cement materials until the total ban on any activity involving asbestos products became effective from December 2003.
- (ii) Pipelines installed prior to 1992, particularly black surface coated and grey surface pipes, may contain asbestos. It is important to note, the most accurate way to find out whether a material contains asbestos is by engaging a licensed asbestos removalist or occupational hygienist to inspect and arrange testing where necessary.
- (iii) Fibre cement sheeting, commonly known as 'fibro', 'asbestos sheeting' or 'AC sheeting' (asbestos containing sheeting) is the most commonly found legacy asbestos material in residential premises. Other asbestos containing materials were used in 'fibro' houses but also found in brick and timber housing stock from that period. Asbestos materials were sold under a range of commercial names. Some asbestos containing materials found in New South Wales domestic settings are listed in Appendix J.
- (iv) Common places where asbestos is likely to be found in and around homes include:
  - A. Outside
    - Backyard garden sheds, carports, garages and dog kennels;
    - Electrical meter boards;
    - Imitation brick cladding;
    - Lining under eaves;
    - Wall and roof materials (flat, patterned or corrugated asbestos sheeting).
  - B. Inside
    - Insulation materials in heaters and stoves;
    - Interior walls and sheeting;
    - Sheet materials in wet areas (bathroom, toilet and laundry walls, ceilings and floors);
    - Vinyl floor tiles, the backing to cushion vinyl flooring and underlay sheeting for ceramic tiles including kitchen splashback.
  - C. Asbestos can also be found in:
    - Angle mouldings (internal and external);
    - Board around windows and fireplaces;
    - Brake pads and clutch pads to vehicles;
    - Buried and dumped waste materials;
    - Carpet underlay;



- Ceilings (ceiling tiles or sprayed coatings or loose in the ceiling cavity and may have moved to wall cavities, cornices and sub-floor areas);
- Cement flooring;
- External toilets;
- Fencing;
- Guttering, downpipes and vent pipes;
- Inside appliances eg irons, whitegoods;
- Gable ends;
- Outbuildings;
- Ridge capping;
- Swimming pools – reinforcing marble swimming pools;
- Ventilators – internal and external.

Other places asbestos can be found are listed in Appendix J.

**(c) Commercial and industrial premises**

- (i) In commercial and industrial premises, asbestos may be found in the abovementioned places and also:
- A. Asbestos rope or fabric in expansion joints (for example exhaust flues) and insulation;
  - B. Bituminous waterproof membrane on flat roofs;
  - C. Brake disc pads and brake linings;
  - D. Cloth, tapes, ropes and gaskets for packing;
  - E. Electrical switchboards and duct heater units;
  - F. Fillers and filters;
  - G. Fire doors;
  - H. Lagging on pipes such as heater flues;
  - I. Lift motor rooms;
  - J. Pipes, casing for water and electrical/ telecommunication services;
  - K. rubber, plastics, thermosetting resins, adhesives, paints, coatings, caulking compounds and sealants for thermal, electrical and insulation applications;
  - L. Structural beams of buildings;
  - M. Yarns and textiles eg fire blankets.

Other places asbestos can be found are listed in Appendix J.

**(d) Sites contaminated with asbestos**

- (i) Contamination of soils from asbestos or asbestos containing materials can present a risk in urban and rural environments if the asbestos can give rise to elevated levels of airborne fibres that people can breathe. Whilst buried material may not give rise to airborne asbestos fibres if securely contained, inappropriate disturbance of this waste could give rise to harmful levels of asbestos fibres in air. Activities such as those listed in section 3 of this Appendix have the potential to encounter and disturb asbestos waste or contamination, particularly where the contamination is not known to be present at the site or has not been appropriately considered.
- (ii) Situations where asbestos contamination may occur include:
- A. Industrial land, eg, asbestos-cement manufacturing facilities, former power stations, and rail and ship yards, especially workshops and depots;
  - B. Waste disposal or dumping sites, including sites of illegal dumping eg, building waste;





- C. Sites with infill or burial of asbestos waste from former asbestos mining or manufacture processes;
  - D. Buildings or structures damaged by fire or storm (particularly likely for those with pre-1980s building materials but also possible for those with materials from prior to 2004);
  - E. Land with fill or foundation material of unknown composition;
  - F. Sites where buildings or structures have been constructed from asbestos containing material or where asbestos may have been used as insulation material, eg, asbestos roofing, sheds, garages, reservoir roofs, water tanks, boilers and demolition waste has been buried onsite;
  - G. Sites where buildings or structures have been improperly demolished or renovated, or where relevant documentation is lacking (particularly likely for those with pre-1980s building materials but also those with materials from prior to 2004);
  - H. Disused services with asbestos containing piping such as water pipes (including sewage systems, water services and irrigation systems), underground electrical and telephone wires and telecommunications trenches or pits (usually within 1 metre of the surface).
- (iii) Significantly contaminated land
- A. For sites that are significantly contaminated, the EPA and SafeWork NSW are the lead regulatory authorities. The Contaminated Land Management Act 1997 applies to significantly contaminated land. In general, significant contamination is usually associated with former asbestos processing facilities or where large quantities of buried friable asbestos waste has been uncovered and is giving rise to measurable levels of asbestos fibres in air. Such sites require regulatory intervention to protect community health where the source of the contamination is not being addressed by the responsible person. The Environment Protection Authority has details of sites that have been nominated as significantly contaminated on its Public Register at: [www.epa.nsw.gov.au/clm/publiclist.html](http://www.epa.nsw.gov.au/clm/publiclist.html)
  - B. If land is contaminated but not determined to be 'significant enough to warrant regulation' then the Contaminated Land Management Act 1997 does not apply. In such cases the provisions within the planning legislation and/or the Protection of the Environment Operations Act 1997 may be the appropriate mechanism for management of such contamination.
  - C. Guidance on assessing land can be found in the document: Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997.



### Potentially hazardous activities

A number of activities could cause asbestos to be inadvertently disturbed and consequently create a health risk. Before undertaking any of the activities listed below, it should be considered whether asbestos containing materials may be present. If asbestos is present, these activities may be illegal or certain precautions may be required, or an appropriately licensed person may be required to undertake the activity.

Members of the public could inadvertently disturb asbestos through activities including:

- (a) Renovations, refurbishments or repairs particularly those involving power tools, boring, breaking, cutting, drilling, grinding, sanding or smashing asbestos containing materials;
- (b) Sealing, painting, brushing and cleaning asbestos cement products;
- (c) demolitions of homes or other structures (dismantling or destruction);
- (d) Relocating a house, building or structure;
- (e) Using compressed air on asbestos containing materials;
- (f) Water blasting asbestos containing materials;
- (g) Cleaning gutters on asbestos cement roofs;
- (h) Handling asbestos cement conduits or boxes;
- (i) Maintenance work such as plumbing and electrical work on or adjacent to asbestos containing materials such as working on electrical mounting boards;
- (j) Maintenance or servicing of materials from vehicles, plant or equipment;
- (k) Checking, removing or replacing ceiling insulation which contains asbestos.

Council could inadvertently disturb asbestos through activities such as:

- (a) Abovementioned activities;
- (b) Asset and building maintenance including underground infrastructure repairs and replacements;
- (c) Certifying;
- (d) Inspections of sites and premises;
- (e) Transport and disposal of illegally dumped materials;
- (f) Collection, transport and disposal of incorrectly disposed of materials.

Naturally occurring asbestos and contaminated sites could be inadvertently disturbed during:

- (a) Road building;
- (b) Site and construction work;
- (c) Other excavation activities;
- (d) Vehicle movements.

Natural processes can create a risk of exposure to asbestos including:

- (a) Extensive fire or storm damage to asbestos cement roofs or building materials;
- (b) Extensive weathering and etching of unsealed asbestos cement roofs.

In addition, work that intentionally disturbs asbestos, such as sampling or removal, should be conducted by a competent person and in accordance with the relevant codes of practice and legislation.



### Health hazards

Asbestos fibres can pose a risk to health if airborne, as inhalation is the main way that asbestos enters the body. The World Health Organisation has stated that concentrations of asbestos in drinking water from asbestos cement pipes do not present a hazard to human health.

Breathing in asbestos fibres can cause asbestosis, lung cancer and mesothelioma. The risk of contracting these diseases increases with the number of fibres inhaled and the risk of lung cancer from inhaling asbestos fibres is greatly increased if you smoke. Small fibres are the most dangerous and they are invisible to the naked eye. People who are at most risk are those who have been exposed to high levels of asbestos for a long time. The symptoms of these diseases do not usually appear for some time (about 20 to 30 years) after the first exposure to asbestos.

**Asbestosis** is the irreversible scarring of lung tissue that can result from the inhalation of substantial amounts of asbestos over a period of years. It results in breathlessness that may lead to disability and, in some cases, death.

**Lung cancer** can be caused by asbestos. Lung cancer is related to the amount of fibre that is breathed in and the risk of lung cancer is greatly increased in those who also smoke tobacco.

**Mesothelioma** is a cancer of the pleura (outer lung lining) or the peritoneum (the lining of the abdominal cavity). Mesothelioma rarely occurs less than 15 years from first exposure, and most cases occur over 30 years after first exposure. Accordingly, the rates of malignant mesothelioma (an incurable cancer) are expected to rise from the year 2012 to 2020 and are expected to peak in this time.

If asbestos fibres are in a stable material, for example bonded in asbestos-cement sheeting (such as fibro), and these materials are in good condition they pose little health risk. However, where fibro or other non-friable asbestos sheeting is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health. Disturbing or removing asbestos containing materials unsafely can create a hazard.

The occupational standard for asbestos is 0.1fibre/ml of air and the environmental standard is 0.01fibre/ml in air. When someone has potentially been exposed to asbestos, or receives or expects they may receive a diagnosis of an asbestos-related disease, they may experience psychological distress, including anxiety and may be in need of support. Their family and those around them may also be vulnerable to psychological distress.



## Appendix B – Further information

### Aboriginal communities

*Illegal dumping prevention and clean-up. Handbook for Aboriginal communities*, 2008 (EPA)

[www.epa.nsw.gov.au/illegaldumping/resources.html](http://www.epa.nsw.gov.au/illegaldumping/resources.html)

### Asbestos contractors

*Choosing an asbestos consultant fact sheet* (catalogue no. WC04547) (SafeWork NSW)

[www.safework.nsw.gov.au/formspublications/publications/Pages/Choosinganasbestosconsultant.aspx](http://www.safework.nsw.gov.au/formspublications/publications/Pages/Choosinganasbestosconsultant.aspx)

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages [www.yellowpages.com.au](http://www.yellowpages.com.au) or by contacting the Asbestos Removal Contractors Association NSW (ARCA) [www.arcansw.asn.au](http://www.arcansw.asn.au) or by emailing: [email@arcansw.asn.au](mailto:email@arcansw.asn.au). An asbestos removal contractor's licence can be verified by contacting the SafeWork NSW's Certification Unit on **13 10 50**.

### Asbestos waste

Advice about safely disposing of household asbestos waste can be found at:

[www.epa.nsw.gov.au/managewaste/house-asbestos.html](http://www.epa.nsw.gov.au/managewaste/house-asbestos.html)

Asbestos waste disposal facility search function on the Asbestos Safety and Eradication Agency website:

[www.asbestossafety.gov.au/search-disposal-facilities](http://www.asbestossafety.gov.au/search-disposal-facilities)

*Crackdown on Illegal Dumping: A Handbook for Local Government*, 2007 (EPA)

[www.epa.nsw.gov.au/illegaldumping/resources.html](http://www.epa.nsw.gov.au/illegaldumping/resources.html)

*Illegally Dumped Asbestos Clean Up Program (IDACUP)*: Council may become involved in clean up activities of illegally dumped asbestos waste. Where the responsible party is unknown, unavailable, unwilling (despite a legal obligation to do so) or unable to pay for clean up within the timeframe required to avoid or at least minimise harm to the environment or public health, Council may apply for funding under the IDACUP. Information about the IDACUP is available at:

[www.environment.nsw.gov.au/grants/IDACUP.html](http://www.environment.nsw.gov.au/grants/IDACUP.html)

*Regional Illegal Dumping (RID) Squads*: are regionally based teams that specialise in dealing with illegal dumping. The squads are funded by the EPA and the member local councils who opt to work together and pool resources to tackle illegal dumping.

*RIDonline* is a statewide illegal dumping database and reporting tool to assist councils and the EPA develop a comprehensive picture of the extent of illegal dumping in NSW. Members of the community can assist by reporting illegal dumping online through the RIDonline App, available for the public to download in February 2016.

For more information on illegal dumping and safely disposing of asbestos waste visit the EPA website:

[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

*Management of asbestos in recycled construction and demolition waste*, 2010 (SafeWork NSW)

[www.safework.nsw.gov.au/data/assets/pdf\\_file/0017/18323/asbestos\\_recycled\\_construction\\_deomolition\\_waste\\_2772.pdf](http://www.safework.nsw.gov.au/data/assets/pdf_file/0017/18323/asbestos_recycled_construction_deomolition_waste_2772.pdf)

**Contaminated land**

*Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997, 2015 (EPA).*  
[www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf](http://www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf)

*Managing land contamination: Planning guidelines SEPP 55 – Remediation of land, 1998 (Department of Planning and Environment and EPA)*  
[www.epa.nsw.gov.au/resources/clm/gu\\_contam.pdf](http://www.epa.nsw.gov.au/resources/clm/gu_contam.pdf)

**Emergency management**

*Guidance Material: Asbestos and Fire-damaged Buildings, 2015 (EPA)*

[www.epa.nsw.gov.au/resources/waste/asbestos/150044-asbestos-fire-damaged-buildings.pdf](http://www.epa.nsw.gov.au/resources/waste/asbestos/150044-asbestos-fire-damaged-buildings.pdf)

*NSW Asbestos Emergency Plan: The NSW Asbestos Emergency sub plan details the specific arrangements for the coordinated funding and management of asbestos debris during and following a larger scale emergency, being an event that requires a significant and coordinated response, where the presence of asbestos containing material in the community poses a significant risk to public health and safety.*  
[www.emergency.nsw.gov.au/publications/plans/sub-plans/asbestos.html](http://www.emergency.nsw.gov.au/publications/plans/sub-plans/asbestos.html)

**Environmental risk assessment**

*Environmental health risk assessment: Guidelines for assessing human health risks from environmental hazards, 2002 (Commonwealth of Australia)*  
Available via email by contacting the enHealth Secretariat: [enHealth.Secretariat@health.gov.au](mailto:enHealth.Secretariat@health.gov.au)

**Health**

*Asbestos and health risks fact sheet, 2007 (NSW Health)*  
[www.health.nsw.gov.au/environment/factsheets/Pages/asbestos-and-health-risks.aspx](http://www.health.nsw.gov.au/environment/factsheets/Pages/asbestos-and-health-risks.aspx)

Available via email by contacting the enHealth Secretariat: [enHealth.Secretariat@health.gov.au](mailto:enHealth.Secretariat@health.gov.au)

Further advice concerning the health risks of asbestos can be obtained from your local public health unit.

**Renovation and development**

*Asbestos: A guide for householders and the general public, Environmental Health Standing Committee (enHealth), Australian Health Protection Principal Committee, Canberra, 2013 (available at:*  
[www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc~asbestos-about](http://www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc~asbestos-about)

*Asbestos Awareness website (Asbestos Education Committee)*  
[www.asbestosawareness.com.au](http://www.asbestosawareness.com.au)

*Choosing and working with a principal certifying authority: A guide for anyone planning to build or subdivide, 2011 (Building Professionals Board)*  
[www.bpb.nsw.gov.au/sites/default/files/public/Finalbuildingapproch.pdf](http://www.bpb.nsw.gov.au/sites/default/files/public/Finalbuildingapproch.pdf)

**Practical guidance**

*Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by SafeWork NSW*  
[www.safework.nsw.gov.au/data/assets/pdf\\_file/0015/15216/how-to-manage-control-asbestos-workplace-code-of-practise-3560.pdf](http://www.safework.nsw.gov.au/data/assets/pdf_file/0015/15216/how-to-manage-control-asbestos-workplace-code-of-practise-3560.pdf)

*Code of practice on how to safely remove asbestos (catalogue no. WC03561) published by SafeWork NSW*

[www.safework.nsw.gov.au/data/assets/pdf\\_file/0016/15217/how-to-safely-remove-asbestos-code-of-practice-3561.pdf](http://www.safework.nsw.gov.au/data/assets/pdf_file/0016/15217/how-to-safely-remove-asbestos-code-of-practice-3561.pdf)

**Tenants**

*Tenants rights Fact sheet 26 Asbestos and lead, 2010 (Tenants NSW)*  
[www.tenants.org.au/publish/factsheet-26-asbestos-lead/index.php](http://www.tenants.org.au/publish/factsheet-26-asbestos-lead/index.php)

**Tenants – Housing NSW tenants**

*Asbestos fact sheet, 2010 (Housing NSW)*  
[www.housing.nsw.gov.au/NR/rdonlyres/F4E1131F-2764-4CB1-BC07-98EB6C594085/0/Asbestos.pdf](http://www.housing.nsw.gov.au/NR/rdonlyres/F4E1131F-2764-4CB1-BC07-98EB6C594085/0/Asbestos.pdf)





## Appendix C – Definitions

The terms used in the policy are defined as below, consistent with the definitions in the:

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW;
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW;
- *Contaminated Land Management Act 1997*;
- *Environmental Planning and Assessment Act 1979*;
- *Emergency Pollution and Orphan Waste Clean-Up Program Guidelines 2008*;
- *Protection of the Environment Operations Act 1997*;
- *Waste classification guidelines part 1 classifying waste 2008*;
- *NSW Work Health and Safety Act 2011*;
- *NSW Work Health and Safety Regulation 2011*.

**accredited certifier** in relation to matters of a particular kind, means the holder of a certificate of accreditation as an accredited certifier under the *Building Professionals Act 2005* in relation to those matters.

**airborne asbestos** means any fibres of asbestos small enough to be made airborne. For the purposes of monitoring airborne asbestos fibres, only respirable fibres are counted.

**asbestos** means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including the following.

- a) Actinolite asbestos
- b) Grunerite (or amosite) asbestos (brown)
- c) Anthophyllite asbestos
- d) Chrysotile asbestos (white)
- e) Crocidolite asbestos (blue)
- f) Tremolite asbestos
- g) A mixture that contains 1 or more of the minerals referred to in paragraphs (a) to (f).

**asbestos containing material (ACM)** means any material or thing that, as part of its design, contains asbestos.

**asbestos-contaminated dust or debris (ACD)** means dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos.

**asbestos-related work** means work involving asbestos that is permitted under the *Work Health and Safety Regulation 2011*, other than asbestos removal work.

**asbestos removal licence** means a Class A asbestos removal licence or a Class B asbestos removal licence.

### **asbestos removal work**

means:

- Work involving the removal of asbestos or asbestos containing material; or
- Class A asbestos removal work or Class B asbestos removal work.

**asbestos removalist** means a person conducting a business or undertaking who carries out asbestos removal work.

**asbestos waste** means any waste that contains asbestos. This includes asbestos or asbestos containing material removed and disposable items used during asbestos removal work including plastic sheeting and disposable tools.



**certifying authority** means a person who is authorised by or under section 85A of the *Environmental Planning and Assessment Act 1979* to issue complying development certificates, or is authorised by or under section 109D of the *Environmental Planning and Assessment Act 1979* to issue part 4A certificates.

**Class A asbestos removal licence** means a licence that authorises the carrying out of Class A asbestos removal work and Class B asbestos removal work by or on behalf of the licence holder.

**Class A asbestos removal work** means the removal of friable asbestos which must be licensed under clause 485 of the Work Health and Safety Regulation 2011. This does not include: the removal of ACD that is associated with the removal of non-friable asbestos, or ACD that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

**Class B asbestos removal licence** means a licence that authorises the carrying out of Class B asbestos removal work by or on behalf of the licence holder.

**Class B asbestos removal work** means the removal of more than 10 square metres of non-friable asbestos or asbestos containing material work that is required to be licensed under clause 487, but does not include Class A asbestos removal work.

**competent person** means: a person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds:

- A certification in relation to the specified VET course for asbestos assessor work; or
- A tertiary qualification in occupational health and safety, occupational hygiene, science, building, construction or environmental health.

**complying development** is a fast track, 10 day approval process where a building meets all of the predetermined standards established in either a state or local council planning document. A complying development certificate can be issued by either a local council or an accredited certifier.

**complying development certificate**

**contaminant** means any substance that may be harmful to health or safety.

**contamination of land** means the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.

**control measure**, in relation to a risk to health and safety, means a measure to eliminate or minimise the risk.

**demolition work** means work to demolish or dismantle a structure, or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure, but does not include:

- The dismantling of formwork, falsework, or other structures designed or used to provide support, access or containment during construction work; or
- The removal of power, light or telecommunication poles.



**development** means:

- The use of land;
- The subdivision of land;
- The erection of a building;
- The carrying out of a work;
- The demolition of a building or work;
- Any other act, matter or thing referred to in section 26 of the *Environmental Planning and Assessment Act 1979* that is controlled by an environmental planning instrument.

**development application** means an application for consent under part 4 of the *Environmental Planning and Assessment Act 1979* to carry out development but does not include an application for a complying development certificate.

**emergency service organisation** includes any of the following:

- The Ambulance Service of NSW;
- Fire and Rescue NSW;
- The NSW Rural Fire Service;
- The NSW Police Force;
- The State Emergency Service;
- The NSW Volunteer Rescue Association Inc;
- The NSW Mines Rescue Brigade established under the *Coal Industry Act 2001*;
- An accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

**exempt development** means minor development that does not require any planning or construction approval because it is exempt from planning approval.

**exposure standard for asbestos** is a respirable fibre level of 0.1 fibres/ml of air measured in a person's breathing zone and expressed as a time weighted average fibre concentration calculated over an eight-hour working day and measured over a minimum period of four hours in accordance with the Membrane Filter Method or a method determined by the relevant regulator.

**friable asbestos** means material that:

- Is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry;
- Contains asbestos.

**health** means physical and psychological health.

**health monitoring**, of a person, means monitoring the person to identify changes in the person's health status because of exposure to certain substances.

**independent**, in relation to clearance inspections and air monitoring means:

- Not involved in the removal of the asbestos;
- Not involved in a business or undertaking involved in the removal of the asbestos, in relation to Which the inspection or monitoring is conducted.

**in situ asbestos** means asbestos or asbestos containing material fixed or installed in a structure, equipment or plant, but does not include naturally occurring asbestos.

**licence holder** means: in the case of an asbestos assessor licence – the person who is licensed:

- To carry out air monitoring during Class A asbestos removal work;
- To carry out clearance inspections of Class A asbestos removal work;



- To issue clearance certificates in relation to Class A asbestos removal work; or
  - In the case of an asbestos removal licence – the person conducting the business or undertaking to whom the licence is granted; or
  - In the case of a major hazard facility licence – the operator of the major hazard facility to whom the licence is granted or transferred.

**licensed asbestos assessor** means a person who holds an asbestos assessor licence.

**licensed asbestos removalist** means a person conducting a business or undertaking who is licensed under the *Work Health and Safety Regulation 2011* to carry out Class A asbestos removal work or Class B asbestos removal work.

**licensed asbestos removal work** means asbestos removal work for which a Class A asbestos removal licence or Class B asbestos removal licence is required.

**NATA** means the National Association of Testing Authorities, Australia.

**NATA-accredited laboratory** means a testing laboratory accredited by NATA, or recognised by NATA either solely or with someone else.

**naturally occurring** asbestos means the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

**non-friable asbestos** means material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.

**Note.** Non-friable asbestos may become friable asbestos through deterioration (see definition of friable asbestos).

**occupational hygienist** means a person with relevant qualifications and experience in asbestos management who is a full member of the Australian Institute of Occupational Hygienists (AIOH).

**occupier** includes a tenant or other lawful occupant of premises, not being the owner.

**officer** means an officer as defined in the NSW *Work Health and Safety Act 2011*.

**orphan waste** means materials that have been placed or disposed of on a premises unlawfully that may have the potential to pose a risk to the environment or public health.

**person conducting a business or undertaking** a 'person' is defined in laws dealing with interpretation of legislation to include a body corporate (company), unincorporated body or association and a partnership.

**personal protective equipment** means anything used or worn by a person to minimise risk to the person's health and safety, including air supplied respiratory equipment.

**respirable asbestos fibre** means an asbestos fibre that:

- Is less than three micrometres wide;
- More than five micrometres long;
- Has a length to width ratio of more than.

**specified VET course** means:

- In relation to Class A asbestos removal work – the following VET courses:
  - Remove non-friable asbestos;
  - remove friable asbestos; or
- In relation to Class B asbestos removal work – the VET course Remove non-friable asbestos; or



- In relation to the supervision of asbestos removal work – the VET course Supervise asbestos removal; or
- In relation to asbestos assessor work – the VET course Conduct asbestos assessment associated with removal.

**structure** means anything that is constructed, whether fixed or moveable, temporary or permanent, and includes:

- Buildings, masts, towers, framework, pipelines, transport infrastructure and underground works (shafts or tunnels);
- Any component of a structure;
- Part of a structure;
- Volunteer means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses).

**waste** includes:

- Any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment; or
- Any discarded, rejected, unwanted, surplus or abandoned substance; or
- Any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance; or
- Any process, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations; or
- Any substance prescribed by the regulations made under the *Protection of the Environment Operations Act 1997* to be waste.

**waste facility** means any premises used for the storage, treatment, processing, sorting or disposal of waste (except as provided by the regulations).

**worker** a person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:

- An employee; or
- A contractor or subcontractor; or
- An employee of a contractor or subcontractor; or
- An employee of a labour hire company who has been assigned to work in the person's business or undertaking; or
- An outworker; or
- An apprentice or trainee; or
- A student gaining work experience; or
- A volunteer; or
- A person of a prescribed class.

**workplace** a workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. Place includes: a vehicle, vessel, aircraft or other mobile structure, and any waters and any installation on land, on the bed of any waters or floating on any waters.



## Appendix D – Acronyms

ACD	Asbestos Containing Dust (an acronym used in the legislation)	
ACM	Asbestos Containing Material (an acronym used in the legislation)	
ARA	Appropriate Regulatory Authority (an acronym used in the legislation)	
DA	Development Application	
EPA	Environment Protection Authority	
JRPP	Joint Regional Planning Panel	LGA Local Government Area
NATA	National Association of Testing Authorities	
NSW	New South Wales	
SEPP	State Environmental Planning Policy	
VET	Vocational Education and Training	





## Appendix E – Relevant contacts

Narrabri Shire Council  
46-48 Maitland Street  
NARRABRI NSW 2390  
Telephone: (02) 6799 6866  
Email: [council@narrabri.nsw.gov.au](mailto:council@narrabri.nsw.gov.au)  
Web site: [www.narrabri.nsw.gov.au](http://www.narrabri.nsw.gov.au)

### **Narrabri Waste Management Facility**

Dump Road with Yarrie Lake Road NARRABRI NSW 2390  
Telephone: (02) Mobile: 0427 101 125

### **Asbestos-related disease organisations (non-exhaustive) Asbestos Diseases Foundation Australia Inc**

Phone: (02) 9637 8759  
Helpline: 1800 006 196  
Email: [info@adfa.org.au](mailto:info@adfa.org.au)  
Website: [www.adfa.org.au](http://www.adfa.org.au)

### **Asbestos Diseases Research Institute**

Phone: (02) 9767 9800  
Email: [info@adri.org.au](mailto:info@adri.org.au)  
Website: [www.adri.org.au](http://www.adri.org.au)

### **Australian Institute of Occupational Hygienists Inc.**

Phone: (03) 9338 1635  
Email: [admin@aioh.org.au](mailto:admin@aioh.org.au)  
Website: [www.aioh.org.au](http://www.aioh.org.au)

### **Dust and Diseases Authority**

Phone: (02) 8223 6600  
Toll Free: 1800 550 027  
Email: [DDAenquiries@icare.nsw.gov.au](mailto:DDAenquiries@icare.nsw.gov.au)  
Website: [www.icare.nsw.gov.au](http://www.icare.nsw.gov.au)

### **Environment Protection Authority (EPA)**

Phone: (02) 9995 5000  
Environment line: 13 15 55  
Email: [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)  
Website: [www.epa.nsw.gov.au/epa](http://www.epa.nsw.gov.au/epa)

### **Licensed Asbestos Contractors**

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages website: [www.yellowpages.com.au](http://www.yellowpages.com.au) or contact:

**Asbestos Removal Contractors Association NSW**

PO Box Q1882  
Queen Victoria Building  
NSW 1230  
Email: [email@arcansw.asn.au](mailto:email@arcansw.asn.au)  
Website: [www.arcansw.asn.au](http://www.arcansw.asn.au)

Verification of an asbestos removal contractor's licence can be checked by contacting SafeWork NSW's  
Certification Unit Phone: **13 10 50**

**Civil Contractors Federation (CCF)**

Phone: (02) 9009 4000  
Email: [ccfnsw@ccfnsw.com](mailto:ccfnsw@ccfnsw.com)  
Website: [www.ccfnsf.com/](http://www.ccfnsf.com/)

**Local Government NSW**

Phone: (02) 9242 4000  
Email: [lgnsf@lgnsf.org.au](mailto:lgnsf@lgnsf.org.au)  
Website: [www.lgnsf.org.au](http://www.lgnsf.org.au)

**NSW Ombudsman**

Phone: (02) 9286 1000  
Toll free (outside Sydney metro): 1800 451 524  
Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)  
Website: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

**Training providers (non-exhaustive)****TAFE NSW**

Phone: 131 601  
Website: [www.tafensw.edu.au](http://www.tafensw.edu.au)

**Housing Industry Association (HIA)**

Phone: (02) 9978 3333  
Website: [www.hia.com.au/](http://www.hia.com.au/)

**Local Government Training Institute**

Phone: (02) 4922 2333  
Website: [www.lgti.com.au](http://www.lgti.com.au)

**Comet Training**

Phone: (02) 9649 5000  
Website: [www.comet-training.com.au/site](http://www.comet-training.com.au/site)

**Master Builders Association (MBA)**

Phone: (02) 8586 3521  
Website: [www.masterbuilders.com.au](http://www.masterbuilders.com.au)

**SafeWork NSW**

SafeWork NSW Information Centre Phone: 13 10 50  
SafeWork NSW – Asbestos/Demolition Hotline Phone: (02) 8260 5885  
Website: [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)



## Appendix F - Waste management facilities that accept asbestos wastes

Waste management facilities that can accept asbestos waste may be operated by council, the State Government or private enterprise. The fees charged by the facility operators for waste received are determined by the facility.

Not all waste management centres accept asbestos waste from the public. Management of asbestos waste requires special precautions such as a separate disposal location away from other general waste and controls to prevent the liberation of asbestos fibres, such as the immediate covering of such waste.

In Narrabri Shire the only place that accept asbestos waste in Narrabri Shire Waste management facility. Asbestos must be wrapped according to EPA requirement. A 24 hours booking must be done prior to take the asbestos to the waste Facility.

### Waste management facilities in other areas that accept asbestos wastes

A list of licensed landfills that may accept asbestos waste from the public is available on the EPA website at:

[www.epa.nsw.gov.au/managewaste/house-asbestos-land.html](http://www.epa.nsw.gov.au/managewaste/house-asbestos-land.html)

Some of the landfills may accept non-friable asbestos waste but not friable asbestos waste. Some landfills may not accept large quantities of asbestos waste.

Always contact the landfill before taking asbestos waste to a landfill to find out whether asbestos is accepted and any requirements for delivering asbestos to the landfill. EPA does not endorse any of the landfills listed on the website or guarantee that they will accept asbestos under all circumstances.

## Appendix G - Asbestos-related legislation, policies and standards

- *Contaminated Land Management Act 1997;*
- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560). Published by SafeWork NSW;
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW;
- *Demolition work code of practice 2015;*
- *Environmental Planning and Assessment Act 1979;*
- *Environmental Planning and Assessment Regulation 2000;*
- *Local Government Act 1993;*
- *Local Government (General) Regulation 2005;*
- *Protection of the Environment Operations (General) Regulation 2009;*
- *Protection of the Environment Operations (Waste) Regulation 2014;*
- *Protection of the Environment Operations Act 1997;*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;*
- *NSW Work Health and Safety Act 2011;*
- *NSW Work Health and Safety Regulation 2011;*
- *Workers' Compensation (Dust Diseases) Act 1942;*
- *Council Procedure - Management of Workplace Asbestos*



## Appendix H – Agencies roles and responsibilities

### NSW Organisations

#### Department of Planning and Environment (DPE)

DPE's primary role in the management of asbestos relates to administration of State Environmental Planning Policies, and the *Environmental Planning and Assessment Act 1979* (and associated Regulation).

Whilst DPE does not have an operational role in the management of asbestos, it has a regulatory function and provides policy support relating to asbestos and development. In assessing proposals for development under the *Environmental Planning and Assessment Act 1979*, consent authorities are required to consider the suitability of the subject land for the proposed development. This includes consideration of the presence of asbestos and its environmental impact.

Where asbestos represents contamination of the land (ie it is present in excess of naturally occurring levels), *State Environmental Planning Policy No. 55 – Remediation of Land* imposes obligations on developers and consent authorities in relation to remediation of the land and the assessment and monitoring of its effectiveness.

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* enables exempt and complying development across the state. While this includes demolition and the removal of asbestos, the *Environmental Planning and Assessment Regulation 2000* specifies particular conditions that must be contained in a complying development certificate in relation to the handling and lawful disposal of both friable and non-friable asbestos material under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

#### Dust Diseases Authority (DDA)

The Dust Diseases Authority provides a system of no fault compensation to people who have developed a dust disease from occupational exposure to dust as a worker in New South Wales and to their dependants. The DDA's statutory function is to administer the *Workers' Compensation (Dust Diseases) Act 1942*. Services include:

- Payment of compensation benefits to eligible workers and dependants;
- Co-ordination and payment of medical and related health care expenses of affected;
- Medical examination of workers exposed to dust in the workplace;
- Information and education.

#### Environment Protection Authority (EPA)

EPA's role is to regulate the classification, storage, transport and disposal of waste in NSW, including asbestos waste. The waste regulatory framework includes the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2014*. Clauses 77 through to 81 of the *Protection of the Environment Operations (Waste) Regulation 2014* set out the special requirements relating to the transportation and disposal of asbestos waste.

EPA is the appropriate regulatory authority for activities that require an environment protection licence or are carried out by public authorities such as local councils, the Roads and Maritime Services and Sydney Water. Local councils are the appropriate regulatory authority for activities that are not regulated by the EPA, which typically include building demolition, construction sites, residential properties, commercial sites and small to medium sized industrial facilities.

EPA is responsible for assisting councils in fulfilling their regulatory responsibilities. EPA has developed resources to assist Local Government to regulate asbestos waste incidents and prevent illegal dumping. Website links to these resources are provided in Appendix B.

The EPA maintains the regulatory framework for the remediation of contaminated land (the *Contaminated Land Management Act 1997*) and actively regulates land that is declared to be 'significantly contaminated' under the *Contaminated Land Management Act 1997*.

**Heads of Asbestos Coordination Authorities (HACA)**

The HACA is chaired by SafeWork NSW with senior officials from:

- Department of Industry;
- Department of Planning and Environment;
- Dust Diseases Authority;
- Environment Protection Authority;
- Local Government NSW;
- Ministry of Health;
- Office of Emergency Management;
- Office of Local Government.

The HACA group will improve the management, monitoring and response to asbestos issues in NSW by developing coordinated prevention programs. These programs include a comprehensive public awareness campaign to promote the safe handling of asbestos and help prevent the risk of exposure to asbestos-related diseases in the NSW community. Further information about the HACA can be found on the SafeWork NSW website: [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au).

**Local Government NSW (LGNSW)**

Local Government NSW (LGNSW) is the peak body for councils in NSW. LGNSW represents all NSW general-purpose councils, the special-purpose county councils and the NSW Aboriginal Land Council.

LGNSW is a credible, professional organisation facilitating the development of an effective community-based system of Local Government in NSW. LGNSW represents the views of councils to NSW and Australian Governments; provides industrial relations and specialist services to councils; and promotes NSW councils to the community.

In 2012, LGNSW commenced a project funded by SafeWork NSW to assist councils to adopt and implement a model asbestos policy. The project is outlined at: [www.lgnsw.org.au](http://www.lgnsw.org.au)

**NSW Department of Industry**

The NSW Department of Industry, Skills and Regional Development (known as the NSW Department of Industry) leads the state government's contribution to making NSW:

- A fertile place to invest and to produce goods and services; and thereby
- Create jobs and opportunities for our citizens.

The NSW Department of Industry also has responsibilities for:

- Skill formation and development to match industry demand;
- Partnering with stakeholders in stewardship and sustainable use of the state's natural resources; and
- Supporting economic growth in the regions.

Within the Division of Resources & Energy in the Department, the Geological Survey of NSW teams of field geologists, geophysicists, mineral geoscientists and palaeontologists and geospatial specialists produce a range of maps. Geological mapping records the distribution of rock types and location of structures at or near the Earth's surface. The maps have applications to land use assessment, engineering construction, environmental management and natural hazard risk assessment.

The Geological Survey of NSW prepared the state-wide mapping of naturally occurring asbestos (NOA) in NSW for the Heads of Asbestos Coordination Authorities.

**NSW Ministry of Health**

The NSW Ministry of Health does not have express statutory responsibilities for managing asbestos-related risks and incidents in NSW. The Ministry provides an expert advisory service to other governmental agencies on public health issues. This service may include technical information or assistance to prepare public health information bulletins.



**NSW Ombudsman**

The NSW Ombudsman is an independent and impartial watchdog body. The NSW Ombudsman is responsible for ensuring that public and private sector agencies and employees within its jurisdiction fulfil their functions appropriately. The NSW Ombudsman assists those agencies and their employees to be aware of their responsibilities to the public, to act reasonably and to comply with the law and best administrative practice.

**Office of Fair Trading and the Building Professionals Board (BPB)**

NSW Fair Trading safeguards the rights of all consumers and advises business and traders on fair and ethical practice. NSW Fair Trading provides services directly to individuals and businesses to create a fair, safe and equitable marketplace.

NSW Fair Trading is establishing a Loose-Fill Asbestos Implementation Taskforce responsible for overseeing and implementing the NSW Government Voluntary Purchase and Demolition Program for properties containing loose-fill asbestos insulation. The Loose-Fill Asbestos Implementation Taskforce will be in place until work is completed on the purchase and demolition of all properties that choose to participate in the Program.

The Building Professionals Board (BPB) is now part of Fair Trading and oversees building and subdivision certification. The BPB's role involves providing practice advice and educational programs to assist certifying authorities (private and council) in carrying out their role. The BPB certifies and audits both private and council certifiers. Further information about the BPB may be found at: [www.bpb.nsw.gov.au](http://www.bpb.nsw.gov.au)

**Office of Local Government**

The Office of Local Government is responsible for local government across NSW. The Office's organisational purpose is to 'Strengthen Local Government' and its organisational outcome is 'Fit for the future councils leading strong communities'.

The Office has a policy, legislative, investigative and program focus in matters ranging from Local Government finance, infrastructure, governance, performance, collaboration and community engagement. The Office strives to work collaboratively with the Local Government sector and is the key adviser to the NSW Government on Local Government matters.

**SafeWork NSW**

SafeWork NSW is responsible for the issuing and control of licences that are issued to all asbestos removal and demolition contractors. SafeWork NSW works with the employers, workers and community of NSW to achieve safer and more productive workplaces, and effective recovery, return to work and security for injured workers.

SafeWork NSW administers work health and safety, injury management, return to work and workers compensation laws, and manage the workers compensation system. SafeWork NSW's activities include: health and safety, injuries and claims, licensing for some types of plant operators, registration of some types of plant and factories, training and assessment, medical and healthcare, law and policy.

The SafeWork NSW website provides a wide range of asbestos resources, support networks and links at:

[www.SafeWorkNSW.nsw.gov.au/newlegislation2012/health-and-safety-topics/asbestos/Pages/default.aspx](http://www.SafeWorkNSW.nsw.gov.au/newlegislation2012/health-and-safety-topics/asbestos/Pages/default.aspx)

**National Organisations****Asbestos Safety and Eradication Agency**

The Asbestos Safety and Eradication Agency was established in 2013 to provide a national focus on asbestos issues which go beyond workplace safety to encompass environmental and public health issues. The agency's objective is to eliminate asbestos-related disease in Australia.

The agency has broad functions under its legislation, including:

- Reporting on the implementation of the National Strategic Plan on Asbestos Awareness and Management (NSP); reviewing and amending the NSP as required and promoting the NSP;
- Providing advice to the Minister about asbestos safety;
- Liaising with all levels of government, agencies or bodies about the implementation of the NSP; as well as asbestos safety in general; and
- Commissioning, monitoring and promoting research about asbestos safety.





The agency administers the National Asbestos Exposure Register which was created to record the details of members of the community who may have been exposed to asbestos. Registration forms are online at: <https://www.asbestossafety.gov.au/national-asbestos-exposure-register>.

The agency also maintains a national database for asbestos disposal facilities, which members of the public can search to identify their nearest facility that accepts asbestos waste, available online at: <https://www.asbestossafety.gov.au/search-disposal-facilities>.

Councils interested in finding out more about the agency, updating information listed on the disposal database, or receiving information, flyers or brochures for distribution within the LGA should contact the agency at [enquiries@asbestossafety.gov.au](mailto:enquiries@asbestossafety.gov.au).

#### **National Association of Testing Authorities (NATA)**

This body has the role of providing accreditation to firms licensed to remove asbestos.

NSW (Head Office) and ACT

Phone: (02) 9736 8222

National Toll Free: 1800 621 666

Website: [www.nata.asn.au](http://www.nata.asn.au)

#### **Environmental Health Committee (enHealth)**

The Environmental Health Committee (enHealth) is a subcommittee of the Australian Health Protection Committee (AHPC). enHealth provides health policy advice, implementation of the National Environmental Health Strategy 2007-2012, consultation with key players, and the development and coordination of research, information and practical resources on environmental health matters at a national level.

Website: [www.health.gov.au/internet/main/publishing.nsf/content/ohp-environ-enhealth-committee.html](http://www.health.gov.au/internet/main/publishing.nsf/content/ohp-environ-enhealth-committee.html)

#### **Safe Work Australia**

Safe Work Australia is an Australian Government statutory agency established in 2009, with the primary responsibility of improving work health and safety and workers' compensation arrangements across Australia.

Phone: (02) 6121 5317

Email: [info@swa.gov.au](mailto:info@swa.gov.au)

Website: [www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au)

### **Appendix I – Scenarios illustrating which agencies lead a response in NSW**

The tables show which agencies are responsible for regulating the following scenarios in NSW:

- Emergency management;
- naturally occurring asbestos;
- residential settings;
- site contamination;
- waste;
- workplaces.



## Emergency management

Scenario	Lead organisation	Other regulators
<b>Emergency response</b>	Emergency services	Fire and Rescue (Hazmat) SafeWork NSW
<b>Handover to Local council, owner of property or NSW Police – crime scene following a minor incident</b>	Local council NSW Police	
<b>Handover to State Emergency Recovery Controller</b>	State Emergency Recovery Controller	Recovery Committee Local council EPA SafeWork NSW
<b>Handover to Recovery Committee following a significant incident</b>	Recovery Committee (formed by State Emergency Recovery Controller)	Local council EPA SafeWork NSW
<b>Remediation not requiring a licensed removalist</b>	Local council	Principal Certifying Authority SafeWork NSW (workers)
<b>Remediation requiring licensed removal work</b>	SafeWork NSW	Local council Principal Certifying Authority
<b>Clearance Certificate issued by an Asbestos Assessor</b>	SafeWork NSW	Principal Certifying Authority



## Workplaces

Scenario	Lead organisation	Other regulators
Asbestos installed/supplied after 2003 (illegally)	SafeWork NSW	
Risks to the health of workers	SafeWork NSW	
Asbestos management and asbestos going to be removed	SafeWork NSW NSW Department of Industry (mine sites)	
Risks to the health of the public from worksites	SafeWork NSW (Risks to workers) Local council (Risks to the wider public) Department of Planning and Infrastructure (part 3A approvals) EPA ( <i>Protection of the Environment Operations Act 1997</i> licensed sites)	
Waste stored temporarily on-site at worksites	SafeWork NSW	
Transport or waste disposal issues	EPA	SafeWork NSW Local council
Asbestos contaminated clothing going to a laundry	SafeWork NSW	EPA Local council
Contaminated land not declared under the <i>Contaminated Land Management Act 1997</i>	Local council	EPA
'Significantly contaminated' land declared under the <i>Contaminated Land Management Act 1997</i>	EPA	Local council



## Appendix J – Asbestos Containing Materials

Some asbestos containing materials found in New South Wales domestic settings (non-exhaustive list)

Asbestos containing materials	Approximate supply dates
Cement sheets	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Cement roofing / lining slates	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Mouldings and cover strips	Available by 1920s and 1930s
Super-six (corrugated) roofing	Available by 1920s and 1930s – 1985
'Tilex' decorative wall panels	Available by 1920s and 1930s
Pipes and conduit piping	Available by 1920s and 1930s
Motor vehicle brake linings	Available by 1920s and 1930s
Striated sheeting	Available from 1957
'Asbestolux' insulation boards	Available from 1957
'Shadowline' asbestos sheeting for external walls, gable ends and fences	Available from 1958 – 1985
Vinyl floor tiles impregnated with asbestos	Available up until 1960s
Asbestos containing paper backing for linoleum	Available up until 1960s
'Durasbestos' asbestos cement products	Available up until 1960s
'Tilex' marbletone decorative wall panels	Available from early 1960s
'Tilex' weave pattern decorative wall panels	Available from early 1960s
'Hardiflex' sheeting	Available from 1960s – 1981
'Versilux' building board	Available from 1960s – 1982
'Hardiplank' and 'Hardigrain' woodgrain sheeting	Available from mid 1970s – 1981
Loose-fill, fluffy asbestos ceiling insulation	During the 1960s and 1970s, pure loose-fill asbestos was sold as ceiling insulation for residential and commercial premises. A Canberra based company known as 'Mr Fluffy' installed insulation in at least 1,000 homes in the ACT and is also understood to have installed insulation into homes in NSW.
Asbestos rope gaskets for wood heaters. Heater and stove insulation	Dates of supply availability unknown but prior to 31 December 2003
Compressed fibro-cement sheets	Available from 1960s – 1984
Villaboard	Available until 1981
Harditherm	Available until 1984
Highline	Available until 1985
Coverline	Available until 1985
Roofing accessories	Available until 1985
Pressure pipe	Available until 1987

**Sources:**

- NSW Government, 2011, *Asbestos Blueprint: A guide to roles and responsibilities for operational staff of state and local government*.
- NSW Taskforce Report: *Loose-Fill Asbestos Insulation in NSW Homes* (2015) [www.fairtrading.nsw.gov.au/biz\\_res/ftweb/pdfs/Tenants\\_and\\_home\\_owners/Loose\\_Fill\\_Abestos\\_Taskforce\\_Report.pdf](http://www.fairtrading.nsw.gov.au/biz_res/ftweb/pdfs/Tenants_and_home_owners/Loose_Fill_Abestos_Taskforce_Report.pdf) (accessed October, 2015).

**Asbestos containing materials that may be found in various settings (non-exhaustive list)****A**

Air conditioning duct, in the exterior or interior acoustic and thermal insulation

Arc shields in lift motor rooms or large electrical cabinets

Asbestos-based plastics products as electrical insulates and acid resistant compositions or aircraft seats

Asbestos ceiling tiles

Asbestos cement conduit

Asbestos cement electrical fuse boards

Asbestos cement external roofs and walls

Asbestos cement in the use of form work for pouring concrete

Asbestos cement internal flues and downpipes

Asbestos cement moulded products such as gutters, ridge capping, gas meter covers, cable troughs and covers

Asbestos cement pieces for packing spaces between floor joists and piers

Asbestos cement (underground) pit as used for traffic control wiring, telecommunications cabling etc

Asbestos cement render, plaster, mortar and coursework

Asbestos cement sheet

Asbestos cement sheet behind ceramic tiles

Asbestos cement sheet over exhaust canopies such as ovens and fume cupboards

Asbestos cement sheet internal walls and ceilings Asbestos cement sheet underlay for vinyl Asbestos cement storm drain pipes

Asbestos cement water pipes (usually underground)

Asbestos containing laminates, (such as Formica) used where heat resistance is required

Asbestos containing pegboard

Asbestos felts

Asbestos marine board, eg marinate

Asbestos mattresses used for covering hot equipment in power stations

Asbestos paper used variously for insulation, filtering and production of fire resistant laminates

Asbestos roof tiles

Asbestos textiles



Asbestos textile gussets in air conditioning ducting systems

Asbestos yarn

Autoclave/steriliser insulation

#### **B**

Bitumen-based water proofing such as malthoid (roofs and floors, also in brickwork) Bituminous adhesives and sealants

Boiler gaskets

Boiler insulation, slabs and wet mix

Brake disc pads

Brake linings

#### **C**

Cable penetration insulation bags (typically Telecom) Calorifier insulation

Car body filters (uncommon)

Caulking compounds, sealant and adhesives

Ceiling insulation (which may have moved into wall cavities, cornices and sub-floor areas) Cement render

Chrysotile wicks in kerosene heaters

Clutch faces

Compressed asbestos cement panels for flooring, typically verandas, bathrooms and steps for demountable buildings

Compressed asbestos fibres (CAF) used in brakes and gaskets for plant and automobiles

#### **D**

Door seals on ovens

#### **E**

Electric heat banks – block insulation

Electric hot water services (normally no asbestos, but some millboard could be present) Electric light fittings, high wattage, insulation around fitting (and bituminised)

Electrical switchboards see Pitch-based

Exhausts on vehicles

#### **F**

Filler in acetylene gas cylinders

Filters: beverage wine filtration

Fire blankets

Fire curtains





Fire door insulation

Fire-rated wall rendering containing asbestos with mortar

Fire-resistant plaster board, typically on ships

Fire-retardant material on steel work supporting reactors on columns in refineries in the chemical industry

Flexible hoses Floor vinyl sheets

Floor vinyl tiles

Fuse blankets and ceramic fuses in switchboards

## G

Galbestos™ roofing materials (decorative coating on metal roof for sound proofing)

Gaskets: chemicals, refineries

Gaskets: general

Gauze mats in laboratories/chemical refineries

Gloves: asbestos

## H

Hairdryers: insulation around heating elements

Header (manifold) insulation

## I

Insulation blocks

Insulation in ceilings, which may have spread to wall cavities, cornices and sub-floor areas

Insulation in electric reheat units for air conditioner systems

## L

Laboratory bench tops

Laboratory fume cupboard panels

Laboratory ovens: wall insulation

Lagged exhaust pipes on emergency power generators

Lagging in penetrations in fireproof walls

Lift shafts: asbestos cement panels lining the shaft at the opening of each floor and asbestos packing around penetrations

Limpet asbestos spray insulation

Locomotives: steam, lagging on boilers, steam lines, steam dome and gaskets

**M**

Mastik

Millboard between heating unit and wall

Millboard lining of switchboxes

Mortar

**P**

Packing materials for gauges, valves, etc can be square packing, rope or loose fibre

Packing material on window anchorage points in high-rise buildings

Paint, typically industrial epoxy paints

Penetrations through concrete slabs in high rise buildings

Pipe insulation including moulded sections, water-mix type, rope braid and sheet

Plaster and plaster cornice adhesives

Pipe insulation: moulded sections, water-mix type, rope braid and sheet

Pitch-based (zelemite, ausbestos, lebah) electrical switchboard

**R**

Refractory linings

Refractory tiles

Rubber articles: extent of usage unknown

**S**

Sealant between floor slab and wall, usually in boiler rooms, risers or lift shafts

Sealant or mastik on windows

Sealants and mastik in air conditioning ducting joints

Spackle or plasterboard wall jointing compounds

Sprayed insulation: acoustic wall and ceiling

Sprayed insulation: beams and ceiling slabs

Sprayed insulation: fire retardant sprayed on nut internally, for bolts holding external building wall panels

Stoves: old domestic type, wall insulation

**T**

Tape and rope: lagging and jointing

Tapered ends of pipe lagging, where lagging is not necessarily asbestos

Tilux sheeting in place of ceramic tiles in bathrooms

Trailing cable under lift cabins

Trains: country – guards vans – millboard between heater and wall



Trains – Harris cars – sprayed asbestos between steel shell and laminex

**V**

Valve and pump insulation

**W**

Welding rods

Woven asbestos cable sheath

**References:**

- *Environmental health notes number 2 guidelines for local government on asbestos*, 2005 (Victorian Department of Human Services).  
[www.health.vic.gov.au/environment/downloads/hs523\\_notes2\\_web.pdf](http://www.health.vic.gov.au/environment/downloads/hs523_notes2_web.pdf)
- *NSW Taskforce Report: Loose-Fill Asbestos Insulation in NSW Homes* (2015)  
[www.fairtrading.nsw.gov.au/biz\\_res/ftweb/pdfs/Tenants\\_and\\_home\\_owners/Loose\\_Fill\\_Abestos\\_Taskforce\\_Report.pdf](http://www.fairtrading.nsw.gov.au/biz_res/ftweb/pdfs/Tenants_and_home_owners/Loose_Fill_Abestos_Taskforce_Report.pdf) (accessed October, 2015).



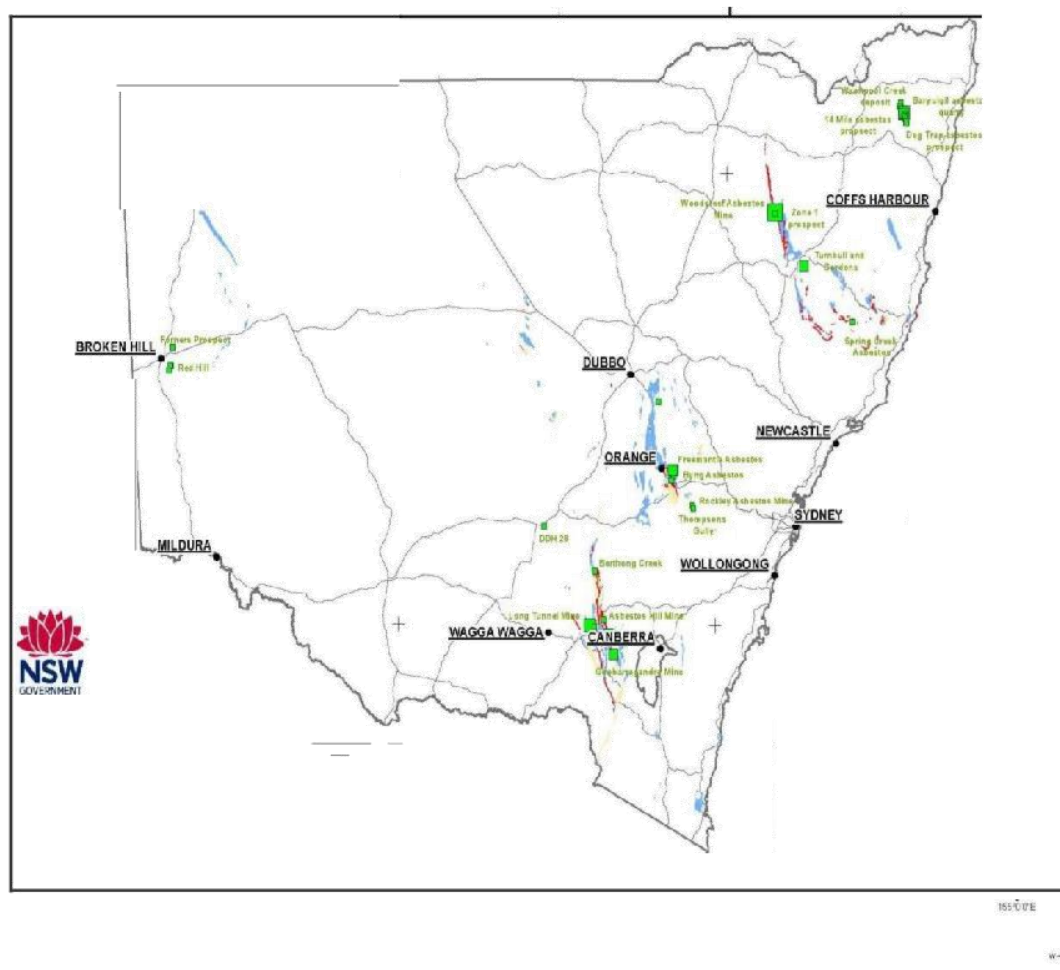
## Appendix K – Asbestos Licences

Type of licence	What asbestos can be removed?
<b>Class A</b>	Can remove any amount or quantity of asbestos or asbestos containing material, including: <ul style="list-style-type: none"> <li>any amount of friable asbestos or asbestos containing material</li> <li>any amount of asbestos containing dust</li> <li>any amount of non-friable asbestos or asbestos containing material.</li> </ul>
<b>Class B</b>	Can remove: <ul style="list-style-type: none"> <li>any amount of non-friable asbestos or asbestos containing material <ul style="list-style-type: none"> <li><b>Note:</b> A Class B licence is required for removal of more than 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material but the licence holder can also remove up to 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material.</li> </ul> </li> <li>asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material. <ul style="list-style-type: none"> <li><b>Note:</b> A Class B licence is required for removal of asbestos containing dust associated</li> </ul> </li> <li>with the removal of more than 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material but the licence holder can also remove asbestos containing dust associated with removal of up to 10m<sup>2</sup> of non-friable asbestos or asbestos containing material.</li> </ul>
<b>No licence required</b>	Can remove: <ul style="list-style-type: none"> <li>up to 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material</li> <li>asbestos containing dust that is: <ul style="list-style-type: none"> <li>associated with the removal of less than 10 m<sup>2</sup> of non-friable asbestos or asbestos containing material</li> <li>not associated with the removal of friable or non-friable asbestos and is only a minor contamination.</li> </ul> </li> </ul>

An asbestos removal contractor's licence can be verified by contacting SafeWork NSW's Certification Unit on 13 10 50.



## Appendix L – Map





## BACKFLOW PREVENTION POLICY

**Responsible Department:** Infrastructure Delivery  
**Responsible Section:** Water Services  
**Responsible Officer:** Manager Water Services

### Objective

- To separate and protect the potable water supply from real or potential hazards by the installation of backflow devices.
- To minimise cross connection and thus reduce the possibility of backflow.
- To contain any real or potential hazard within the boundaries of the consumer's property.
- To ensure that non potable water from each end user does not infiltrate the Council water supply.

### Introduction

Backflow is the reverse flow of waters or other liquids from a potentially polluted source into the Council managed water supply. This is caused by several conditions:

- Back siphonage –where the pressure in the reticulation system becomes less than atmospheric, this causes water from connected properties to flow backwards into the town's supply, for example, water main break.
- Backpressure –when the consumer's water pressure is greater than the pressure in the town's water supply.
- Cross-connection – direct or indirect physical connection of a potable water supply to a line that is non-potable, for example, town water supply to a rainwater supply.

Narrabri Shire Council as the supplier of water to the public undertakes to provide safe potable water to the consumer's property. Council ensures this by protecting the systems from contamination or pollution. Council aims to make all new and existing water connections compliant with the *Local Government Act 1993* (NSW) and Australian Standards.

### Policy

#### 1. Definitions

Term	Meaning
<b>Back siphonage</b>	Where the pressure in the reticulation system becomes less than atmospheric, this causes water from connected properties to flow backwards into the town's supply, for example, water main break.
<b>Backpressure</b>	When the consumer's water pressure is greater than the pressure in the town's water supply.
<b>Cross-connection</b>	Direct or indirect physical connection of a potable water supply to a line that is non-potable, for example, town water supply to a rainwater supply.
<b>Authorised Persons</b>	Within the meaning of this Policy, those who are either a licensed plumber or are accredited to carry out works in accordance with AS/NZS 3500.





Term	Meaning
<b>Code of Practice</b>	Within the meaning of this Policy, the current NSW Plumbing and Drainage Code of Practice.
<b>Water Service</b>	The cold potable water supply pipeline from the water main to and including the water meter, automatic meter reading device, backflow prevention assembly and flow restricting advice where fitted.
<b>Fire Service</b>	A water service dedicated only to service fire hydrants, fire hose reels, fire service fitting, including water storages, installed solely for firefighting in and around a building or property. Under certain conditions part of a fire sprinkler system may be included. A fire service that can be used for other purposes is deemed to be a water service and shall be fitted with a water meter, automatic meter reading device and when deemed appropriate a backflow prevention assembly.

## 2. Scope

- 2.1. Property owners are to meet the full cost of complying with this policy.
- 2.2. Customers are responsible for arranging the installation and maintenance of the backflow prevention devices in accordance with AS/NZS 3500:1 and AS/NZS 2845.
- 2.3. The maintenance and testing of backflow prevention devices shall be carried out by authorised persons, who are accredited to carry out testing procedures AS/NZS 3500:1 at the property owner's expense.
- 2.4. All properties must comply with the requirements of the NSW Code of Practice for Plumbing and Drainage and AS/NZS 3500:1 or this policy which ever requires the highest protection level.

## 3. Appropriate Backflow Prevention Device

- 3.1. The appropriate backflow prevention device to be installed on the property is determined by the hazard rating of the processes on site.
- 3.2. All properties within Narrabri Shire Council area that are connected to a water reticulation system require a backflow prevention device for containment at the property boundary as follows:
  - (a) Domestic Services:
    - (i) All domestic meters will have a check valve as a minimum requirement.
    - (ii) Check valves are incorporated within the water meters provided by Council for 20mm and 25mm meters.
    - (iii) Water meters larger than 25mm will require a separate device.
    - (iv) All check valves for domestic use for meters 25mm and smaller are non-testable.
  - (b) Commercial/Industrial Services:
    - (i) Owners of properties with water connections larger than 25mm will be required to install an appropriate backflow prevention device on both potable water and fire services to the property.
    - (ii) Appropriate Backflow Prevention Device are **subject** to an assessment of the property's water use activities.
  - (c) Hose Taps:
    - (i) Hose taps within 18 metres of a zone protected area within the same premises shall have a backflow protection device of the same hazard rating as the protected zone adjacent to the hose tap's location (AS/NZS 3500.1).



- (ii) This will apply to high hazard rating areas such as those that facilitate the mixing of chemicals.
- (iii) All external domestic garden hose taps are to have a vacuum breaker device (AS/NZS 3500.1).

3.3. The Appropriate Backflow Prevention Device required will be identified by the hazard rating detailed below (AS/NZS 3500:1 Section 4 table 4.1 and table F1, F2 and F3).

**3.4. Hazard Ratings:**

<b>High Hazard</b>	Any condition, device or practice within the water supply system and its operation, which has the potential to cause death.
<b>Medium Hazard</b>	Any condition, device or practice within the water supply system and its operation, which could endanger health.
<b>Low Hazard</b>	Any condition, device or practice within the water supply system and its operation, which would constitute a nuisance but not endanger health.

**3.5. Zone or Individual Protection**

- (d) Boundary containment will have equal to or higher rated protection than any individual or zone requirement.
- (e) A containment backflow prevention device is required regardless of zone or individual protection.
- (f) Council cannot guarantee the protection of the drinking water supply from backflow unless the site is contained at the boundary.
- (g) If the hazard rating varies due to multiple business processes, the highest rating should be applied.

**3.6. Cross-Connection**

- (a) Where a potential or physical cross-connection is found in the water service at any property, the property owner must ensure such cross-connection is immediately disconnected or altered to comply with:
  - (i) Council's written advice and requirements provided to the property owner at the detection of the cross-connection; and
  - (ii) Industry standards as established by AS/NZS 3500.1
- (b) If Council's requirements are not met within seven (7) days, or a lesser period nominated by Council if there is a serious immediate risk to public health, Council will:
  - (i) Immediately restrict the water service to the property; or
  - (ii) Disconnect the water service to the property.

**3.7. Fire Services**

- (a) The Separate hydrant and sprinkler services require the installation of a double check valve assembly at a minimum.
- (b) On a separate hydrant and sprinkler fire service at a non-residential property, the device shall be installed close to where the water service crosses the property boundary, prior to any booster assembly.
- (c) A hydraulic design is required for any fire service assembly,
  - (i) Unit demand of 4 and greater, and



(ii) 32mm assemblies or greater.

(d) All designs are to be submitted by a competent person (*Code of Practice 2.2.8*) along with Narrabri Shire Council's design/compliance certificate. Backflow prevention devices reduce pressure and must be taken into account during the design process.

### 3.8. Existing Properties without Backflow Prevention

(a) In cases where Council becomes aware that an existing connection does not have backflow prevention protection Council will instruct the property owner to comply with this policy within seven (7) days of Council's notice.

(b) If the property owner fails to comply with Council's notice, Council will:

- (i) Engage an authorized person to enter the property (within the powers of sections 191, 191A or 192 of the *Local Government Act 1993* (NSW), and install a backflow prevention device (supplementary containment, zone, or individual devices as deemed appropriate under this Policy); and
- (ii) Recover all costs incurred from works completed in accordance with clause 3.8(b)(i) of this Policy from the property owner.

### 3.9. Rainwater Tanks with Council Supply Back Up Connection

(c) Where interconnection of rainwater tanks with a Council Water Service potable or non-potable supplies does occur, rainwater tanks are to have:

- (iii) If the tank is above ground, a dual check valve as a zone and containment protection; or
- (iv) If the tank is fully or partially buried; a testable double check valve as a zone and containment protection (in accordance with Code of Practice).

### 3.10. Standpipes

- (a) Council has a number of fixed hydrant points in each township available for public use where bulk water is required directly from the main (due to flow rate and pressure requirements).
- (b) Private non-fixed standpipes are not to be used to draw water under any circumstances.
- (c) If a standpipe is required, a Council employee will supply, install, and monitor the water supply from a Council standpipe at the applicant's cost (as per Council's Fees and Charges within Council's current Operational Plan).

### 3.11. Testable Devices

- (a) In circumstances where the appropriate backflow prevention device is located at a property with a high hazard rating, annual testing is required to ensure that they are operating appropriately.
- (b) Testing will be undertaken by an appropriately authorised person as according to AS/NZS 3500.
- (c) Council will maintain a database of all registered backflow devices.
- (d) All testable devices must be registered with Council tested upon installation and then annually thereafter.
- (e) All testing of backflow prevention devices is to occur at the owner's expenses.

## 4. Review

4.1. This policy will be reviewed within 12 months of an Ordinary Council Election or from time-to-time on an as-needs basis.



## References

- *Local Government Act 1993* (NSW).
- *Local Government (Water Services) Regulation 1999* (NSW).
- NSW Plumbing and Drainage Code of Practice
- Australian Standard AS/NZS3500:1 – Section 4.
- AS/NZS 2845 – Mechanical Backflow Prevention Device

## History

Minute Number	Meeting Date	Description of Change
819/2009	December 15, 2009	Adopted
26/2012	February 21, 2012	Reviewed
607/2013	September 3, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	September 1, 2021	Rebranded
		Reviewed



## BIN CONTAMINATION POLICY

**Responsible Department:** Infrastructure Delivery  
**Responsible Section:** Solid Waste Services  
**Responsible Officer:** Manager Solid Waste Services

### Objective

Natural resource consumption reduced and waste well managed.

### Introduction

This policy has been developed to standardise the intervention when premises are not putting the correct materials in their food organics, garden organics (FOGO), and co-mingled recycling bins. This is to ensure the quality of collected materials in Narrabri Shire Council is within the acceptable contamination standards as specified by contracts with current service providers.

Consequently, it is important that the following procedures pertaining to repeat offenders are adhered to in order to reduce contamination in the dry recyclables and FOGO recycling streams.

### Policy

#### 1. General

- 1.1. Items which are accepted in the co-mingled recycling bin and FOGO waste bin are prescribed as outlined in the Waste Service Guide provided to Narrabri Shire householders. Bin lids are also stamped with acceptable material listed.
- 1.2. For the purposes of this policy a minimum contamination level in any one bin is required before reporting the contamination as an "offense".
- 1.3. The minimum and excessive contamination level are specified below:

MATERIAL	MINIMUM CONTAMINATION	EXCESSIVE CONTAMINATION
Plastic Bags	<3 units	= / > 3 units
General waste	< 10% of the bin	= / > 10% of the bin
Nappies	Not applicable	One or more
Sharps	Not applicable	One or more
Polystyrene packaging, large plastic items	1 unit	= / > 2 units
Large items such as potting mix bags, watering cans, plant pots, garden hoses	1 unit	= / > 2 units
Hazardous Materials: oil, chemicals, batteries, liquid waste	Not applicable	One or more



## **2. Bin inspections**

- 2.1. Random bin inspections conducted by Council and/ or Contract staff compliments the Contamination Management Strategy by checking bins for contamination.
- 2.2. Tags to reward good recycling and organics behavior may be used by Council and/or Contract staff as well as contamination tags for contaminated bins.
- 2.3. These random inspections may be guided by reports of previous contamination by the customer, or they may be initiated in any other way.
- 2.4. Bins that are found to have contamination during this random bin inspection will be tagged for the customer's information and an educational letter will be sent to the customer by Council and/ or Contract staff informing them of the correct materials to go into the bin.
- 2.5. Bins that are found to have contamination will be reported in the same manner of contamination found during collection. They will be recorded as a warning occurrence when contamination found is higher than minimal.

## **3. Excessive contamination – visible at the kerbside**

- 3.1. Should excessive contamination be observed during collection, Council will refuse to collect the bin and contamination offences will be recorded by the driver on a daily sheet.
- 3.2. The driver will then provide the resident with immediate feedback on the non-collection event via a contamination notification sticker in fluorescent colors applied to the bin and will be recorded as a warning.
- 3.3. The sticker will direct the resident to contact the customer service center (hotline).
- 3.4. Once the issue has been rectified, the bin will be collected during the resident's next scheduled collection service.
- 3.5. In addition, the resident will receive a letter of notification of the contamination incident from Council or its contractor reinforcing the acceptable items for recyclable / organics collections.
- 3.6. If a property has received four (4) warnings, the recycling and FOGO services for the property will be suspended until further notice.

## **4. Minimum contamination – visible at the kerbside**

- 4.1. Prior to emptying, if a bin is found to contain contamination (excluding excessive contamination), Council or its contractor's drivers will collect the bin and provide the resident with immediate feedback via a contamination notification sticker in fluorescent colours applied to the bin.
- 4.2. The sticker will direct the resident to contact the customer service centre (hotline).
- 4.3. In addition, the resident will receive a warning letter of notification of the contamination incident from Council or its contractor reinforcing the acceptable items for recyclable /organic collections.
- 4.4. If a property has received four (4) warnings, the recycling and FOGO services for the property will be suspended until further notice.

## **5. Contamination – visible via camera in hopper**

- 5.1. All collection vehicles are fitted with colour cameras in the collection hopper which are linked to in-cabin monitors. These allow the drivers to observe the contents of the bin as it is emptied and identify the specific contamination. Where bins are contaminated and the contamination is not visible at kerbside,





contamination can usually be detected using the camera system as the bin is emptied, allowing the driver to conduct a more comprehensive visual audit of the bin contents.

- 5.2. When contamination has been detected in a bin, the drivers will record the contaminant and premises address on a daily record sheet. The collection vehicles have the capability to record images of contamination incidences through its GPS and camera recording device.
- 5.3. If the bin contains minimum contamination, Council or its Contractor will provide the resident with immediate feedback via a letter that will contain a notification of the contamination incident and reinforcing the acceptable items for recyclable/organic collections.
- 5.4. Should excessive contamination be observed during collection, Council or its Contractor will record the incident as a contamination offence. Contamination offences will be recorded by the driver on a daily sheet
- 5.5. The driver will then provide the resident with immediate feedback on the non-collection event via a contamination notification sticker in fluorescent colour applied to the bin.
- 5.6. The sticker will direct the resident to contact the customer service centre (hotline). In addition, the resident will receive a warning letter of notification of the contamination incident from Council or its Contractor reinforcing the acceptable items for recyclable/organic collections.
- 5.7. After four (4) warning letters, the recycling and FOGO services for the property will be suspended until further notice.

#### **6. Multiple occurrences – second to fourth occurrence**

- 6.1. Should excessive contamination incidents occur for a second or third time at a premise within four (4) Collections of the initial occurrence, Council or its Contractor will record the address on the daily record sheet and apply a contamination notification sticker in fluorescent colours to the bin.
- 6.2. On behalf of Council, Council or its Contractor will then send the resident a contamination letter outlining the contamination incident, previous contamination history recorded at the property and the dates the previous incidences occurred.
- 6.3. If the property is suspected to be a rental, a copy of the letter will also be sent to the Property Owner.
- 6.4. If contamination occurs for a fourth time then the resident will receive a letter stating that this is a final warning and that if contamination occurs again, the service will be suspended until further notice.

#### **7. Multiple occurrences – cessation of service**

- 7.1. Should a contamination incident occur for a fifth time at a premise within consecutive collections, Council or its Contractor will record the address on the daily record sheet and apply a non-collection notification sticker.
- 7.2. Council's contractor will then proceed to contact the relevant manager in Council regarding ongoing contamination at the property, providing a detailed history of the contamination occurrences.
- 7.3. Council will send a letter to the resident to notify that their FOGO and recycling bins will not be collected for the next four (4) collections. The letter will include details of the contamination history at the property.

#### **8. Reinstatement of the service**

- 8.1. Residents are expected to continue to pay for a regular waste service regardless of whether they are receiving the recycling and FOGO waste services as their general waste bin will still be serviced.
- 8.2. After four (4) collections the bins can be reactivated on application by the resident and approval from Narrabri Shire Council.



- 8.3. Before service will be reinstated the resident must sign a pledge agreeing not to place contaminants in their bins and complete a recycling test to the satisfaction of Council.
- 8.4. In the instance of a tenanted (rental) property where the service has been suspended and there is a tenant change, the services can be reinstated on application if evidence of tenant change is provided.

#### 9. Further occurrence – recurrence

- 9.1. If the service is suspended for a second time, the resident will not be allowed another recycling or FOGO bin.
- 9.2. Council will undertake a personal visit to the contaminating resident's premises to discuss the continuous contaminating offences and at Council's discretion, issue a "Prevention Notice / Infringement Notice fine" depending upon the circumstances.

#### 10. Additional bins

- 10.1. If a property has two (2) or more cessation of services within the previous 12 months, they will not be eligible for any additional recycling or FOGO bins.

#### 11. Review

- 11.1. This policy will be reviewed within 12 months of an Ordinary Council Election or from time-to-time on an as-needs basis.

#### References

- *Local Government Act 1993* (NSW).
- NSW Government's Better Practice Guide for Waste Management in Multi-Unit Dwellings.
- NSW Government's Preferred Resource Recovery Practices by Local Councils Guide.
- Regional Waste Services Contract.

#### History

Minute Number	Meeting Date	Description of Change
234/2018	October 30, 2018	New Policy Adopted
	August 31, 2021	Rebranded
	2022	Reviewed



## BUILDING OVER COUNCIL'S UNDERGROUND SERVICES POLICY

**Responsible Department:** Infrastructure Delivery  
**Responsible Section:** Water Services  
**Responsible Officer:** Manager Water Services

### Objective

This Policy is designed to protect Council's underground services (i.e., water, sewer and stormwater assets) within private property.

This policy aims to avoid: -

- Structural damage to water and sewerage pipes, as a result of loads from structures being transferred to underground services. This may cause the pipes to subside or fracture.
- Subsidence, which can lead to consequent damage to a structure, this can occur when a pipeline breaks and the resultant flow of water reduces the bearing capacity of the surrounding soils.
- Barriers to access to manhole, maintenance and inspection shafts, and all associated underground services.
- Future costs that could be incurred by having to remove and then replace structures that have been allowed to be built over or too close to underground services.
- An inconsistent approach to building over or near underground services \throughout the Narrabri Shire Council area.

### Introduction

Some of Council's sewerage infrastructure is up to six metres deep at the rear of properties and this limits the scope of future development in these properties.

As new developments are constructed within the Narrabri Shire Council area, problems can arise in trying to position the proposed buildings on allotments with adequate clearance from existing services. Unrestricted building of structures close to Council infrastructure can increase the probability of damage, restrict access to, and increase the cost of maintenance and repair.

Council's underground services beyond the private service connection to a property (i.e. water, sewer and stormwater assets) are also referred to as a "main".

### Policy

#### 1. General

- 1.1. Where a conflict may occur, the owner shall obtain survey data (prepared by a Registered Surveyor) to evaluate the relationship between the proposed building and Council's underground service. All costs are at the applicant's expense.

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- 1.2. Where footings are to be supported by piers, the pier design shall be carried out and certified by a suitably qualified engineer. The design will need to prove that footings are able to bridge between the nominated pier spacing. All costs are at the applicant's expense.
- 1.3. Minor structures, (such as open awnings and pergolas), may be permitted as encroachments over mains, conditional to these structures being able to be dismantled at the applicant's expense. Specific development approval is required in such instances.
- 1.4. Driveways and parking areas are permitted over mains.
- 1.5. In situations where the position of the main is seen to unduly encumber the building envelope, the owner may make special application to Council to realign the main. The applicant shall engage a suitably qualified engineer to design a new alignment to the satisfaction of Council's Director of Engineering Services. Construction of such works will be undertaken after appropriate development consent has been given. All costs are at the applicant's expense.
- 1.6. Concrete encasement of underground services will not be permitted.

## **2. Buildings and Structures**

- 2.1. No building or structure shall be designed to be closer than one (1) metre to the near side from any underground service (i.e., sewer, water main or stormwater pipe).
- 2.2. Where a main is less than 1.5 metres deep, a structure may be built to one (1) metre from the main providing the buildings footings are supported by piers to the invert level of the Council asset. The piers must support the footings for a distance away from the main equal to the depth of the main.
- 2.3. Where a main is more than 1.5 metres deep, a structure may be built no closer than two (2) metres from the near side of the main providing the buildings footings are supported by piers to the invert level of the main. The piers must support the footings for a distance away from the sewer main equal to the depth of the main.
- 2.4. A corner structure may be allowed to within 0.5 metres of a sewer/stormwater line if the corner is cantilevered on footings to meet the criteria above.

## **3. Pools**

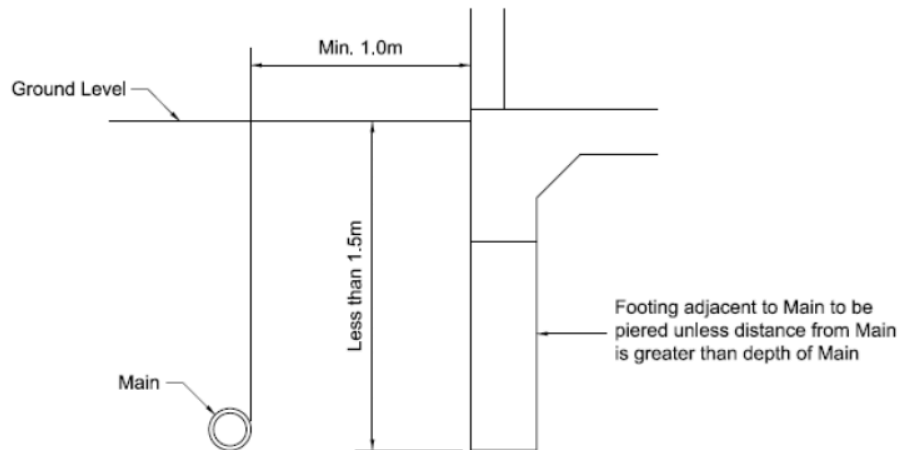
- 3.1. Where it is proposed to build a pool in the vicinity of a main and the main is above the bottom level of the pool, the pool may be positioned no closer than one (1) metre from any main. Pool coping above the main is acceptable provided it is not structurally connected to the pool wall.
- 3.2. Where the main is below the bottom level of the pool a strip footing along the length of the pool adjacent to the main must be provided to transfer the pool load below the main. The footing must be supported by piers to the invert of the main. Similar to structures, allowable clearance between the main and the pool will vary with the depth of the main as according to points 2.2 and 2.3 above.

## **4. Retaining Walls**

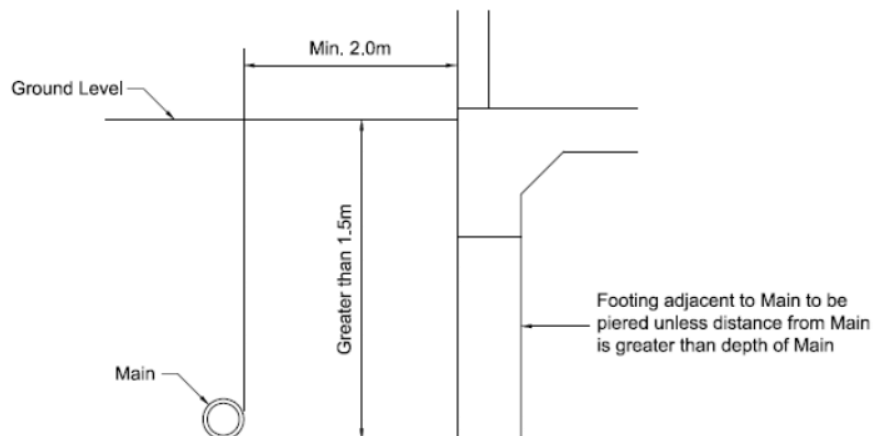
- 4.1. Where a retaining wall is proposed to be constructed parallel to a main, the strip footing along the length of the retaining wall must be supported by concrete piers to the invert level of the asset. Similar to structures, allowable clearance between the main and the retaining wall will vary with the depth of the main as according to points 2.2 and 2.3 above.



- 4.2. Where the retaining wall crosses the wall main the strip footings shall be constructed to bridge the main and be supported on concrete piers at least 1.0 metre from the sides of the main and to the invert of the main.



### Main less than 1.5m Deep



### Main greater than 1.5m Deep



## 5. Review

- 5.1. This policy will be reviewed within 12 months of an Ordinary Council Election or from time-to-time on an as-needs basis.

## References

- *Local Government Act 1993* (NSW).

## History

Minute Number	Meeting Date	Description of Change
852/2009	December 15, 2009	Adopted
26/2012	February 21, 2012	Reviewed
607/2013	September 03, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	September 2, 2021	Rebranded
		Reviewed





## BURNING OF VEGETATION POLICY

**Responsible Department:** Planning and Sustainability  
**Responsible Section:** Regulatory Compliance  
**Responsible Officer:** Manager Regulatory Compliance

### Objective

To address Council's statutory responsibilities in relation to pile burning.

### Introduction

This Policy provides a framework for the consideration of proposals for the burning of dead and dry vegetation (pile burn) within the Narrabri Shire Local Government Area.

Council may grant approval to burn, under clause 13(2) of the *Protection of the Environment Operations (Clean Air) Regulation 2021*. The approval is giving permission to pollute and is not giving permission to light a fire. The manager or owner of the land is to seek additional information from the NSW Rural Fire Service (RFS) or NSW Fire and Rescue (FRNSW) about approvals required from those agencies.

A summary of the relevant legislation is as follows:

- *The Protection of the Environment Operations (Clean Air) Regulation 2021* and *Rural Fires Act 1997* regulate the burning of materials in New South Wales.
- Under clause 13 of the *Protection of the Environment Operations (Clean Air) Regulation 2021*, approvals to burn may be granted by Council for the 'burning of dead and dry vegetation on the premises from which the vegetation grew'. All other approvals to burn can only be granted by the Environment Protection Authority (EPA).
- *The Protection of the Environment Operations (Clean Air) Regulation 2021*:
  - Requires anyone who burns anything in the open or in an incinerator to do so in a manner that prevents or minimises air pollution (Clause 13(3));
  - Prohibits the burning of tyres, coated wire, paint or solvent containers and residues, and timber treated with copper chromium arsenate or pentachlorophenol (Clause 11);
  - Controls the burning of domestic waste and vegetation (Clause 12);
  - Permits agricultural, cooking and recreational fires in certain circumstances (Clause 12(4));
  - Prohibits the burning of domestic waste without approval where there is a domestic waste collection service available (Part 3).

### Policy

#### 1. General

- 1.1. A 'blanket approval' is granted for properties with an area of not less than 4000m<sup>2</sup> and zoned under the *Narrabri Local Environmental Plan 2012*:

- (a) Primary Production (RU1);



- (b) Forestry (RU3);
  - (c) Primary Production Small Lots (RU4);
  - (d) Villages (RU5); and
  - (e) Environmental Management (E3)
- 1.2. Properties outside these zones or smaller than 4000m<sup>2</sup> are to apply for a Council Burning Permit and follow the assessment process.
- 1.3. Approval to burn under this policy is only for the purpose of disposal of dead and dry vegetative material through pile burning. Vegetative material must consist only of that which accumulates on the prescribed parcel of land during the normal use of the land. Council cannot approve any other type of burning other than the burning of dead and dry vegetation.
- 1.4. This notice of approval does not imply approval to burn for any other purpose, such as:
- (a) Hazard reduction burning of the land;
  - (b) Land clearing;
  - (c) Disposal of vegetation cleared in accordance with a development consent under the *Environmental Planning and Assessment Act 1979 (NSW)*;
  - (d) Burning the land for bush fire hazard reduction; and/or
  - (e) Approval to burn non-vegetative waste.
- 1.5. This approval does not remove the requirement, or exempt the person from the obligation, to obtain relevant permits or licences under other legislation including the *Rural Fires Act 1997*, *Protection of the Environment Operations Act 1997* and *Biodiversity Conservation Act 2016*.
- 1.6. Council reserves the right to modify this notice of approval to burn dead and dry vegetation at any time. The General Manager or their delegate is authorised to do so.

## 2. Application for Burning Permit

- 2.1. Residents seeking a fire-burning permit must apply to Council for one.
- 2.2. Council may grant a permit on a case-by-case basis.
- 2.3. Applications must be accompanied by the prescribed application fee.
- 2.4. Residents are to consider other options such as taking dead and dry vegetation to the landfill before applying for a fire-burning permit.
- 2.5. Council will consider the application and make a determination in accordance with this policy.
- 2.6. The person responsible for the burn must conduct the burn in accordance with relevant Rural Fire Service standards.
- 2.7. Council issues fire permits depending on the land zoning and the size of the property:

## 3. Conditions of Approval

- 3.1. The following conditions will apply to all approvals, standing and case-by-case, at a minimum:
- (a) Only vegetation generated on the land on which the burning is to be undertaken may be burnt pursuant to this Approval.
  - (b) Material forming piles to be burnt must only consist of vegetation material that has originated from the process of maintaining existing cleared or landscape areas. No other material is permitted to be burnt with vegetation burnt pursuant to this policy;
  - (c) Only one pile of vegetation may be burnt on any parcel of land at one time. The fire must not exceed 4 metres in diameter and 1.5 metres in height;
  - (d) An open fire must be at least 20 metres away from any dwelling, other building or unmanaged vegetation;



- (e) No combustible material shall be within 4.5m of the fire;
- (f) An open fire must be supervised by a responsible adult at all times;
- (g) Adequate supply of water and firefighting equipment in good working order is to be immediately on hand to ensure the pile burn can be immediately extinguished, if necessary for fire safety or nuisance concerns;
- (h) Adjacent property owners must be given 24 hours verbal or written notification before the open fire;
- (i) Burning should only take place when weather conditions are suitable, with winds under 19km/h and predicted to remain so. If the winds speed increases during the burning, the burning is to be terminated by the immediate extinguishment of the fire;
- (j) Burning must not cause nuisance to neighbours or a smoke hazard to traffic;
- (k) Activities must be undertaken in accordance with the NSW Rural Fire Service requirements with the exception of pile size, where condition 2 of this Approval prevails;
- (l) Any residue waste from the burning must be disposed of in an environmentally satisfactory manner and in accordance with *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Waste) Regulation 2014*.
- (m) On completion of the burn, the burnt area must be maintained in a condition that minimises or prevents the emission of dust and prevents sediment or ash from fires being washed from the area into surrounding waterways (natural or constructed);
- (n) For properties within the RFS Jurisdiction land managers/owners must notify their local RFS not less than 24 hours prior to an intended burn;
- (o) For properties within the FRNSW Jurisdiction land managers/owners must notify FRNSW after Council's approval has been granted and not less than 24 hours prior to an intended burn.

#### 4. No Burn Days or Total Fire Bans

- 4.1. In the event of a total fire ban or a fire danger rating of high or above being declared, any fire approval issued by Council is suspended. Any existing fire is to be extinguished and cannot be re-commenced until the fire ban is lifted and the fire danger rating recedes below high.
- 4.2. In the event of a no burn day being declared by the EPA, any approval issued by Council is suspended for the duration of the declaration. When a No Burn Notice is issued, it applies to the lighting of new fires in the declared areas. Existing fires should be allowed to continue as extinguishing them would result in more smoke. No Burn Notices are usually available from 4pm the day before they come into effect. Information is available by calling 131 555 or via the NSW Department of Planning and Environment.

##### **Bushfire Danger Period**

- 4.3. During the Bushfire Danger Period (usually 1 October to 31 March), a Fire Permit must be obtained from the Rural Fire Service for open burning anywhere in a Rural Fire District. RFS cannot issue fire permits for fires lit within FRNSW Fire District and conversely, FRNSW cannot issue Fire Permits for fires located within RFS jurisdiction.
- 4.4. This policy does not remove the necessity, or exempt the person from the requirement, to obtain relevant permits or licences under other legislation including *the Rural Fire Act 1997*, *Protection of the Environment Operations Act 1997* and *Biodiversity Conservation Act 2016*.

#### 5. Enforcement

- 5.1. An authorised officer of Council or of the EPA can issue directions to extinguish a fire and not to light or maintain a similar fire at any premises for a period of up to 48 hours in accordance with Section 134 of the *Protection of the Environment Operations Act 1997* if:



- (a) The fire is prohibited by an order of the EPA under Section 133 of the Act; or
- (b) Air pollution from the fire is injurious to the health of any person or is causing or likely to cause serious discomfort or inconvenience to any person.

5.2. The authorised officer may give this direction to:

- (a) The occupier of the premises; or
- (b) The person apparently in charge of the premises; or
- (c) The person apparently in charge of the fire.

5.3. A direction to extinguish a fire, and not to light or maintain a similar fire at premises for a period of up to 48 hours, overrides any approval for certain fires or incinerators granted.

## 6. Penalties

- 6.1. A person who, without reasonable excuse does not comply with the conditions of approval (as stated above) is guilty of an offence, Maximum Penalty 30 Penalty units (*Protection of the Environment Operations Act 1997* Section 135).
- 6.2. The burning of vegetation in the Narrabri Shire Council without approval may incur a Maximum Penalty of 100 Penalty Units (Corporation) and 50 Penalty Units (Individual). This excludes exempt fires as described in the background section of this policy, as per the *Protection of the Environment Operations (Clean Air) Regulation 2021* clause 12.

## References

- *Rural Fire Act 1997* (NSW).
- *Protection of the Environment Operations Act 1997* (NSW).
- *Biodiversity Conservation Act 2016* (NSW).

## History

Minute Number	Meeting Date	Description of Change
202/2008	September 25, 2018	New policy adopted
	June 2, 2020	Rebranded
	Xxxx 2022	Reviewed



## COMPANION AND NON-COMPANION ANIMALS POLICY

**Responsible Department:** Planning and Sustainability  
**Responsible Section:** Regulatory Compliance  
**Responsible Officer:** Manager Regulatory Compliance

### Objective

The objective of this policy is to encourage and reinforce the responsible management of pets for the benefit of the community through education and information, consistent with the Council's responsibilities under the *Companion Animals Act 1998* (NSW).

The objective of this Policy is also to control and regulate the number of non-companion animals kept on a premises and to maintain the health standards of the premises and preserve the amenity of the neighbourhood whilst recognising the right of all property owners to enjoy the use of their premises provided that in so doing they do not conflict with the public interest.

### Introduction

Council is responsible for administering the *Companion Animals Act 1998* (NSW), which contains *Regulation* relating to pet ownership. Council values pet ownership and is committed to encouraging responsible pet ownership to benefit the whole community, as well as the welfare of the pets. This Policy provides a guide for council officers in exercising their delegated authority to regulate pet ownership in the local government area.

Council regulates the number of animals kept on premises in accordance with the *Local Government Act 1993* (NSW) (the Act). Schedule 2 Part 5 of the *Local Government (General) Regulation 2021* (NSW) (the Regulation) regulates the keeping of animals by specifying minimum standards. The standards apply to a person only if the Council has served an order under section 124 of the Act to that effect on the person and it is open to Council not to enforce the standards. This Policy provides a guide for Council officers in exercising their delegated authority to regulate the keeping of animals in the local government area.

### Policy

#### 1. Definitions

Term	Meaning
<b>Companion animal</b>	a dog, a cat, or any other animal that is prescribed by the <i>Companion Animals Act 1998</i> (NSW) as a companion animal.
<b>Dangerous dog</b>	A dog which meets the definition of a Dangerous Dog set out in the <i>Companion Animals Act 1998</i> (NSW)
<b>Dog attack</b>	when a dog "rushes at, attacks, bites, harasses or chases any person or animal (not vermin), whether or not any injury is caused to the person or animal".
<b>Menacing dog</b>	A dog which meets the definition of a Menacing Dog set out in the <i>Companion Animals Act 1998</i> (NSW)



Term	Meaning
<b>Non-Companion Animal</b>	All animals not designated as companion animals under the <i>Companion Animals Act 1998</i> (NSW)
<b>Nuisance cat</b>	A cat which a) makes persistent noise that unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or b) repeatedly damages anything outside the property on which it is ordinarily kept.
<b>Nuisance dog</b>	A dog which meets the definition of a Nuisance Dog set out in the <i>Companion Animals Act 1998</i> (NSW)
<b>Restricted breeds</b>	Some dogs are considered to be restricted breeds. These currently include - a) Pit Bull Terriers; b) American Pit Bull Terriers; c) Japanese Tosas; d) Dogo Argentinos (Argentinean Fighting Dog); and e) Fila Brasileiro (Brazilian fighting dog).

## Part 1: Companion Animals

### 2. Dogs and Cats

#### Control

- 2.1. Dogs must always be under the effective control of their owners, including when they are let off the leash in designated off-leash areas. A dog is not considered to be under the effective control of a person if that person has more than four (4) dogs under their control.

#### Off Leash Areas

- 2.2. Designated off-leash areas are provided within Narrabri Shire Local Government Area. The location of off-leash areas is available on Council's website.  
2.3. Dogs must be on a leash unless the signs permit otherwise.

#### Prohibited Areas

- 2.4. Dogs are prohibited from certain places at all times. These places include:
- (a) Children's playgrounds;
  - (b) Recreation areas, such as sport fields, ovals, pitches, and courts (unless otherwise indicated);
  - (c) School grounds;
  - (d) Childcare centres;
  - (e) Shopping areas (unless otherwise indicated);
  - (f) Wildlife protection areas (unless otherwise indicated);
  - (g) Food preparation and consumption areas, such as public BBQ facilities, subject to the following exceptions:
    - (i) If in an on-leash area, a dog under effective control of a person, restrained, and kept on the ground;
    - (ii) If in an off-leash area, a dog that is restrained as above or on the ground or on a person's lap.



**Waste**

- 2.5. Owners must pick up any waste left by their dog and dispose of it accordingly.

**Barking/Noise**

- 2.6. Persistent dog noise can be a nuisance for the neighbourhood and cause harm to neighbourhood amenity.
- 2.7. Council will pursue proactive and positive approaches to dog noise by:
- (a) Providing off-leash areas for dogs to socialise;
  - (b) Providing community education;
  - (c) Investigating reports of persistently noisy dogs and taking appropriate action under the law to address any nuisance caused by the noise.

**3. Assistance Animals**

- 3.1. A person with a disability or any other person with an assistance animal is permitted to be accompanied by an assistance animal into or onto any building, or public place, including public transport.

**4. Nuisance Animals**

- 4.1. Council will investigate and deal with any nuisance animals in accordance with the provisions of the *Companion Animals Act 1998* (NSW).

**5. Dog Attacks**

- 5.1. Dog attacks should be reported to Council and the Police as soon as practicable so that they can be investigated.
- 5.2. When dog attacks occur outside business hours, they should be reported to the Police in the first instance, due to Council's capability and resource constraints.
- 5.3. Where Council becomes aware of a dog attack, whether it occurs during business hours or outside business hours, Council will investigate that attack to consider whether a relevant order under the *Local Government Act 1993* (NSW) or *Companion Animals Act 1998* (NSW) ought to be considered and made.

**6. Menacing or dangerous dogs**

- 6.1. Council will investigate and deal with any menacing or dangerous dogs in accordance with the provisions of the *Companion Animals Act 1998* (NSW).

**7. Restricted Dogs**

- 7.1. Owners of restricted dogs under the provisions of the *Companion Animals Act 1998* (NSW) must comply with the requirements of that Act.

**Part 2: Non-Companion Animals on Residential Premises****8. Application of Part**

- 8.1. This part applies when making a determination to issue an order 18 under s124 of the *Local Government Act 1993* (NSW).



## 9. Swine

- 9.1. Swine must not be kept on premises within the R1 General Residential and RU5 Village zones under the Narrabri Local Environmental Plan 2012 (LEP).
- 9.2. Swine kept on premises outside these zones must not be kept (and swine dung must not be deposited) within sixty metres of:
  - (a) A dwelling;
  - (b) A shop;
  - (c) An office;
  - (d) A factory;
  - (e) A church;
  - (f) A workshop;
  - (g) A school;
  - (h) A public place; or
  - (i) An urban part of the area

## 10. Poultry- Non-Commercial

- 10.1. Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.
- 10.2. Poultry yards must at all times be kept clean and free from offensive odours.
- 10.3. Poultry must not be kept within 9 metres (or such greater distance as the Council may determine in a particular case) of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.
- 10.4. The floors of poultry houses must be paved with concrete or mineral asphalt or clean sand.
- 10.5. Poultry yards must be so enclosed as to prevent the escape of poultry.

## 11. Horses and Cattle

- 11.1. Horses and cattle must not be kept within 9 metres (or such greater distance as the Council may determine in a particular case) of:
  - (a) a dwelling;
  - (b) a school;
  - (c) a shop;
  - (d) an office;
  - (e) a factory;
  - (f) a workshop;
  - (g) a church or other place of public worship;
  - (h) a public hall; or
  - (i) premises used for the manufacture, preparation or storage of food.
- 11.2. The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material and must be properly graded to drain.
- 11.3. Horse yards and cattle yards must be so enclosed as to prevent the escape of horses and cattle.



## Part 3: Investigation and Orders

### 12. Conduct of Investigations

- 12.1. Investigations under this Policy or the *Companion Animals Act 1998* (NSW) will be conducted in a fair, objective, and impartial manner.
- 12.2. Unless otherwise required by law, the presumption of innocence will be applied.
- 12.3. Council will afford all parties to an investigation with natural justice and procedural fairness.
- 12.4. Council will not make adverse findings unless satisfied as to the facts necessary to make such a finding pursuant to the relevant legislation.
- 12.5. Council will keep affected persons advised of the progress of investigations under this policy.
- 12.6. Council will provide reasons for any decision under this policy to the affected persons.

### 13. Confidentiality of complainants

- 13.1. Council will endeavour to maintain the confidentiality of complainants where reasonably practicable or required by law.
- 13.2. Notwithstanding the above, Council will disclose information that identifies complainants in the following circumstances:
  - (a) The disclosure is necessary to effectively investigate the matter;
  - (b) Their identity has already been disclosed by a person external to Council or is public knowledge;
  - (c) The complainant has consented in writing to disclosure;
  - (d) The disclosure is required to comply with the principles of natural justice;
  - (e) The matter proceeds to court;
  - (f) To Council's legal advisors; or
  - (g) Where disclosure is otherwise required by law;

### 14. Orders under s124 of the *Local Government Act 1993* (NSW)

- 14.1. The General Manager, or their delegate, may restrict the number of animals permitted to be kept on a residential property in accordance with this policy and s124 of the *Local Government Act 1993* (NSW).
- 14.2. The General Manager, or their delegate, may also make orders as to minimum standards for keeping of animals under this policy and legislation.
- 14.3. The General Manager must ensure that all requirements for an order under s124 are met when making such an order.
- 14.4. While each case will turn on its circumstances, Council will use the following as a guide when making an order under s124 relating to companion animals:

Animal	Maximum number per 1000m <sup>2</sup>
Dogs	2
Cats	2



14.5. While each case will turn on its circumstances, Council will use the following as a guide when making an order under s124 relating to non-companion animals:

Animal	Recommended minimum distance from buildings	Recommended number in residential areas	Applicable <i>Regulation</i> and other advisory matters
<b>Birds</b>	4m	20	<ul style="list-style-type: none"> <li>• Cages and aviaries must be of sufficient size and regularly cleaned.</li> <li>• All birds to be kept in accordance with the "Code of Ethics" produced by the Associated Bird keepers of Australia and printed by NSW Government.</li> <li>• All enclosures are to be maintained free of rodents and other vermin.</li> <li>• All feed is to be stored in vermin-proof containers.</li> <li>• A National Parks and Wildlife permit is required to keep many native birds. Exemptions include budgerigars, zebra finch, galah and sulphur crested cockatoo.</li> </ul>
<b>Pigeons</b>	5m	20	<ul style="list-style-type: none"> <li>• Nuisance due to noise and also free flight of pigeons is to be minimised.</li> <li>• Lofts must be constructed on hard paving of a smooth surface, graded to drain.</li> <li>• Lofts are to be kept clean at all times. Manure is to be cleaned up daily and disposed of correctly.</li> <li>• Open lofts are not permitted.</li> </ul>
<b>Poultry</b>	9m	2	<ul style="list-style-type: none"> <li>• <i>Local Government (General) Regulation 2021 (NSW)</i>, Schedule 2 applies.</li> <li>• Council may, by resolution, insist on greater distances than specified in particular cases.</li> <li>• Roosters are not to be kept on residential premises (as crowing may cause offensive noise).</li> </ul>
<b>Horses and cattle</b>	9m	1 horse per 4000m <sup>2</sup> 0 other cattle	<ul style="list-style-type: none"> <li>• <i>Local Government (General) Regulation 2021 (NSW)</i>, Schedule 2 applies.</li> <li>• Council may, by resolution, insist on greater distances than specified in particular cases.</li> </ul>



Animal	Recommended minimum distance from buildings	Recommended number in residential areas	Applicable <i>Regulation</i> and other advisory matters
Rabbits	3m	2	<ul style="list-style-type: none"> <li>• Permit may be required from NSW Agriculture.</li> <li>• Must be a recognised domestic breed and kept in a rabbit-proof enclosure.</li> <li>• Do not release rabbits into the environment.</li> <li>• Restriction on the keeping of rabbits may be imposed by the NSW Department of Primary Industries under the <i>Rural Lands Protection Act 1989</i> (NSW).</li> </ul>

### 15. Review

15.1. This policy will be reviewed within 12 months of an Ordinary Council Election or other such time on an as-needs basis.

### References

- *Local Government Act 1993* (NSW)
- *Local Government (General) Regulation 2021* (NSW)
- *Companion Animals Act 1998* (NSW)
- *Rural Lands Protection Act 1989* (NSW)

### History

Minute Number	Date	Description of Change
222/2017	24 October 2017	Adopted
	2022	Reviewed



## CONCRETE FOOTPATH COST RECOVERY COMMERCIAL PREMISES POLICY

**Responsible Department:** Infrastructure Delivery  
**Responsible Section:** Road Services  
**Responsible Officer:** Manager Road Services

### Objective

To set guidelines in relation to the recovery of costs for footpath constructed in front of commercial premises where the request for a new footpath is not included in a current works program.

### Introduction

Section 217 of the *Roads Act 1993* (NSW) permits Council to recover from landowners up to half of the cost of constructing kerb, guttering, and footpaths along the side of a public road adjacent to parcels of land.

This policy establishes Council's framework for that process, as well as setting the prescribed portion of recovery under section 217(2).

### Policy

#### 1. Contribution

- 1.1. In accordance with section 217(2) of the *Roads Act 1993* (NSW), Council determines the contribution amount for owners of land used for commercial premises adjacent to public roads for kerbs, gutters, and footpaths as half the cost of construction of those kerbs, gutters, and footpaths.

#### 2. Recovery of Cost

- 2.1. The owner of a Commercial Premises may request the construction of kerb, gutter, or footpath adjacent to that premises.
- 2.2. Council will consider the request and either approve or deny it.
- 2.3. If (a) and (b) are true then, the owner of the premises, or the applicant, will be liable to Council for the recovery cost.
  - (a) Council approves the request; and
  - (b) The construction of the kerb, gutter, or footpath in that location is not part of an adopted Council works program or other plan
- 2.4. In the absence of a request, Council may decide to construct a kerb, gutter, or footpath adjacent to commercial premises in accordance with its operational or other plans and programs. Pursuant to Section 217 of the *Roads Act 1993* (NSW) Council will recover 50% of the cost of the provision of a concrete footpath adjacent to a commercial premises from the owner of the property.





### 3. Determining Cost

- 3.1. The total cost of concrete footpath is to be presented as an average square metre rate in Council's Annual Fees and Charges Schedule, and this average rate be applied to all invoices for footpath works during the relevant financial year.

### 4. Review

- 4.1. This policy will be reviewed within 12 months of an Ordinary Council Election or such other time on an as-needs basis.

### References

- *Roads Act 1993* (NSW).

### History

Minute Number	Meeting Date	Description of Change
833/2005	November 15, 2005	Adopted
339/2008	June 17, 2008	Reviewed
728/2009	October 30, 2009	Reviewed
26/2012	February 21, 2012	Reviewed
210/2013	April 2, 2013	Reviewed
	August 31, 2021	Rebranded
	XXXX 2022	



## CROWN ROADS MAINTENANCE POLICY

**Responsible Department:** Infrastructure Delivery  
**Responsible Section:** Road Services  
**Responsible Officer:** Manager Road Services

### Objective

The objective of this policy is to outline Council's position in relation to the maintenance of the Crown Roads.

### Introduction

Crown roads generally provide lawful access to freehold and leasehold land where little or no subdivision has occurred since the original Crown subdivision of NSW, early in the nineteenth century.

These roads are part of the State's public road network, and the majority have not been formed or constructed. Crown public roads are managed under the Roads Act 1993, as are all other public roads in the State.

Only the Minister may, by order published in the Gazette, transfer a specified Crown Road to another roads authority (i.e. Council), and then only by agreement.

### Definitions

Term	Meaning
<b>Crown Roads</b>	A road that is vested in the Crown which is owned and managed by the State Government.

### Policy

- 1.1. Council will not routinely maintain Crown Roads within its local government area.
- 1.2. Should a landholder receiving the benefit of the Crown Road wish Council to perform work on the Crown Road, they must apply to Council.
- 1.3. Before applying, the landholder must obtain permission from the relevant NSW Government Department for the work.
- 1.4. The General manager may approve Council involvement in the works provided that:
  - (a) The work falls within Council's operational plan;
  - (b) Council has the capacity to perform the work without adversely impacting planned operations; and
  - (c) The landowner enters into a Private Works Agreement for Council to undertake the work as a 'one off' project.

### References

- Roads Act 1993 (NSW).



## History

Minute Number	Meeting Date	Description of Change
735/2008	November 2008	Adopted
210/2013	April 2, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	August 31, 2021	Rebranded
	2022	Reviewed



## DISPOSAL OF ASSETS POLICY

**Responsible Department:** Financial Services  
**Responsible Section:** Financial Services  
**Responsible Officer:** Chief Financial Officer

### Objective

To establish a policy for which Narrabri Shire Council can obtain the best possible return for the asset that are being disposed as well as maintaining probity and transparency throughout the process.

### Introduction

This policy and procedure is for the disposal of asset and applies to all levels of Narrabri Shire Council with the exception of the disposal of Council Vehicles and Operational Plant which come under the Motor Vehicle Policy and Plant Management Plan.

An "asset" is of value to Council; only in so much as it continues to cost effectively support the delivery of the Council's services. Assets that are no longer needed should be disposed of promptly.

The "disposal" must achieve best value for money on return. In addition to price, the disposal process is to include consideration of other relevant factors.

The disposal method that is chosen must promote fair and effective competition to the greatest extent possible, and disposals should be conducted in an ethical manner.

### Policy

#### 1. Definitions

Term	Definition
Asset	Any object, whether physical, digital, animate, or inanimate
Disposal	The sale, destruction, recycling, gifting, or otherwise removing of an asset from Council's possession, title, and use.

#### 2. Disposal of Assets generally

- 2.1. The decision to dispose of an asset involves the identification of the asset as no longer being required by Council.
- 2.2. All disposal of assets within Council must be authorised by a decision maker in accordance with this policy.
- 2.3. Decision makers are to consider the criteria for disposal as set out in this policy.
- 2.4. There shall be a form used within Council for the disposal of assets. The General Manager shall ensure that this form is current, effective, and available to all staff.

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### 3. Decision Makers

3.1. The following people may authorise the disposal of assets up to the values below:

Value	Approval Authority
<b>\$0-\$150,000.00</b>	General Manager or their delegate
<b>\$150,000.01 or more</b>	Council

- 3.2. Delegations by the General Manager will generally be in accordance with the delegate's financial delegation.
- 3.3. Water sales between \$150,000 and \$250,000 may be authorised by the General Manager, notwithstanding the above.
- 3.4. Where the Council is the approval authority, the General Manager is to ensure that a report is brought to Council at an Ordinary Council Meeting. This report must include sufficient information to satisfy Council as to the matters relevant to the disposal decision under this policy.

### 4. Determining Value

- 4.1. Decision makers are to satisfy themselves of the value of the asset being disposed.
- 4.2. Where reasonably practicable, a valuation should be obtained for assets to be disposed. The nature and extent of that valuation will depend on the likely value of the asset in the circumstances.

### 5. Criteria for Disposal

5.1. The following are criteria for disposal of an asset. An asset may be disposed where it is:

- (a) No longer compliant with WHS standards;
- (b) Obsolete due to changed procedures, functions, or usage;
- (c) Found to contain hazardous material;
- (d) Damaged beyond economical repair;
- (e) At its optimum selling time to maximise returns;
- (f) No longer compliant with other legislative requirements;
- (g) A stock item with no use in the previous financial year; or
- (h) Excess water sales from water allocations.

5.2. The above list is non-exhaustive. There may be other reasons for an asset to be disposed.

### 6. Factors to consider

6.1. Decision makers should also consider the following before deciding to dispose of an asset:

- (a) The market available for the asset;
- (b) Time considerations;
- (c) Resources required to manage disposal;



- (d) Cost associated with different disposal methods;
- (e) Size, portability, and number of the asset;
- (f) Benefits and risks of different disposal methods;
- (g) The social and environmental effect of the various disposal methods;
- (h) Other special factors such as heritage or cultural interest in the asset.

6.2. The above list is non-exhaustive. There may be other factors that require consideration in the circumstances.

## 7. Disposal Methods

7.1. Assets may be disposed of using different methods depending on their value.

7.2. The methods of disposal are set out below:

Value	Valuation Method	Method of Disposal
<b>No value or not economical to dispose by sale</b>	<ul style="list-style-type: none"> <li>Verbal quotes</li> <li>Desktop valuation</li> <li>Damage reports</li> <li>Formal valuation</li> <li>Loss assessment</li> </ul>	<ul style="list-style-type: none"> <li>Destruction</li> <li>Recycling</li> <li>Waste disposal</li> </ul>
<b>Up to \$1,000</b>	<ul style="list-style-type: none"> <li>Verbal quotes</li> <li>Desktop valuation</li> </ul>	<ul style="list-style-type: none"> <li>Negotiated sales</li> </ul>
<b>\$1,000.01 to \$150,000.00</b>	<ul style="list-style-type: none"> <li>Written quotes</li> <li>Desktop valuation</li> <li>Formal valuation</li> </ul>	<ul style="list-style-type: none"> <li>Auction via a commercial auction house in accordance with Council's Procurement Policy.</li> <li>Publicly advertised offers for direct sale</li> </ul>
<b>\$150,000.01 or more</b>	<ul style="list-style-type: none"> <li>Formal Valuation</li> </ul>	<ul style="list-style-type: none"> <li>Public Tender</li> </ul>
<b>Water Sales up to \$250,000</b>	<ul style="list-style-type: none"> <li>Formal Valuation</li> </ul>	<ul style="list-style-type: none"> <li>Decision of disposal to be approved by Council</li> <li>Publicly advertised EOI through accredited agent.</li> </ul>

7.3. Decision makers are to use the most appropriate valuation method in the circumstances.

## 8. Effectiveness of Disposal

- 8.1. Assets should be adequately prepared for disposal.
- 8.2. Except where otherwise mandated by law or explicitly stated in any agreement for disposal or sale, Council gives no warranty in relation to disposed assets, and sales are at the buyer's risk.
- 8.3. After disposal of Council assets, the proceeds from the sale of the assets will be placed in the account nominated by the Section.
- 8.4. The details for the disposal should include the current written down value (Asset Register), estimated and actual sale prices and the purchaser's details.





## 9. Review

- 9.1. This policy will be reviewed within 12 months of an Ordinary Council Election or from time-to-time on an as-needs basis.

## References

- *Local Government Act 1993* (NSW)
- *Local Government (General) Regulation 2021* (NSW).

## History

Minute Number	Meeting Date	Description of Change
359/2014	June 3, 2014	Adopted
173/2017	August 15, 2017	Adopted
	October, 27 2020	Rebranded
	2022	Reviewed



## DRAFT FLEET MANAGEMENT POLICY

**Responsible Department:** Infrastructure Delivery  
**Responsible Section:** Fleet Services  
**Responsible Officer:** Fleet Coordinator

### Objective

Narrabri Shire Council (Council) provides vehicles, plant and equipment ("Fleet assets") for its operational requirements. This Policy conforms with Council's commitment to implementation of methodologies for systematic asset management and provides a framework for the governance of Fleet assets.

### Introduction

A base line of Fleet assets supports Council's operational requirements.

Council is guided by the Fleet Management principles published by the Institute of Public Works Engineers ("IPWEA"). This policy underpins-

- Sound and efficient management of Fleet resources and services.
- Conformity with Statutory and Regulatory requirements.
- A cost-effective approach.
- A safe, reliable and competitive service.
- Investment in a "base level" of Fleet assets.
- Minimisation of environmental impact.

Fleet assets are defined as being movable, include accessories and/or attachments, and have a requirement for periodic maintenance and/or inspection.

### Policy

#### 1. Responsibilities

- 1.1. The General Manager or their delegate will ensure that fleet users:
  - (a) act honestly and diligently;
  - (b) take care of Fleet assets;
  - (c) conform with Legislation, Regulations, and other Council policies, protocols and procedures.
- 1.2. Council will provide sufficient, safe, reliable and competitively priced Fleet assets.
- 1.3. The General Manager, or their delegate, is to ensure:
  - (a) Good governance of Fleet assets;
  - (b) Decision making minimises environmental impact and
  - (c) That Council provides preference to local business in accordance with Council's Procurement Policy.



## 2. Selection, Replacement and Disposal of Fleet Assets

- 2.1. Council will ensure that fleet assets:
  - (a) Are renewed at planned intervals;
  - (b) Represent a current need; and
  - (c) are economically justified.
- 2.2. The extent of utilisation and local conditions will guide justification and evaluation decisions. The selection process will include internal stakeholders and employ procurement and evaluation methodologies to address sound outcomes.
- 2.3. Disposal of fleet assets is to take place in accordance with Council's Disposal of Assets Policy.

## 3. Maintenance, Fuel and Damage

- 3.1. Council will employ strategies which ensures the maintenance of a level of service that is:
  - (a) Reliable;
  - (b) Efficient; and
  - (c) Timely
- 3.2. Council will employ strategies for fuel security, conservation, and availability.
- 3.3. Maintenance management methodologies will be guided by manufacturers' specifications, service recommendations and operating instructions.

## 4. Operation of Fleet Assets

- 4.1. The General Manager, or their delegate, shall ensure that Council maintains a standard of presentation and operation of Fleet assets, which conforms with Legislation, Regulations, Policies, Protocols, Manufacturer's recommendations and safety standards.

## 5. Internal Charge and Full Cost Recovery

- 5.1. Council will employ strategies for the internal distribution of costs which address internal utilisation and are competitively structured.

## 6. Review

- 6.1. This policy will be reviewed within 12 months of an Ordinary Council Election or from time-to-time on an as-needs basis.

## References

- *Local Government Act 1993* (NSW).
- *Local Government (General) Regulation 2021* (NSW).
- *Government Information Public Access Act 2009* (NSW).
- *Competition and Consumer Act 2010* (NSW).
- *NSW Procurement Policy Framework*.
- *Procurement Policy*.
- *Disposal of Assets Policy*.

## History

Minute Number	Meeting Date	Description of Change
241/2014	15 April 2014	Adopted
164/2017	15 August 2017	Reviewed
		Reviewed



## GATES AND GRIDS ON PUBLIC ROADS POLICY

**Responsible Department:** Infrastructure Delivery  
**Responsible Section:** Design Services  
**Responsible Officer:** Manager Design Services

### Objective

The objective of this Policy is to reduce public liability issues associated with gates and grids and ensure the safety of road users within the Narrabri Shire Local Government Area. Specifically, this Policy aims to:

- Establish an approval system;
- Identify standards for construction;
- Define maintenance responsibilities for owners of grids and gates;
- Establish registration requirements; and
- Ensure that the location of gates and grids provides a safe road for use by road users.

For reasons of public safety, road maintenance and risk management, Council's preference is:

- for Gates and Grids not to be installed on public roads; and
- where they are installed to be removed as soon as possible after they are no longer required.

### Introduction

Stock grids and gates are structures constructed on a road for the purpose of controlling stock movements and as such are only of benefit to the landowner.

The *Roads Act 1993* (NSW) requires any new or existing structures on a public road to have a permit from the Road Authority (as defined by the *Roads Act 1993* (NSW)).

### Policy

#### 1. Definitions

Term	Meaning
<b>AADT</b>	Annual Average Daily Traffic.
<b>Council</b>	Authorised Council Officer from Narrabri Shire Council.
<b>Gate</b>	A Public Gate as defined under the <i>Roads Act 1993</i> (NSW).
<b>Grid</b>	A cattle grid or sheep grid located beside the gate. Also referred to as a 'by-pass' so long as it is constructed in accordance with specifications outlined by the <i>Roads Act 1993</i> (NSW).
<b>Permit</b>	Within the context of this Policy, refers to a permit granted by a roads authority for infrastructure to be installed on a public road in accordance with Part 9 of the <i>Roads Act 1993</i> (NSW).
<b>Owner</b>	The landowner or their successor in title, as per Part 9 Division 2 of the <i>Roads Act 1993</i> (NSW)
<b>Road Users</b>	Includes both vehicles and pedestrians.



Term	Meaning
<b>Structure</b>	Within the context of this Policy, refers to gates and grids (including any other associated infrastructure and fixtures) that are constructed on a public road.

## 2. Issuing of Permits

- 2.1. Narrabri Shire Council, as a roads authority within the Narrabri Shire Local Government Area, is authorised to issue permits for gates and grids in accordance with the *Roads Act 1993* (NSW) and the *Roads Transport (General) Regulation 2021* (NSW).
- 2.2. Installation of new grids will only be considered where the cost of fencing is substantially more than the cost of installing a new grid. The cost of a grid is calculated regarding the following:
  - (a) The cost to construct the to 'public road standard';
  - (b) The cost to construct an associated bypass track; and
  - (c) The cost to install associated signage.
- 2.3. Applications for a permit for gates and grids will be considered by Council on their merits, pursuant to the following:
  - (a) The location must meet the safety requirements established by the General Manager or their delegate;
  - (b) Gates are not permitted on formed public roads (notwithstanding that a gate shall be installed as an adjunct to any approved grid); and
  - (c) The applicant must show that fencing the road is not a viable alternative to the provision of a gate or grid.
- 2.4. For a Permit to remain in place for a Structure, the following conditions must be met:
  - (a) Safety is maintained for all road users;
  - (b) No alternative (such as fencing) to the installation of a Structure is viable;
  - (c) The gate is placed at a point where the road intersects a boundary fence;
  - (d) The road where the Structure is (proposed or pre-existing) is not classified as a State or Regional Road;
  - (e) Gates are to only be installed as an adjunct to an approved grid on a formed public road;
  - (f) The owner shall keep the Structure in a reasonable state that is of satisfactory condition to the Council at their own expense; and
  - (g) The owner shall effect repairs to the Structure at their own expense that Council may require.

## 3. Responsibility for Structures

- 3.1. Ownership and responsibility of the structure and all associated items, including approaches and signs, shall be vested in the landowner or their successor in title, as per Part 9 Division 2 of the *Roads Act 1993* (NSW).
- 3.2. The responsibility for a Structure (and the accompanying Permit) is transferred with the sale of the land.
- 3.3. Should no owner of a structure be identified, Council shall be entitled to remove the structure.
- 3.4. Construction, maintenance, and removal of gates and grids shall be carried out at the Owner's expense.



- 3.5. Structures and associated side fences and signage must comply with the relevant NSW Government standards and any other requirements as established by Council.
- 3.6. Owners of gates and grids are liable to maintain the Structures as a whole, at their own expense.
- 3.7. Owners of Structures are liable to seal and maintain the public road approaches to the structure for 20 metres each side of the grid, to the satisfaction of Council.

#### **4. Maintenance**

- 4.1. Council requires the Owner to keep the Structure in a reasonable state so as to no impede the movement of any road user.
- 4.2. The Owner shall indemnify Council against all claims and demands in relation to the Structure.
- 4.3. If an inspection by Council identifies that works are required to the Structure, Council will notify the owner in writing.
- 4.4. The Owner has 30 days from notification from Council that the Structure requires works to rectify the issues identified by Council.
- 4.5. The Owner may seek an extension to the 30 days from Council upon agreement of the General Manager, or their delegate.
- 4.6. If issues are not rectified at the conclusion of the 30 days (or other period as approved by the General Manager, or their delegate) Council may perform works necessary to rectified the issue or remove the Structure and recover all associated costs from the Owner.

#### **5. Standards**

- 5.1. Council staff are to act in the best interest of the road user when determining requirements in relation to a Structure.
- 5.2. Council will not consider permitting new public gates unless at the boundary of a property where there are no other landowners beyond that point. All other gates must be removed.
- 5.3. Minimum acceptable standard for gates on public roads:
  - (a) The minimum width of a gate shall be 7.3 metres;
  - (b) Adequate sight distance must be available along each direction of approach;
  - (c) Gate must not be locked at any time;
  - (d) Gates must be aluminium or painted white;
  - (e) Gates must be affixed with reflectors upon each side (displaying red reflectors on the left hand side and white reflectors on the right hand side for approaching traffic); and
  - (f) A notice must be attached to both sides of the gate, bearing the words "PUBLIC GATE" in letters at least 75 millimetres high.
- 5.4. Minimum acceptable standard for gates on public roads:
  - (a) Grids must be at least 3.85 metres wide;
  - (b) Grids must have a minimum carrying capacity of 42 tonnes;
  - (c) Grids must be installed by way of a pit dug into the road and covered with an open grille so as to enable road users to travel over it;





- (d) Grids must be affixed width markers (sign D4-3A) on both sides of the grid and on both approaches;
- (e) Advanced warning signs must be erected on both approaches, 100 metres in advance of the grid bearing the word "GRID" (sign W5-16B); and
- (f) The road must be constructed and gravelled at least 6 metres wide for a distance of at least 20 metres on both approaches to the grid.

5.5. Council may require higher standards to be met at the discretion of the General Manager or their delegate.

5.6. If a structure has been constructed in accordance with a Council issued permit but is of a lesser standard than that outlined in clauses 5.3 and 5.4, the structure may remain in position until replacement becomes necessary, or until such time as Council directs the Owner to replace it with a structure that meets the current standards.

## **6. Council Managed Road Maintenance**

6.1. If Council is required to perform maintenance or upgrade of a public road where a Structure is located, the Structure will be upgraded to meet legislated and Council's specifications. The responsibilities in such cases are as follows:

- (a) The Owner will:
  - (i) Reimburse Council for the costs incurred to upgrade the Structure to the relevant standards; and
  - (ii) Maintain the Structure once Council has handed the asset back to the Owner.
- (b) Council will:
  - (i) Notify the Owner of their intention to upgrade the public road, including any structures located along it, at least seven (7) days prior to the commencement of works; and
  - (ii) Remove any replaced infrastructures (including grids, abutments and signage) and deliver them to a location that is mutually agreed upon to by the Owner.

## **7. Removal**

7.1. Unauthorised structures on public roads are considered obstructions and are therefore illegal and require removal.

7.2. Where possible, Council shall encourage the removal of structures from public roads.

7.3. If Council determines that the Structure is in such a state of disrepair as to constitute a danger to traffic, it is to be removed or repaired immediately.

7.4. All of Council's costs associated with the maintenance or removal of structures will be recovered from the Owner and all materials salvaged shall remain the property of Council.

## **8. Review**

8.1. This policy will be reviewed within 12 months of an Ordinary Council Election or such other time on an as-needs basis.



## References

- *Local Government Act 1993* (NSW).
- *Roads Act 1993* (NSW).
- *Roads Transport (General) Regulation 2021* (NSW).
- Gates and Grids on Public Roads Procedure.
- Gates and Grids on Public Roads Application Form

## History

Minute Number	Meeting Date	Description of Change
612/95	June 20, 1995	Adopted
244/97	April 15, 1997	Amended
536/99	September 21, 1999	Amended
4/2008	February 5, 2008	Amended
514/2010	August 17, 2010	Amended
210/2013	April 2, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	June 23, 2020	Rebranded
	2022	Reviewed



## HERITAGE POLICY

<b>Responsible Department:</b>	Planning and Sustainability
<b>Responsible Section:</b>	Planning and Development
<b>Responsible Officer:</b>	Manager Planning and Development

### Objective

- This policy is a commitment to conserve and promote the Shire's rich heritage according to the principles of conservation and best practice. This Policy underpins the identification, conservation, and promotion of the Shire's heritage.
- Principles: Narrabri Shire Council (Council) will be guided by the following principles:
  - The Shire's heritage contributes to a liveable and distinctive environment, and to a caring and inclusive community.
  - The Shire's heritage enhances its distinctive sense of identity and reflects its histories and cultural diversity.
  - The Shire's heritage is evolving and dynamic and will be considered in planning for the future.
  - The Shire's heritage programme aligns with its Strategic Plan, and relevant guidelines of the Office of Environment and Heritage and the NSW Heritage Council.

### Introduction

Narrabri Shire has a rich diversity of heritage - Aboriginal, buildings, collections, cultural landscapes, memorials, monuments, precincts, streetscapes, and within villages. Heritage is increasingly integral to community well-being, economic sustainability and to grow sectors such as tourism.

The Policy follows the New South Wales (NSW) *Heritage Guidelines 2002, Recommendations for Local Government Heritage Management* (rev. 2011), the Department of Environment and Climate Change NSW *Due Diligence Code for Practice for Protection of Aboriginal Objects in NSW 2010*, and the Australia International Council on Monuments and Sites (ICOMOS) *Burra Charter*. The Strategy headings reflect those in the NSW Heritage Office Guidelines.

### Policy

#### 1. Definitions

Term	Meaning
<b>Aboriginal cultural significance</b>	An item, place or object that has special meaning to Aboriginal peoples or persons.
<b>Conservation</b>	The processes of caring for heritage places, as defined by the <i>Burra Charter</i> such as adaption, repair, reconstruction, restoration and maintenance.
<b>Heritage item</b>	A building, relic, landscape, tree or other item of the environment that is identified as having heritage significance.
<b>Heritage significance</b>	The importance or value of a heritage place as assessed using criteria defined by the NSW Heritage Council.



## 2. Knowledge

- 2.1. Council commits to know our heritage, which includes the following:
- (a) Work with the community and stakeholders to value-add and inform about the Shire's heritage places.
  - (b) Maintain the Shire's State Heritage Inventory and have a link on the Council's web site.
  - (c) Ensure heritage best practices are followed by Council staff, contractors and in the day-to-day maintenance of heritage places.

## 3. Protection

- 3.1. Council commits to protect our heritage, which includes the following:
- (a) Ensure the on-going identification and recording of places holding heritage significance, commencing with an Aboriginal Heritage Study.
  - (b) Ensure the diversity of heritage is represented.
  - (c) Provide guidelines for the conservation, management, and adaptive reuse.
  - (d) Maintain effective development assessment procedures to ensure heritage is considered appropriately

## 4. Support

- 4.1. Council commits to support our heritage, which includes the following:
- (a) Provide incentives to support restoration, repair and adaptive reuse of heritage places.
  - (b) Provide technical expertise to assist the conservation and sustainability of heritage places.
  - (c) Ensure zoning and regulatory incentives are in place to appropriately manage and support our heritage places.
  - (d) Work with the community to conserve the Shire's heritage and provide heritage advice.
  - (e) Strategically managing Council's heritage assets and those under its care.
  - (f) Actively seek external sources of funding for heritage places.

## 5. Promotion

- 5.1. Council commits to promote our heritage, which includes the following:
- (a) Encourage the promotion of the value of heritage places to the Shire's social and economic well-being.
  - (b) Encourage high quality interpretation, histories and stories to increase local understanding and for tourism.
  - (c) Raise awareness of the contribution of heritage to sustainability.
  - (d) Encourage businesses, education facilities, community groups, etc to be involved in the conservation and promotion of the Shire's heritage.
  - (e) Support the Shire's heritage via having a heritage advisor service, by applying for grants, and in the longer term consider establishing a Local Heritage Fund.

## References

- The New South Wales Office of Environment and Heritage.

## History

Minute Number	Meeting Date	Description of Change
231/2017	November 28, 2017	Adopted
	August 31, 2021	Rebranded
	2022	Reviewed



## INFRASTRUCTURE AND SERVICE LEVEL INVESTMENT POLICY

**Responsible Department:** Financial Services  
**Responsible Section:** Financial Services  
**Responsible Officer:** Chief Financial Officer

### Objective

The objective of this Policy is to:

- Be fiscally responsible with a strong focus on long term financial sustainability, and
- Utilise best practice principles to assess and review Council's investment in expanding or increasing the level of service prior to commitment.
- Reinforce that asset renewal be prioritised over the creation of new assets as outlined as a necessity in Council's adopted Fit for the Future Improvement Plan and current adopted Resourcing Strategy.

### Introduction

The effective management of capital expenditure is becoming more and more crucial for Local Government; budgetary pressures and ever-increasing community expectations mean that Council must ensure that investment in new infrastructure and increases in service levels need to be properly and accurately scoped and assessed prior to any commitment.

Prior to committing to new infrastructure or increased service level investment; Council will utilise industry recognised and accepted methods to assess and review any proposed investment in additional infrastructure or increased service levels prior to formal commitment.

### Policy

#### 1. Definitions

Term	Meaning
<b>New Infrastructure:</b>	Includes both: <ul style="list-style-type: none"> <li>• Expenditure which creates new infrastructure providing a new service or output that did not exist before; and</li> <li>• Expenditure which enhances existing infrastructure to provide a higher level of service.</li> </ul>
<b>Infrastructure Renewal:</b>	Expenditure on existing infrastructure or on replacing existing infrastructure, which returns the service capability of the infrastructure up to that which it had originally. As it reinstates existing potential, it may reduce future operating and maintenance expenditure if completed at the optimum time.  Examples include pavement rehabilitation, replacing a material section of a drainage network with pipes of the same capacity, replacing an air conditioner, and the like.



Term	Meaning
<b>Service Level Increase:</b>	Expenditure on a service that provides a new service and/or output that did not exist before. -or- Expenditure which enhances an existing service to provide a higher level of service.

## 2. Alignment with Integrated Planning and Reporting Framework

- 2.1. For any proposed investment to proceed there must be clear and identifiable alignment with Council's current endorsed Community Strategic Plan and Council's current adopted Delivery Program.

## 3. Costings (Cost of Full Lifecycle of the Project)

- 3.1. A mandatory inclusion for any assessment and review of proposed investment will be an assessment of the full costing of the entire lifecycle of the project.
- 3.2. Such an assessment will include:
- (a) Construction costs (including all costs associated with design and investigation of the infrastructure);
  - (b) Operational costs (including Environmental Costs);
  - (c) Maintenance costs; and
  - (d) Disposal (end of life) costs.

## 4. Costing Model

- 4.1. A full costing model (that includes costs for the full lifecycle of the project as outlined in clause 3 of this Policy) must be included with any request for new infrastructure.
- 4.2. The costing model must include:
- (a) The source of the funding for the infrastructure; and
  - (b) An opportunity cost analysis for the funding source.

## 5. Exclusions

- 5.1. Renewal of existing infrastructure is excluded from the scope of this Policy.
- (a) Work that does not increase service levels (capacity) is excluded from the scope and requirements of this Policy.
- 5.2. New infrastructure, funded by Council's General Fund, under \$50,000 is excluded from the scope of this Policy.
- (a) New infrastructure associated with an upgrade of an area (such as beautification) that does not increase service levels is excluded from the scope and requirements of this Policy.
- 5.3. Infrastructure and services that are not funded by Council's General Fund are excluded from the scope and requirements of this Policy.
- (a) Infrastructure and service level investment associated with expenditure from the Water Fund, and Sewer Fund.





## 6. Transitional Provision

- 6.1. This Policy will apply to all infrastructure proposals that are, at the time of adoption of this Policy, yet to commence construction.
- 6.2. This Policy will apply to all proposals to increase current service levels that are, at the time of adoption of this Policy, yet to commence implementation.

## References

- *Local Government Act 1993* (NSW) ch 3.
- Fit for the Future – Improvement Plan: *An Agenda for Fiscal Responsibility*.
- Council's current adopted Delivery Program.
- Council's current endorsed Community Strategic Plan.

## History

Minute Number	Meeting Date	Description of Change
216/2016	June 7, 2016	Adopted
164/2017	August 15, 2017	Reviewed
	September 1, 2021	Rebranded
	2022	Reviewed



## INVESTMENT POLICY

**Responsible Department:** Financial Services  
**Responsible Section:** Financial Services  
**Responsible Officer:** Finance Coordinator

### Objective

To provide a framework for the investing of Council's funds at the most favorable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return of investment:

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and the safeguarding of the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters;
- Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment;
- Investments are expected to achieve a market average rate of return in line with the Council's risk tolerance.

### Policy

#### 1. Definitions

Term	Meaning
<b>ADI</b>	Authorised Deposit taking institutions (ADI) are corporations that are authorised under the Banking Act 1959 (Cth) to take deposits from customers.
<b>Bill of Exchange</b>	A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person, or to bearer.
<b>Debentures</b>	A debenture is a document evidencing an acknowledgement of a debt, which a company has created for the purposes of raising capital. Debentures are issued by companies in return for medium and long-term investment of funds by lenders. Grandfather Clause Grandfather clause is a legislative clause, which, in prohibiting a certain activity, exempts those who were already engaged in the activity at the time the legislation was passed.
<b>Prudent Person standard</b>	Prudent person standard is a legal standard restricting the investing and managing of a client's account to what a prudent person seeking reasonable income and preservation of capital might exercise for his or her own investment.
<b>Responsible accounting officer</b>	Responsible Accounting Officer (RAO) of a council means a member of the staff of the designated by the General Manager, or if no such member has been designated, the General Manager.

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## 2. Legislative Requirements

1.1. All investments are to comply with the following:

- (a) *Local Government Act 1993*;
- (b) *Local Government (General) Regulation 2021*;
- (c) The current Ministerial Investment Order;
- (d) NSW Trustee Act, 1925;
- (e) Local Government Code of Accounting Practice and Financial Reporting;
- (f) Australian Accounting Standards;
- (g) Office of Local Government Circulars; and
- (h) Office of Local Government Investments Guidelines.

## 3. Delegation of Authority

- 3.1. The General Manager may delegate the management of Council's investment.
- 3.2. Officers with delegated authority to manage Council's investments shall be recorded and shall be required to acknowledge they have received a copy of this Policy and understand their obligations.
- 3.3. The General Manager must invest funds in accordance with the Council's adopted Investment Policy.

## 4. Prudent Person Standard

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

## 5. Ethics and Conflicts of Interest

- 5.1. Independent advisors are required to declare that they have no actual or perceived conflicts of interest.

## 6. Approved Investments

- 6.1. Investments made after the adoption of this Investment Policy are limited to those allowed by the most current Ministerial Investment Order issued by the NSW Minister for Local Government and include:
  - (a) Commonwealth, State, or Territory Government securities;
  - (b) Bills of exchange, (< 200 days duration), guaranteed by an authorised deposit-taking institution (ADI);
  - (c) Interest bearing deposits issued by an authorised deposit-taking institution (ADI);
  - (d) Debentures issued by a Council (within the meaning of the *Local Government Act 1993*);
  - (e) Deposits with NSW Treasury or Investments in Corps' Hour Glass Investment Facility, or both
  - (f) Investments grandfathered under the previous Ministerial Investment Order.

## 7. Investments Held Under a Previous Ministerial Order

- 7.1. Councils may continue to hold to maturity, redeem or sell investments that comply with previous ministerial Investment Orders. Any new investments must comply with the most current Order.
- 7.2. This provision, known as "grandfathering", also applies to dividends from investments that are considered to be non-complying where a council had not made arrangements prior to the release of the amended



Order to reinvest the income stream into the now non-complying investment as part of a dividend reinvestment plan.

- 7.3. It should be noted that any restructure or switch to new investment products must comply with the current Order and be on a market value basis.

## 8. Prohibited Investments

- 8.1. In accordance with the Ministerial Investment Order, this Investment Policy prohibits but is not limited to any investment carried out for speculative purposes including:

- (a) Derivative based instruments including subordinated debt obligations;
- (b) Principal only investments or securities that provide potentially nil or negative cash flow;
- (c) Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind;
- (d) Land mortgage; and
- (e) Deposits with Local Government Investment Services Pty Ltd.

- 8.2. This Policy also prohibits the use of leveraging (borrowing to invest) of an investment.

## 9. Risk Management Guidelines

- 9.1. Investments obtained are to be considered in light of the following key criteria:

- (a) Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money);
- (b) Diversification – setting limits to the amounts invested with a particular financial institution or government authority to reduce credit risk;
- (c) Credit Risk – the risk that Council has invested in fails to pay the interest and or repay the principal of an investment;
- (d) Market Risk – the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices;
- (e) Liquidity Risk – the risk an investor is unable to redeem the investment at a fair price within a timely period; and
- (f) Maturity Risk – the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities.

- 9.2. The amount invested with any one financial institution, in accordance with their 'Standard & Poor's' rating, should not exceed the following percentages of total funds invested by Council:

Long Term Rating (Standard & Poor's)	Short Term Rating (Standard & Poor's)	Maximum exposure of portfolio	Maximum exposure to any one institution
AAA to AA-	A1+	100%	50%
A+ to A-	A1	80%	30%
BBB+ to BBB-	A2 to A3	60%	20%

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- 9.3. If any of Council's investments are downgraded such that they no longer fall within these Investment Policy guidelines, they will be divested as soon as is practicable. In regards of length of term to maturity, the following limits should be adhered to:

Overall Portfolio term to Maturity Limits	
Term	Maximum % of Portfolio Invested
Up to 1 year	100%
1 year to 3 years	30%
Over 3 years	10%

Note: Investments that have been "grandfathered" under changes to Legislative Requirements and/or changes to Council's Investment Policy are not included in the Overall Portfolio Term to Maturity Limits of this Policy.

## 10. Investment Advisor

- 10.1. Investment advisors engaged by Council must be licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the Investment Policy.
- 10.2. The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

## 11. Measurement

- 11.1. As Council continues to hold grandfathered investments such as Collateralised Debt Obligations (CDOs), the investment returns for the portfolio is to be regularly reviewed by an independent financial advisor by assessing the market value of the portfolio. The market value is to be assessed at least once a month to coincide with monthly reporting.

## 12. Benchmarking

- 12.1. The following performance benchmarks are established and are based on sound and consistent methodology.

Investment	Performance Benchmark
Cash	11am Cash Rate
Total Portfolio	90 day Bank Bill Swap Rate

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### 13. Reporting and Reviewing of Investments

- 13.1. Documentary evidence must be held for each investment and details thereof maintained in an Investment Register. The documentary evidence must provide Council legal title to the investment.
- 13.2. Certificates must be obtained from the financial institutions confirming the amounts of the investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.
- 13.3. All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.
- 13.4. A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value. The report should also contain certification by the Responsible Accounting Officer that all investments have been made in accordance with section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2021* and Council's Investment Policy.

### 14. Policy Revision

- 14.1. This Investment Policy will be reviewed in the event of legislative changes. The Investment Policy may also be changed as a result of other amendments that are to the advantage of the Council and in the spirit of this Policy. Any amendment to the Investment Policy must be by way of Council resolution.

### References

- *Local Government Act (NSW) 1993*;
- *Local Government (General) Regulation 2021*;
- The Current Ministerial Investment Order;
- *Trustee Act 1925 (NSW)*;
- Local Government Code of Accounting Practice and Financial Reporting;
- Australian Accounting Standards;
- Office of Local Government Circulars; and
- Office of Local Government Investments Guidelines.

### History

Minute Number	Meeting Date	Description of Change
204/2003	May 20, 2003	Adopted
5/2006	February 21, 2006	Adopted
576/2007	August 21, 2007	Adopted
103/2010	March 16, 2010	Adopted
26/2012	February 21, 2012	Reviewed
75/2013	February 19, 2013	Reviewed
39/2016	February 16, 2016	Amended and Adopted
164/2017	August 15, 2017	Reviewed
	August 31, 2021	Rebranded
	2022	Reviewed



## MAINTENANCE OF NATURE STRIPS IN URBAN AREAS POLICY

<b>Responsible Department:</b>	Infrastructure Delivery
<b>Responsible Section:</b>	Parks and Open Spaces
<b>Responsible Officer:</b>	Manager Parks and Open Spaces

### Objective

- The objective of this policy is to set out both Council's responsibility and Property Owners (and tenants) role in relation to the maintenance and mowing of nature strips, to provide a safe, functional and aesthetically pleasing streetscape.
- This policy applies to all Council controlled lands between property boundaries and Council controlled roads in the urban areas.

### Introduction

Under Section 145 of the *Roads Act 1993* (NSW), the road reserve in urban areas is vested in Council. Traditionally Council has not watered or mown grassed footpaths and nature strips in front of residential, commercial, or industrial property. This has been the role of the property owner or the tenant (if required by the lease conditions). The vast majority of Property Owners (and tenants) have accepted this responsibility, in keeping with the desire for a neat and tidy appearance of their frontage.

However, it is noted that there is no statutory requirement for the property owner to comply.

### Policy

#### 1. Council's Responsibility Regarding Nature Strips

- 1.1. Council will maintain nature strips adjoining or within:
  - (a) Public reserve areas such as, bushland, parks or gardens;
  - (b) Council facilities such as public buildings, recreation grounds or swimming pools;
  - (c) Central Business District

#### 2. Property Owners (and Tenants) Role Regarding Nature Strips

- 2.1. Traditionally, Property Owners (and tenants) have maintained nature strips adjoining their properties. Council lacks adequate resources to effectively maintain these diverse areas, which taken together, constitute a large and sparsely spread area of land. As such, Property Owners (and tenants) efforts are required in order to maintain nature strips throughout our urban areas to a reasonable condition.
- 2.2. Maintenance of nature strips not only benefits the adjoining property, but also enhances the utility, attractiveness and value of the community as a whole.
- 2.3. Where, as the result of roadworks, the road formation is reduced with a corresponding increase in the nature strip, the fronting property owners and tenants are expected to maintain their frontage. Such reduction in formation is normally associated with pavement reconstruction, sealing (including shoulders) and installation of kerb and gutter. The benefits of such works to the property owner in improved amenity





and improved marketability are considered by Council to offset any increased inconvenience or cost due to additional mowing.

### 3. Street Trees

- 3.1. Street trees are managed in accordance with Councils Policy on Public Space Tree Policy.
- 3.2. Council periodically checks and carries out any necessary pruning, removal and replacement of street trees or shrubs planted on nature strips. Property Owners may apply to remove or maintain trees or shrubs planted on the nature strip adjacent to their property but cannot undertake such work without written approval from the General Manager or their delegate.

### 4. Landscaping Nature Strips

- 4.1. Property Owners require written permission from Council to landscape (other than grow grass) on their nature strip.
- 4.2. Landscape developments may include the following features (provided they remain less than 500mm above the road edge and do not provide a public hazard):
  - (a) garden beds;
  - (b) rockeries;
  - (c) retaining walls;
  - (d) paving;
  - (e) shrubs;
  - (f) ground cover plants;
  - (g) bark; or
  - (h) similar materials.
- 4.3. When assessing requests to landscape the nature strip Council will consider:
  - (a) Impact on the streetscape;
  - (b) Access to and safety of pedestrians; (e.g. Australia Post)
  - (c) Risk of impacting on street drainage;
  - (d) Shadow and shade effects;
  - (e) Likely ability of the Property Owners (and future Property Owners) to maintain the landscaped area.

### 5. Prohibited Activities

- 5.1. The following activities are prohibited on nature strips. This list is not exhaustive and just because an activity does not appear below it does not mean it is acceptable:
  - (a) Develop the nature strip (other than growing grass) without written approval from Council;
  - (b) Store or place any substance, material, or thing on the nature strip without written approval from Council;
  - (c) Install pavers or concrete, erect stone or brick walls, or similar structures or materials, across your nature strip without written approval;
  - (d) Allow any foliage to obstruct pedestrian access to footpaths or the nature strip 1.2 metres back from the kerb;
  - (e) Park or store any type of vehicle or trailer on your nature strip (register or unregistered or parts thereof).



## 6. Areas of Neglect, Where Nature Strips Create an Eyesore or Safety Hazard

- 6.1. In cases where footpaths and nature strips become overgrown, Council will write to the property owner and advise them of this policy. In exceptional circumstances Council will undertake maintenance to achieve the "Acceptable Condition of Nature Strips" outlined above.

## References

- *Local Government Act 1993* (NSW)
- *Local Government (General) Regulation 2021* (NSW).
- *Roads Act 1993* (NSW)

## History

Minute Number	Meeting Date	Description of Change
435/2007	July 3, 2007	Adopted
26/2012	February 21, 2012	Reviewed
210/2013	April 2, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	2022	Reviewed



## MANAGEMENT OF FERAL OR INFANT ANIMALS POLICY

**Responsible Department:** Planning and Sustainability  
**Responsible Section:** Regulatory Compliance  
**Responsible Officer:** Manager Regulatory Compliance

### Objective

The objective of this Policy is to provide a mechanism to deal with animals which are feral and a danger for staff to handle and infant animals which need constant intensive care.

### Introduction

It is a requirement of the *Companion Animals Act 1998* (NSW) ("the Act"), that a person who seizes a Companion Animal under the provisions of the Act, must cause the seized animal to be returned to its owner, delivered to the Council pound, or surrender the animal to an Authorised Council Officer within a reasonable time. The Act then provides for procedures in dealing with the animals including statutory holding periods.

In some case the animals which have been seized are feral, and in other cases an infant animal is of such a young age that it cannot support its own life. In these cases, the Act requires Council to have a Policy which provides a clear direction on how these animals are to be dealt with, including alternatives to euthanasia, and euthanasia where alternatives are not available, or where it is considered cruel to keep the animal caged for any nominated statutory period as defined in the Act.

The standard holding period currently stands at seven (7) days for unidentified animals and 14 days for identified animals.

### Policy

#### 1. Definitions

Term	Meaning
<b>Council pound facility</b>	Includes any pound facility operated by Council or Council's contracted service provider.
<b>Feral animal:</b>	Means a dog or cat whose owner is unidentified and has been living as a wild animal in undomesticated circumstances and, demonstrates such wild behavior that handling the animal would pose a risk to staff and be seen as cruel to keep the animal caged for a longer length of time than deemed necessary.
<b>Infant animal:</b>	Means a dog or cat that has not yet reached physical maturity and refers to an animal that is not able to feed and fend for itself or is of such age that keeping it within a pound facility would place the animal's welfare at risk.
<b>Unidentified animal:</b>	Means a dog or cat that has no form of identification contained on or in its body being a microchip or collar and tag containing owner's details.



## 2. Feral Companion Animals

### Assessment of suspected feral animals

- 2.1. Council, or a veterinarian engaged by Council, will assess animals accepted into its pound facility suspected of being feral to validate whether the animal is feral.
- 2.2. The results of that assessment will be document and signed by the General Manager or their delegate, who may declare the animal feral.

### Euthanasia

- 2.3. Council may euthanise feral animals before the expiry of holding periods specified in Section 64 of the *Companion Animals Act 1998* (NSW) where:
  - (a) Reasonable investigations into its identification have been made;
  - (b) It is considered cruel to keep the animal caged for the statutory holding period; and
  - (c) The provisions of Section 64B have been complied with.

## 3. Infant Companion Animals

### Assessment of suspected infant animals

- 3.1. Council, or a veterinarian engaged by Council, will assess animals accepted into its pound facility suspected of being infant animals.
- 3.2. The assessment will consider:
  - (a) Whether the animal is in fact an infant animal;
  - (b) Whether the animal is of such an age and size that survival in the long term is remote.
- 3.3. The result of that assessment will be documented and presented to the General Manager or their delegate, who may declare the animal infant.

### Early Release

- 3.4. Infant animals may be subject to early release in accordance with the early release provisions of this policy where:
  - (a) Survival in the long term is reasonably possible through care external of the pound; or
  - (b) It is otherwise in the animal's best interests to release it early.
- 3.5. Clause 3.4 does not apply where, following reasonable enquiries, no care external to the pound is available.

### Euthanasia

- 3.6. Council may euthanise infant animals before the expiry of holding periods specified in Sections 64 and 64A of the *Companion Animals Act 1998* (NSW) where:
  - (a) A registered veterinarian considers that the animal's survival in the long term is remote; and
  - (b) The provisions of Section 64B have been complied with.

## 4. Early release as an alternative to euthanasia

- 4.1. Companion animals identified as being an infant may be released on a permanent basis prior to the expiration of the statutory holding period set out in sections 64 and 64A of the Act as an alternative to euthanasia, or on the basis that such action is in the best interests of the animal's welfare.
- 4.2. Early release is subject to the animal only being released to the following organisations:
  - (a) Royal Society for the Prevention of Cruelty to Animals NSW (RSPCA)
  - (b) Animal Welfare League; or
  - (c) Any other reputable rehoming organisation.



## References

- *Companion Animals Act 1998* (NSW)

## History

Minute Number	Meeting Date	Description of Change
17/2017	21 February 2017	Adoption
164/2017	15 August 2017	Reviewed
	XXXXXX 2022	Reviewed



## MEDIA POLICY

<b>Responsible Department:</b>	Corporate and Commercial Services
<b>Responsible Section:</b>	Customer and Information Services
<b>Responsible Officer:</b>	Manager Customer and Information Services

### Objective

- Provides a robust framework for the administration and management of their interactions with the media. It also sets standards of conduct for all council officials who are required to interact with media in their official capacity.
- Recognises that councils interact with media differently depending on factors such as a council's size and resources and the demographics of a local government area.
- Ensures a degree of flexibility by including optional and adjustable provisions which enables each council to tailor the policy to suit its own unique circumstances.

### Introduction

Effective media engagement can assist councils to keep their community informed, explain decisions and to promote community confidence in the council and its decisions.

Media has evolved over time to include both traditional and non-traditional forms. The advancement of technology and the development of non-traditional media means that the media now has unprecedented reach and accessibility. Anyone with a computer or hand-held device can access media platforms and actively engage in content which has the potential to be viewed and shared by hundreds of millions of people worldwide.

How a council is portrayed in the media impacts greatly on how the organisation is perceived. Media can be an effective tool to promote council programs, events, and initiatives. In addition, media can be invaluable in times of crisis or emergency when information needs to be communicated to the public.

Despite its obvious benefits, media also presents a variety of challenges and risks. These include:

- maintaining the accuracy, reliability, and integrity of information
- ensuring confidential information is managed appropriately, and
- the increased exposure and risk to reputation where information is not managed appropriately.



## Policy

### 1. Definitions

Term	Meaning
<b>Media</b>	Print, broadcast, and online media used for communicating information to the public, including, but not limited to, newspapers, magazines, internet publishers, radio, and television broadcasters.
<b>Council official</b>	In the case of a council – means councillors, members of staff and delegates of the council (including members of committees that are delegates of the council);
<b>Media coordinator</b>	Means a person appointed under clause 4 of this policy
<b>Media</b>	Means print, broadcast and online media used for communicating information to the public, including, but not limited to, newspapers, magazines, internet publishers, radio, and television broadcasters
<b>Personal information</b>	Means information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
<b>Social media</b>	Means online platforms and applications, such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards, that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to facebook, twitter, snapchat, linkedin, yammer, youtube, instagram, flicker and wikipedia.

### 2. Application

- 2.1. This policy applies to engagement between council officials and the media.
- 2.2. This policy does not apply to social media use.

### 3. Engagement Principles

- 3.1. Four 'principles' of media engagement:

- (a) Openness;
- (b) Consistency;
- (c) Accuracy; and
- (d) Timeliness.

### 4. Media Coordination

- 4.1. The General Manager, or their delegate, will be Council's Media Coordinator.
- 4.2. The Media Coordinator's role is to:
  - (a) be the lead point of contact for all media enquiries, requests for interviews, requests to film or photograph council staff, facilities or events for news and current affairs purposes
  - (b) be responsible for preparing all media statements prior to their release
  - (c) delegate to staff members to respond to media enquiries where appropriate
  - (d) maintain a register of delegated staff
  - (e) maintain effective oversight of delegated staff
  - (f) revoke a staff member's status as a delegated staff member when required
  - (g) ensure that media statements are approved by the Mayor and/or General Manager prior to their release

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- (h) develop and/or approve media training and/or induction to be provided to delegated staff and/or councillors
- (i) maintain a record of all media enquiries and responses
- (j) ensure that media organisations and their representatives are treated professionally, equally and without bias
- (k) ensure that media enquiries are dealt with promptly
- (l) provide guidance to councillors approached by the media for comment to avoid communication of misinformation, and
- (m) ensure that all media releases are published on the Council's website.

## 5. Who Can Engage with the Media

### The General Manager

- 5.1. The General Manager is the official spokesperson for the Council on operational and administrative matters.
- 5.2. The General Manager may delegate to other council staff to speak on their behalf where appropriate, (for example, where the delegated staff member has professional expertise regarding the subject matter, or the general manager is unavailable).

### The Mayor

- 5.3. The Mayor is the principal member and spokesperson of the governing body of the Council, including representing the views of the Council as to its local priorities (section 226(c) of *the Local Government Act 1993* (NSW)).
- 5.4. If the Mayor is unavailable, the Deputy Mayor may act as the Council's spokesperson.
- 5.5. The Mayor may delegate their role as spokesperson to other councillors where appropriate, (for example, where another councillor is best placed to comment, because the issue is of particular interest to them, or it is within their area of expertise).

### Councillors

- 5.6. As a member of the governing body and as a representative of the community, councillors are free to express their personal views to the media.
- 5.7. When engaging with the media councillors:
  - (a) must not purport to speak for the Council unless authorised to do so;
  - (b) must clarify when speaking to the media that they are expressing their personal views as an individual councillor and that they are not speaking for the Council (unless authorised to do so);
  - (c) must uphold and accurately represent the policies and decisions of the Council;
  - (d) must not disclose council information unless authorised to do so; and
  - (e) must seek information and guidance from the Media Coordinator where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks.
- 5.8. In the interests of promoting a positive, safe, and harmonious organisational culture, councillors should endeavour to resolve personal differences privately and must not prosecute them publicly through the media.
- 5.9. Where councillors become aware of potential issues that could result in media interest, they should provide this information to the Media Coordinator.

### Council Staff

- 5.10. Council staff must not speak to the media about matters relating to the Council unless authorised by the Media Coordinator to do so.



- 5.11. If Council staff receive a media enquiry or they are invited to comment to the media on a matter relating to the Council, they must refer the enquiry to the Media Coordinator.
- 5.12. Council staff are free to express their personal views to the media on matters that do not relate to the Council, but in doing so, must not make comments that reflect badly on the Council or that bring it into disrepute.
- 5.13. If authorised to speak to the media, Council staff:
- (a) must uphold and accurately represent the policies and decisions of the Council
  - (b) must not disclose Council information unless authorised to do so by the Media Coordinator, and
  - (c) must seek information and guidance from the Media Coordinator where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks
- 5.14. Where Council staff become aware of potential issues that could result in media interest, they should provide this information to the Media Coordinator.

#### **Administrative tone**

- 5.15. All media engagement by council officials must be conducted in a professional, timely and respectful manner.

#### **Induction and training**

- 5.16. Council officials who engage or are authorised to engage with the media must receive training on media engagement.
- 5.17. Media engagement training will be provided to councillors as part of their induction or refresher training or as part of their ongoing professional development program.

#### **Councillors' questions about media engagement**

- 5.18. Councillors must direct any questions about their obligations under this policy to the Media Coordinator.

### **6. Standards of Conduct When Engaging with the Media**

- 6.1. Council officials must comply with the Council's code of conduct when engaging with the media in an official capacity or in connection with their role as a council official.
- 6.2. Council officials must not share information or make comments to the media that:
- (d) are defamatory, offensive, humiliating, threatening, or intimidating to other council officials or members of the public;
  - (e) contains profane language or is sexual in nature;
  - (f) constitutes harassment and/or bullying within the meaning of Council's Code of Conduct, or is unlawfully discriminatory;
  - (g) is contrary to their duties under the Work Health and Safety Act 2011 (Cth) and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety;
  - (h) contains content about the Council, council officials or members of the public that is misleading or deceptive;
  - (i) divulges confidential Council information;
  - (j) breaches the privacy of other council officials or members of the public;
  - (k) contains allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the Procedures for the Administration of the Council's Code of Conduct;
  - (l) could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment;
  - (m) commits the Council to any action;
  - (n) violates an order made by a court;



- (o) breaches copyright; or
- (p) advertises, endorses, or solicits commercial products or business.

## 7. Use of Media During Emergencies

- 7.1. During emergencies, such as natural disasters or public health incidents, the Media Coordinator will be responsible for coordinating media releases and statements on behalf of the Council.
- 7.2. Councillors, Council staff and other Council officials must not provide comment or information to the media that is inconsistent with official advice issued by the Council and any other agency coordinating the emergency response.
- 7.3. Training on media engagement during emergencies will be provided to councillors and relevant staff and other Council officials.

## 8. Media Engagement in the Lead up to Elections

- 8.1. This policy does not prevent the Mayor or Councillors who are candidates at a council election from providing comment to the media in their capacity as candidates at the election.
- 8.2. Any media comment provided by the mayor or councillors who are candidates at a council election must not be provided in an advertisement, newspaper column, or a radio or television broadcast paid for by the Council or produced by the council or with council resources.

## 9. Records Management

- 9.1. Media content created and received by council officials (including councillors) acting in their official capacity is a council record and may be subject to information access applications made under the *Government Information (Public Access) Act 2009* (NSW). These records must also be managed in accordance with the requirements of the *State Records Act 1998* (NSW) and the Council's approved records management policies and practices

## 10. Review

- 10.1. This policy will be reviewed within 12 months of an Ordinary Council Election or from time-to-time on an as-needs basis.

## References

- *Local Government Act 1993* (NSW).
- *Local Government (General) Regulation 2021* (NSW).

## History

Minute Number	Meeting Date	Description of Change
181/2021	26 October 2021	Adopted
	2022	Reviewed (based on Model Policy from NSW Office of Local Government)



## NARRABRI LAWN CEMETERY – FLORAL AND OTHER TRIBUTES POLICY

<b>Responsible Department:</b>	Infrastructure Delivery
<b>Responsible Section:</b>	Parks and Open Spaces
<b>Responsible Officer:</b>	Manager Parks and Open Spaces

### Objective

- To provide a clear direction and consistent approach in relation to the decoration of plinths at the Narrabri Lawn Cemetery;
- To keep the general appearance of the cemetery consistent.

### Introduction

Cemeteries and burial sites are very significant places to people, for obvious reasons. While some people express themselves and their feelings for loved ones passed by adorning the grave site with elaborate decoration, others prefer simpler adornment. It is important that Council regulate the decoration of the lawn cemetery to ensure the amenity of all graves for everybody. This policy seeks to strike a balance between the two (2), so that people can pay their respects to those no longer with us, while respecting the preferences of others.

### Policy

#### 1. Grave Decorations

- 1.1. No floral or other tribute is to be placed on the lawn area outside the extent of the approved plinth.
- 1.2. Containers (vases and the like) required to hold floral tributes are restricted to one article for each grave with this container being placed in a special opening provided in the plinth.
- 1.3. Solar powered lights are restricted to one article for each grave with the light being placed in the special opening provided in the plinth.
- 1.4. No use is to be made of glass jars and containers, which will detract from the general appearance of the park.
- 1.5. No fixtures or fittings are to be attached to the plinths or placed on the lawn area.
- 1.6. No tree, shrub or other plant is to be placed or planted in the lawn section other than by Council.

#### 2. Removal of Grave Decorations

- 2.1. Aged flowers and wreaths will be regularly removed from the grave by Council after an appropriate time has lapsed.
- 2.2. Should it become necessary for Council to remove vases and other items and Council forms the view that these items are valuable, they will be registered and stored at Council's Works Depot.
- 2.3. Stored items will be available for return to owners on request at the Narrabri Administration Building, for a period of up to six months, after which they will be disposed of.



### 3. Review

- 3.1. This policy will be reviewed within 12 months of an Ordinary Council Election or such other time on an as-needs basis.

### References

- *Local Government Act 1993* (NSW).

### History

Minute Number	Meeting Date	Description of Change
222/2006	April 18, 2006	Adopted
26/2012	February 21, 2012	Reviewed
607/2013	September 3, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	September 1, 2021	Rebranded
	2022	Review



## PROPERTY ADDRESSING POLICY

**Responsible Department:** Corporate and Commercial Services

**Responsible Section:** Property Services

**Responsible Officer:** Manager Property Services

### Objective

The objective of this policy is to provide a clear and consistent understanding of property addressing across the Narrabri Shire Council Local Government Area (LGA):

Council has an urban and rural addressing system to cover the LGA, with the following primary objectives:

- (a) To provide a unique and identifiable address for each property within the LGA;
- (b) To facilitate emergency vehicle response; and
- (c) To provide for prompt and efficient responses from service providers.

### Introduction

It is important that there is a logical, standardised, and clear property addressing system in Narrabri Shire. This enables people and entities living and operating in the Shire to identify properties with ease and confidence.

This policy establishes that system and provides a framework for its application.

### Policy

#### 1. Definitions

Term	Meaning
<b>Relevant Standard</b>	AS/NZS 4819:2011
<b>Rural Properties</b>	A property within the LGA but outside the stated limits of a township.
<b>Urban Properties</b>	A property within the stated limits of a township within the LGA.

#### 2. Addressing Generally

- 2.1. Council will allocate every urban building or part of building (where the building is partitioned) with an individual address.
- 2.2. Council will allocate every rural property with an individual address.
- 2.3. Narrabri Shire Council will adhere to AS/NZS 4819:2011 when issuing and managing property addressing in Narrabri Shire.



### 3. Urban Addressing

- 3.1. Urban properties will be assigned an address in accordance with the relevant standard.

### 4. Rural Addressing

- 4.1. Rural properties will be assigned an address in accordance with the relevant standard.
- 4.2. Rural address numbers will replace roadside mailbox numbers, lot numbers, and other numbering systems used in the past.
- 4.3. Property names may be used in conjunction with the property's numerical address.
- 4.4. Rural addresses shall be indicated by way of rural addressing numbering posts, which shall meet Council's specifications in terms of size, material, character, and location.
- 4.5. Property numbering posts must be kept clear and visible at all times.
- 4.6. Where a rural address numbering post requires replacement, for any reason, the landowner must make an application to Council and pay the prescribed fee.
- 4.7. Following payment of the prescribed fee and approval of the application, Council will provide and install the replacement post.

### 5. New Addresses

- 5.1. It shall be a condition of all development consents to all urban development applications and subdivision applications that there be provision of property address(es) in accordance with this policy and AS 4819:2011.
- 5.2. It shall be a condition of all development consents for all new rural dwelling applications for provision of a property address in accordance with AS 4819:2011 if one does not already exist.
- 5.3. It shall be a condition of all development consents for all new rural subdivisions, that each new allotment created will be assigned a property address in accordance with AS 4819:2011.
- 5.4. Property owners may apply to Council for creation of new rural addresses.
- 5.5. Applications for new rural addresses must be made in the form prescribed by Council, which is an appendix to this policy.
- 5.6. Applicants for new rural addresses for a property, structure, or feature developed after 1 January 2009 must pay a fee in accordance with Council's adopted Scale of Fees and Charges. Payment of this fee will be a pre-requisite to the new address being created.

### 6. Changes to Rural Addresses

- 6.1. Where an address is incorrect on the basis of the system established by this policy, property owners can apply to Council to change the address.
- 6.2. Except where this policy explicitly states otherwise, the property owner shall be responsible for any costs associated with changes to the address.
- 6.3. Where a rural address changes due to realignments of roads or rail crossings, those changes will be incorporated into the cost of the realignment project. These costs may include:
  - (d) Identification of new property accesses for addressing purposes;
  - (e) Calculation and registration of the new address;
  - (f) Supply and installation of posts; and
  - (g) Notification to relevant service providers.





## References

- *Local Government Act (NSW) 1993.*
- *Local Government (General) Regulation 2021.*
- AS/NZS 4819:2011 Rural & Urban Addressing
- NSW Address Policy and User Manual

## History

Minute Number	Meeting Date	Description of Change
115/2014	5 April 2016	Adopted
164/2017	15 August 2017	Reviewed
	2 June 2020	Rebranded
	2022	Reviewed



## PUBLIC SAFETY CLOSED-CIRCUIT TELEVISION CAMERA POLICY

<b>Responsible Department:</b>	Corporate and Commercial Services
<b>Responsible Section:</b>	Customer and Information Services
<b>Responsible Officer:</b>	Manager Customer and Information Services

### Objective

- To establish a framework for how the closed-circuit television (CCTV) cameras managed by Council will be installed and operated, and how footage captured by these shall be managed.
- To capture incidents and reduce crime. The CCTV Code of Practice contains standards to guide the operation of Council's CCTV Program. This is supplemented by Council's CCTV Operational Procedure which provides instructions on the operation of Council's CCTV suite.

### Introduction

The Policy has been developed in consultation with NSW Police and the relevant Council Advisory Committee. There is no current legislative requirement for Councils to adopt or enforce a particular policy regarding the use of CCTV in public places, the NSW Office of Local Government considers the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places to be best practice and Council has incorporated these guidelines in the development of this policy.

### Definitions

#### Policy

##### 1. Definitions

Term	Meaning
Close Circuit Television (CCTV)	Is defined as a television system that transmits images on a 'closed loop' basis, where images are only available to those directly connected to the transmission system. The transmission of closed-circuit television images may involve the use of coaxial cable, fibre-optic cable, telephone lines, infra-red and radio transmission systems. A handheld, or fixed video cassette recorder is not included in this definition unless it is connected to a transmission system as stated in NSW Government Policy Statement and Guidelines for the Establishment and Implementation of closed-circuit television (CCTV) in public places.
Camera	A device that is capable of recording and monitoring motion, visual images in photographs and/or films.
Public place	A place both indoor and outdoor which includes; public highways, roads, streets, bridges, footways, Council owned buildings, footpaths, court alley passages, any parks/garden reserves or other place of public recreation or resort, public bathing reserves, public baths, or swimming pools.
Street safe cameras	Referring to CCTV that is utilized in public places as stated above. This does not include CCTV owned and operating in private places.
Unusual behaviour	Is behaviour that someone of the public finds offending and/or inappropriate, your behaviour is unusual if it makes others feel threatened or uncomfortable.



Term	Meaning
Damage to property	Damage caused by a person on public or private property that is not owned by the person who has done the damage.

## 2. NSW Government Policy and Guidelines

- 2.1. The NSW Government Policy Statement and Guidelines must apply to all CCTV operations for the Establishment and Implementation of Closed-Circuit Television (CCTV) in Public Places. The overarching guidelines are as follows:
- (a) Cameras used for CCTV will be clearly visible;
  - (b) Signage for the cameras will be located at each location of the cameras where the recording is conducted;
  - (c) To provide a safer environment for the residents who live, work, and visit Narrabri Shire;
  - (d) To reduce crime levels and the fear of crime; and
  - (e) To help assist police in detection of offenders.

## 3. Privacy and Disclosure

- 3.1. CCTV footage may only be used by authorised persons for authorised purposes.
- 3.2. Evidence of all access to Council's CCTV footage must be recorded in Council's record management system.
- 3.3. If CCTV footage is of sufficient quality, the footage may contain personal information, pursuant to the *Privacy and Personal Information Protection Act 1998* (NSW).
- 3.4. Disclosure of CCTV footage is governed by the 'Use and Disclosure' Privacy Principle and therefore the disclosed of CCTV footage needs to be assessed in accordance with that principle.
- 3.5. Disclosure of CCTV footage to law enforcement agencies, such as the NSW Police Force, is permitted under the *Privacy and Personal Information Protection Act 1998* (NSW) so long as:
  - (a) the law enforcement agency deems it reasonably necessary for the performance of a law enforcement activity;
  - (b) the law enforcement agency only accesses the particular date of timeframe of CCTV that they deem as reasonably necessary.
- 3.6. Law enforcement agencies must complete the form at **Appendix A** to access Council's CCTV footage.
- 3.7. Council must comply with any subpoena (or other court order) issued to produce CCTV footage.
- 3.8. A request to access Council's CCTV footage by a individual or organisation that is not a government body or a law enforcement agency must be dealt with pursuant to the *Government Information (Public Access) Act 2009* (NSW).



#### 4. Implementation of Effective CCTV Systems

- 4.1. CCTV cameras need to be running and recording 24 hours a day.
- 4.2. Video recordings captured by Council operated CCTV will only be used as legally required.
- 4.3. CCTV will be maintained and operated in accordance to the following guidelines and legislative requirements:
  - (a) Privacy and Personal Information Protection Act 1998 (NSW);
  - (b) Local Government Act 1993 (NSW);
  - (c) Workplace and Surveillance Act 2005 (NSW);
  - (d) NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed-Circuit Television (CCTV) in Public Places

#### 5. Complaints

- 5.1. Any complaints regarding council's CCTV system will be handled in accordance with Council's Complaints Management Policy and Procedure.

#### 6. Review

- 6.1. This policy will be reviewed within 12 months of an Ordinary Council Election or such other time on an as-needs basis.

#### References

- *Local Government Act 1993 (NSW).*
- *Privacy and Personal Information Protection Act 1998 (NSW).*
- *Workplace and Surveillance Act 2005 (NSW).*
- *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed-Circuit Television (CCTV) in Public Places.*

#### History

Minute Number	Meeting Date	Description of Change
239/2019	October 21, 2019	Adopted
	2022	Reviewed and Rebranded



Our Reference:

Your Reference:

Contact Name:

Manager Customer and  
Information Services

## Appendix A – Law Enforcement Agency Request to Access Council CCTV

**IMPORTANT:** Please note that Narrabri Shire Council only keeps CCTV footage for a period of 30 days. Any request for CCTV footage relating to over 30 days prior cannot be granted.

### Details of the requesting party:

Full Name: \_\_\_\_\_  
 Organisation: \_\_\_\_\_  
 Position: \_\_\_\_\_  
 Station/Office: \_\_\_\_\_  
 Contact Number: \_\_\_\_\_  
 Email: \_\_\_\_\_  
 Badge no: \_\_\_\_\_

### CCTV Footage Requested:

Date: \_\_\_\_\_  
 Time Period: \_\_\_\_\_  
 Camera Location: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### Justification for release:

I, \_\_\_\_\_ deem the access of the aforementioned CCTV footage reasonably necessary for the performance of a law enforcement activity.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

  
 Narrabri Shire Council  
 46 - 48 Maitland Street  
 PO Box 261, Narrabri NSW 2390

  
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## PUBLIC SPACE TREE POLICY

**Responsible Department:** Infrastructure Delivery  
**Responsible Section:** Parks and Open Spaces  
**Responsible Officer:** Manager Parks and Open Spaces

### Objective

To provide guidance on the selection, tending and maintenance of trees in urban area public spaces.

### Introduction

Trees are an important part of the landscape of Narrabri Shire. As living organism trees are variable in shape, size, robustness, fruiting behaviour, and longevity. It is therefore important to ensure that trees selected for public areas within the Shire are appropriate for the environment in which they are planted, well-tended and removed when the organism deteriorates or the environment in which they are planted changes.

Public safety is the paramount concern for the selection and ongoing management of trees in public spaces in Narrabri Shire.

### Policy

#### 1. Definitions

Term	Meaning
<b>Tree</b>	A perennial gymnosperm or angiosperm which when mature, has a top height greater than 2.5m.

#### 2. Management Responsibility

2.1. Council will have responsibility for:

- (a) Ensuring that trees in high use urban areas are regularly inspected for hazards that could pose a risk to public safety;
- (b) Ensuring that trees are routinely pruned as required with the aim of protecting public utilities, enhancing public safety and urban amenity, and improving or maintaining tree health;
- (c) Undertaking major tree surgery work as required;
- (d) Undertaking remedial tree surgery and the removal of fallen or broken timber following storm events;
- (e) Ensuring that dead and dying or dangerous trees that are identified are removed and replaced;
- (f) Ensuring that trees are removed and replaced as the environment in which they are located changes;
- (g) Ensuring trees do not pose a risk to aircraft in the vicinity of aerodromes and airstrips operated by Council.



- (h) Management's responsibilities will be implemented through ensuring that sites are appropriate for trees, suitable trees are selected, and appropriate decisions are made throughout the useful life of a tree.

### 3. Species Selection

- 3.1. Acceptable tree species are ones which are capable of surviving without routine assistance from Council staff (including minimal assistance at the time of establishment).
- 3.2. Suitable tree species will not require regular applications of pesticides or herbicides to ensure either their visual amenity, or survival.
- 3.3. Suitable species include those species which are locally endemic, native (but not endemic), or exotic.
- 3.4. Consideration will be given to the suitability of a given species for a site. Elements to be considered include:
  - (a) Physical characteristics of tree including (but not limited to): rooting habit, tree form, crown width, number of leaders, presence of thorns, toxicity via contact, top height, propensity to drop materials & size of discarded material, pollen discharge, tree seasonality, propensity to self propagate, smell, aesthetic charm, and ability to survive in a contaminated / high stress environment;
  - (b) Rarity of species;
  - (c) Purchase cost of tree;
  - (d) Maintenance cost of tree;
  - (e) Cost of removing tree when mature (maximum size);
  - (f) Presence of obstacles (buildings, footpaths, underground utilities).
- 3.5. A species which has been gazetted by an Australian State or Federal Government as a noxious or environmental weed will not be a suitable species.

### 4. Budget Requirements

- 4.1. Council will provide funds in its annual budget for the purchase, maintenance, removal and replacement of trees in public spaces in Narrabri Shire.

### 5. Trees and Powerlines

- 5.1. Only suitable trees will be planted beneath powerlines.
- 5.2. Where trees are already present beneath powerlines these will be maintained and replaced with suitable species if removed.
- 5.3. Trees planted adjacent to a powerline should be a minimum of 15m from the edge of the line or the same distance as the top height of the tree when mature (whichever is the greater).

### 6. Inspection

- 6.1. Trees in high use areas such as near children's playgrounds are inspected every one to two years.
- 6.2. When a member of the public is concerned about the safety or health of a particular tree on public land (i.e., where a customer service request is lodged), a site visit will be arranged and appropriate corrective action will be taken.

### 7. Limb Pruning

- 7.1. Priority is given to trees in areas of high public use, such as aerodromes, helipads, streets, car parks, shopping centres and picnic areas.





- 7.2. Formative pruning of young trees is carried out in the first five years following planting.
- 7.3. Multiple leaders on young trees are removed or reduced when they are considered to be a potential future hazard.
- 7.4. Trees are pruned to avoid interference with power lines, street signs, street lights and other services.
- 7.5. Lower branches up to a height of 3 to 5 metres may be removed in order to give clear pedestrian and traffic access and clear sight lines, particularly for vehicles entering and leaving driveways, or approaching intersections, or to provide kerbside access for waste collection vehicles.
- 7.6. On main roads and major streets, lower branches may be removed to a maximum height of 5m.
- 7.7. To minimise hazards caused by wind and rain, thinning of individual tree crowns, or tree stands, may be carried out.
- 7.8. Dead, diseased, cracked, hollow or otherwise unsound wood will be removed.
- 7.9. Pruning near aerodromes and helipads will generally entail reducing the height of the tree to an acceptable height for the safe operation of aircraft.

## **8. Root Pruning**

- 8.1. In cases where tree roots are becoming invasive and root damage to existing infrastructure that poses a public risk, is evident or imminent Council staff are to take action to prune the roots using an approved method, to a depth of 1.2m (or refusal, i.e. rock) and install an effective root barrier.
- 8.2. Root Pruning must be carried out despite the possible long term ill effects on the tree, in preference to the immediate removal of a tree.
- 8.3. Limb pruning is to reflect an equal reduction of the root structure (i.e. 25% loss of root is to be balanced by 25% reduction of canopy).
- 8.4. Trees that are to be root pruned are to be photographed immediately prior to root pruning and their response monitored and documented. Should the trees condition deteriorate to a point where it shows symptoms of dying or becoming unstable an arborist is to inspect the tree and provide advice on how the tree should be managed.

## **9. Watering**

- 9.1. Trees will only be watered to ensure their establishment and survival.
- 9.2. Residents are encouraged to water young trees in their neighbourhood to help them become established in the landscape.

## **10. Fertilisers**

- 10.1. Fertilisers Trees will only be fertilised at the time of establishment to ensure their survival and maximise their growth following planting.

## **11. Spraying**

- 11.1. Tree selection and management aims to minimise the use of pesticides.
- 11.2. Tree species are selected on the basis of their resistance to pests and diseases.
- 11.3. Trees are only treated with pesticides during the establishment period (1 to 3 years).
- 11.4. In any case trees greater than 5 metres in height are not sprayed and Eucalypt species are not sprayed specifically for the control of sawfly larvae.



## 12. Tree Removal

12.1. Council will endeavour to provide advice 14 days prior to the removal or major maintenance of a tree, (excluding a response to storm or other damage leaving the tree in a hazardous state) as follows. Advice will include the proposed replacement tree, if any.

Normal Street Tree	Resident affected (i.e. property owner adjacent to the tree).
CBD Street Tree	Business affected (i.e. business owner adjacent to the tree), Chamber of Commerce, and a notice in the local paper.
Park or Reserve	Notice in the Local Paper.
Playing Fields and Surrounds	Notice in the Local Paper.

12.2. Appeals against tree removal or major maintenance must be made in writing to the General Manager 48 hours before the nominated action date, and will only be upheld if contravention to this policy can be demonstrated; in which case action will be taken to ensure the policy is upheld.

12.3. Tree removal will be approved where:

- (a) In the opinion of an arborist and or Council staff it is dead, damaged, unstable or in irreversible decline;
- (b) In the opinion of an arborist and or Council staff it is dead, damaged, unstable or in irreversible decline as the result of root pruning in accordance with this policy;
- (c) In the opinion of the Director of Engineering Services the tree poses an imminent high risk to public safety;
- (d) In the opinion of the Director of Engineering the tree constitutes a traffic hazard or other identifiable hazard to public safety which cannot be corrected by limb pruning;
- (e) In the opinion of the Director of Engineering the tree penetrates, or is about to penetrate the Obstacle Limitation Surfaces of a Council operated aerodrome or airfield, or otherwise pose a risk to aviation;
- (f) In the opinion of the Director of Engineering the tree is located in a position which would interfere with the ability of Council to install new infrastructure required by the community or, the new infrastructures integrity;
- (g) In the opinion of the Director of Engineering the tree has disturbed below-ground services such as power lines or water pipes and root pruning, in accordance with this policy is not physically Possible (ie the tree is on top of the service or the trunk is within 2m of the impacted service);
- (h) The tree is a part of a dense planting which requires thinning to, in the opinion of an arborist, and or Council staff promote the health of the remaining trees; and
- (i) The tree is less than 5m tall.

12.4. Tree removal must be specifically approved by Council where:

- (a) The tree is an unsuitable species for where it is planted, such as poplars and willows near storm water lines, or is in conflict with the design intent of the landscape;
- (b) The tree was designated as temporary in the original landscape design and has reached the end of its intended life span;
- (c) The tree interferes, or has the potential to significantly interfere with a floodway;
- (d) The tree is in the main street precinct of Boggabri, Narrabri or Wee Waa, is greater than 5m tall, and in the opinion of the Director of Engineering is not posing an imminent threat to the public; and



- (e) The tree is within the boundary of a sporting complex of Boggabri, Narrabri or Wee Waa, is greater than 5m tall, and in the opinion of the Director of Engineering is not posing an imminent threat to the public.

12.5. Trees will not be removed for reasons such as:

- (a) Householder preference for no street trees, or for a different species;
- (b) Complaints about appearance (unless these are related to very poor tree health);
- (c) Complaints about leaf litter or twigs; or
- (d) Complaints relating to tree roots protruding above the ground or competing with lawns.

### 13. Tree Replacement

- 13.1. Trees will be replaced with regard to the current and perceived future use of a site. Trees will only be purchased within the allocation provided for the purchase of trees in Council's annual budget.
- 13.2. When Council plans to plant more than six trees at any one time (either new or replacement) in a Main Street, or Playing Field and Surrounds area, it will advertise for Public Comment (28 days) on the species to be planted, and the species to be planted will be determined by Council.
- 13.3. Trees will be planted in accordance with current best practice and root barriers installed where appropriate (mandatory in a street environment).

### 14. Qualified Arborist

- 14.1. Council will seek expressions of interest from suitable qualified and experienced consulting arborist to become Council's "Qualified Arborist" to provide professional recommendations on the management and removal of trees.
- 14.2. The Qualified Arborist is to be independent from any tree removal contractors engaged by Council.
- 14.3. Any reference to an arborist in this policy is a reference to Council's qualified arborist.

### 15. Review

- 15.1. This policy will be reviewed within 12 months of an Ordinary Council Election or from time-to-time on an as-needs basis.

### References

- *State Records Act 1998 (NSW).*

### History

Minute Number	Meeting Date	Description of Change
150/2007	March 20, 2007	Adopted
340/2008	June 17, 2008	Reviewed
26/2012	February 21 2012	Reviewed
210/2013	April 2, 2013	Reviewed
	August 31, 2021	Rebranded
	2022	Reviewed



## RECOGNITION OF ASSETS POLICY

**Responsible Department:** Financial Services  
**Responsible Section:** Financial Services  
**Responsible Officer:** Chief Financial Officer

### Objective

The objective of this policy is to specify the processes to be followed when recognising, recording, and valuing an Asset for formal inclusion in Council's asset register. This policy applies to all new and upgraded Assets, except for Property, Plant and Equipment classified as being held for disposal.

### Introduction

This policy aligns with Council's Asset Management Policy and sets out the definition, recognition, and measurement requirements to provide guidance when considering the appropriate accounting treatment and associated procedures for recognition of Assets that may be classed as Property, Plant or Equipment in Council's Statement of Financial Position.

### Policy

#### 1. Definitions

Word	Meaning
<b>Accounting</b>	Measurement, processing and communication of financial information.
<b>Asset</b>	A resource controlled by an entity as a result of past events and from which future economic benefits are expected to flow to the entity. Infrastructure assets are a sub-class of property, plant and equipment which are non-current assets with a life greater than 12 months and enable services to be provided.
<b>Asset Class</b>	A group of assets having a similar nature or function in the operations of an entity, and which, for purposes of disclosure, is shown as a single item without supplementary disclosure.
<b>Depreciation</b>	The systematic allocation of the depreciable amount (service potential) of an asset over its useful life.
<b>Disposal</b>	Actions necessary to decommission and dispose of assets that are no longer required.
<b>Impairment</b>	Impairment is an accounting term used to describe the situation where a fixed asset's carrying amount is greater than its recoverable amount.
<b>Recognition Threshold</b>	Dollar amount below which expenditure is treated as recurrent.
<b>Stocktake</b>	Physical verification of the quantities and condition of items held in an inventory, as a basis for accurate inventory audit and valuation.
<b>Write-Off</b>	A write off is a reduction in the recorded amount of an asset. A write off occurs upon the realisation that an asset no longer can be converted into cash, can provide no further use to a business, or has no market value.



## 2. Accounting

- 2.1. Council's recognised Asset base can be broadly defined in accordance with the Australian Accounting Standards Board documentation 'AASB 116 Property, Plant and Equipment', as a tangible item that is held for use in the production or supply of goods or services, for rental to others, or for administrative purposes and is expected to be used during more than one Reporting Period.
- 2.2. There are three elements to be satisfied for an Asset to be recognised by Council. These elements are:
  - (a) Control;
  - (b) Past transactions or events which gave rise to control; and
  - (c) The existence of future economic benefits.
- 2.3. Council is deemed to 'control' a Property, Plant and Equipment Asset where it has the power (usually through a legally enforceable right) to obtain future economic benefits from the Asset and it can restrict the access of others to those benefits. The right of ownership over the Asset is not essential in determining control.
- 2.4. A Property, Plant and Equipment Asset must result from a 'past transaction or event'. The past transaction will usually be the purchase of the Asset; however other transactions or events such as donations may generate Assets.
- 2.5. The 'future economic benefit' of an Asset is the potential to contribute, directly or indirectly, to Council in the form of cash or cash equivalents. Future economic benefits may also include service potential, revenue from a future sale, cost savings or any other benefit resulting from the use of the Asset.
- 2.6. Sufficient certainty that future economic benefits will flow to Council is normally achieved when the risks and rewards of the Asset have passed to Council. This usually occurs when the Asset is physically delivered.

## 3. Non-Council Assets

- 3.1. Council may have under its control Assets which are not Council property. These can arise through projects or agreements entered into between Council and a community group or Government Department. Each agreement should specify which Assets will remain the property of Council and which Assets are to be dispersed to another entity at the end of the project or agreement.
- 3.2. Assets acquired for a specific project that will be returned to the project sponsor or community group at the end of the project shall be treated during the period of the project as if they were Council Assets. At the completion of the specific project, it will be the responsibility of the Contract Manager to advise Financial Services of the disposal requirements and comply with the disposal and write-off process detailed in this procedure.

## 4. Treatment of NSW Rural Fire Services (RFS) funded Assets

- 4.1. All Rural Fire Service "Red Fleet Assets" are to be recognised in asset registers at nil value. Council's reasoning for this determination include:
  - (a) All Red Fleet Assets are funded by the NSW RFS. Council makes an annual contribution to the cost of providing rural fire protection to the shire, but does not contribute directly to the cost of individual assets acquired;
  - (b) The assets, while legislatively deemed owned by Council, are ultimately controlled by the RFS;
  - (c) Proceeds from the disposal of assets are returned to the RFS;
  - (d) Including the Red Fleet asset values on Council's Balance Sheet creates an annual depreciation expense on the Income Statement. This depreciation cost is not justified if Council has no control over the life cycle management of the assets.
- 4.2. While Council will not be including values of Red Fleet assets in asset registers, it is still important that these assets are recognised to acknowledge their existence and inclusion for insurance purposes.





## 5. Asset Classes and Recognition Thresholds

- 5.1. A 'Non-Current' Asset that meets the documented recognition requirements will only be recognised if:
- (a) It is probable that the expected future economic benefits attributable to the Asset will flow to Council;
  - (b) The cost of the Asset can be measured reliably; and
  - (c) The cost exceeds the Assets recognition threshold for that Asset Class.
- 5.2. Council controls a large volume of low value items that satisfy the asset recognition criteria. Administration for all of these Assets would result in significant costs for limited benefit. To minimise these administrative costs Council adopts an asset recognition threshold for each Asset Class.
- 5.3. The Asset Classes and associated recognition thresholds of Councils recognised Assets are:

ASSET CLASS	TRESHOLD
<b>Buildings</b>	\$10,000
<b>Infrastructure (Transport, Water, Sewer, Stormwater)</b>	\$10,000
<b>Plant and Equipment</b>	\$5,000
<b>Office Equipment</b>	\$5,000
<b>Furniture &amp; Fittings</b>	\$5,000
<b>Land</b>	Nil
<b>Land Improvements</b>	\$5,000
<b>Cultural (Art Collection, Heritage)</b>	\$5,000
<b>Other Structures</b>	\$10,000

## 6. Measurement at Recognition

- 6.1. A Property, Plant and Equipment Asset that qualifies for recognition shall be measured initially at cost. Where an Asset is acquired at no cost or for a nominal cost (eg. donated), the cost will be its Fair Value as at the date of acquisition.
- 6.2. The cost of a Property, Plant and Equipment Asset comprises:
- (a) The purchase price, including duties and non-refundable taxes, after deducting discounts and rebates;
  - (b) Any costs directly attributable in bringing the Asset in and ready for use; and
  - (c) Costs associated to dismantling and removing the item and restoring the location site.
- 6.3. Examples of expenses usually included in the cost base of a Property, Plant and Equipment Asset include:
- (a) Professional fees/costs directly attributable to locating/delivering the Asset for operations;
  - (b) Upgrade/New – Costs for improving the Asset beyond the original service potential;
  - (c) Site preparation costs directly attributable to preparing the site for installation of the new Asset; and
  - (d) Employee expenses incurred in generating or acquiring the Asset.
- 6.4. General administration and other indirect/overhead costs included in the acquisition are not included in the purchase price of the Asset.
- 6.5. All acquisitions of Property, Plant and Equipment Assets are recorded in Council's Asset register as a Council Asset and subsequently disclosed in the Statement of Financial Position.
- 6.6. Work in progress Assets will only be capitalised to the appropriate Asset Class when the Asset is in a condition ready for use. Work in progress will be reconciled regularly to ensure timely capitalisation of Assets is achieved.
- 6.7. In accordance with 'AASB 117 Leases', Assets acquired under finance leases are initially recognised at an amount equal to the fair value of the Asset, or if lower, the present value of the minimum lease payments.



## 7. Measurement after Recognition

- 7.1. Revaluations will be performed on an entire Asset Class and with sufficient regularity (at least once every five years) to ensure that the Carrying Amount does not differ materially from that which would be determined using Fair Value at the end of the Reporting Period.
- 7.2. Revaluations will be performed in accordance with 'AASB 13 Fair Value Measurement'. Through this process each Asset's Useful Life and Residual Value is reviewed and adjusted, if appropriate, at the end of each Reporting Period. Council may engage the services of an independent and appropriately qualified Registered Valuer to assist in this process.
- 7.3. Costs incurred subsequent to an item of Property, Plant and Equipment first having been put into use or held ready for use, will be added to the Carrying Amount of that Asset and depreciated providing those subsequent costs meet the recognition criteria detailed within this document.
- 7.4. Examples of subsequent costs and their usual accounting treatment include:

SUBSEQUENT COST	TREATMENT	RATIONALE
<b>Repairs &amp; Maintenance</b>	Expense	Costs not meeting recognition criteria.
<b>Servicing (labour/parts/ect.)</b>	Expense	Costs not meeting recognition criteria.
<b>Overhaul/Refurbishment</b>	Capitalise	Extends useful life so recognised as capitalisation.

- 7.5. When an item of Property, Plant and Equipment is revalued, the Carrying Amount of that Asset is adjusted to the Revalued Amount. Accounting treatment for revaluation increase/decrease is summarised below:

RESERVE STATUS	REVALUATION	ACCOUNTING TREATMENT
<b>No Existing Reserve</b>	Increase	Reserve Increase Recognise in other comprehensive income and create revaluation reserve.
<b>Existing Reserve</b>	Increase	Recognised other comprehensive income and revaluation reserve. If increase reverses a previous decrease, recognise in profit/loss.
<b>No Existing Reserve</b>	Decrease	Recognise in profit/loss.
<b>Sufficient Balance</b>	Decrease	Recognise in other comprehensive income and decrease revaluation reserve.
<b>Insufficient Balance</b>	Decrease	Recognise in other comprehensive income and decrease revaluation reserve to existing balance. Recognise in profit/loss.

- 7.6. Revaluation increases and decreases within an Asset Class shall be offset and disclosed in aggregate in the financial statements.

## 8. Depreciation

- 8.1. Where Property, Plant and Equipment Assets have a limited useful life, they will be depreciated; with the exception of land, heritage or art collections and works in progress.
- 8.2. Depreciation commences from the date that the Property, Plant and Equipment Asset is first put into use or held ready for use. Depreciation continues to be recognised as long as the Asset's Carrying Amount exceeds its Residual Value. Depreciation ceases at the earlier of the date when an Asset is reclassified as being held for sale or the date that the Asset is written off.
- 8.3. The Depreciation charge for each period will be recognised in profit or loss.
- 8.4. Depreciation reflects the pattern in which the Asset's future economic benefits are expected to be consumed by Council. Council uses the straight line method based on Useful Lives, reflecting the Assets' remaining service potential.
- 8.5. The Residual Values and Useful Lives of Property, Plant and Equipment Assets are reviewed when the revaluation is performed. As a result, the Depreciation rate may change each valuation cycle.
- 8.6. The Residual Values and Useful Lives for each Asset Class are reviewed and adjusted, if appropriate, at the end of each Reporting Period.





- 8.7. The consequential change in the Depreciation rate will be accounted for as a change in accounting estimate in accordance with 'AASB 108 Accounting Policies, Changes in Accounting Estimates and Errors'.

## 9. Disposal and Write-off

- 9.1. Council will write-off the Carrying Amount of an item of property, plant and equipment when:
- (a) An asset is disposed of; or
  - (b) When no future economic benefits are expected from its use or disposal.
- 9.2. The disposal of Assets may occur for a variety of reasons which may include:
- (a) The asset becomes redundant due to changed procedures, equipment, functions or usage patterns;
  - (b) The asset no longer complies with occupational health and safety standards;
  - (c) The asset is damaged beyond economic repair;
  - (d) The asset has been stolen or lost; or
  - (e) The asset has reached its optimum selling time to maximise returns.
- 9.3. Disposal of a Property, Plant and Equipment Asset may occur in a variety of ways, depending on the expected value to be realised. Please refer to Council's Disposal of Assets Policy for the value triggers that determine the appropriate method of disposal.
- 9.4. All disposals will be recorded in accordance with the correct Financial Services process and approved by the Financial Services Manager prior to effecting the disposal and recording in Council's Asset register.
- 9.5. A gain or loss arising from the write-off of an item of Property, Plant and Equipment shall be included in profit or loss. This gain or loss is calculated as the difference between the Net Disposal Proceeds, if any, and the Carrying Amount of the Asset, plus any costs incurred in relation to the disposal.

## 10. Impairment

- 10.1. In accordance with AASB 136 – Impairment of Assets, Council must assess whether there are any indications that any of its assets may be impaired. Should signs of impairment exist, Council is then required to ensure that the Assets Carrying Amount within its books is not greater than the assets "recoverable amount", thus ensuring that the Asset's value is not overstated.
- 10.2. Signs that an asset may be impaired include:
- (a) Evidence is available of obsolescence or physical damage of an asset;
  - (b) Significant changes, with an adverse effect, have taken place during the period (or are expected to take place in the near future) regarding the nature or manner in which an asset is used or is expected to be used;
  - (c) These changes include the asset becoming idle, plans to discontinue or restructure the operation to which an asset belongs, plans to dispose of an asset before the previously expected date; or
  - (d) Evidence is available from internal reporting that indicates that the economic performance of an asset is (or will be) worse than expected.
- 10.3. In summary, if an asset is (i) no longer functioning to its capabilities or is (ii) no longer being used (by Council or Ratepayers) to the level that was anticipated or to levels of use that have previously occurred, then this could indicate that the asset may be impaired (in accordance with AASB 136), and any such identified assets will then require a closer review by Finance for Year End reporting purposes.



### 11. Stocktake

- 11.1. A stocktake (Asset verification) of Councils Property, Plant and Equipment Assets will be conducted with regularity conducive to the risk associated with the likelihood of misappropriation in that Asset Class.
- 11.2. The primary purpose of a stocktake is to confirm the existence and location of Assets. The stocktake process may also be used to assess the condition of an Asset for potential impairment, disposal or write-off.
- 11.3. Managers should be aware of the requirements for Asset stocktaking and take this into consideration when approving the use of Council Property, Plant and Equipment Assets for approved activity; where such an arrangement has not already been documented. Where applicable, the Manager will advise Financial Services in the required format of all relevant details to enable adequate recording of Asset information.

### History

Minute Number	Meeting Date	Description of Change
171/2017	August 15, 2017	Adopted
	August 31, 2021	Rebranded
	2022	Reviewed



## RECORDS MANAGEMENT POLICY

<b>Responsible Department:</b>	Corporate and Commercial Services
<b>Responsible Section:</b>	Customer and Information Services
<b>Responsible Officer:</b>	Manager Customer and Information Services

### Objective

The objectives of this Policy are:

- To ensure that all records that form part of Council business are captured into Council's Record Management System
- To ensure that all records are stored in accordance with required standards and are available when required;
- To ensure that all records are retained in accordance with the *State Records Act 1998* (NSW);
- To ensure that all staff are aware of their responsibilities for good record keeping.

### Policy

#### 1. General

- 1.1. Council is required to comply with the requirements of the *State Records Act 1998* (NSW).
- 1.2. The *State Records Act 1998* (NSW) requires Council to make and keep full and accurate records as evidence of business activities.
- 1.3. Council will comply with all other relevant legislation that applies to record keeping.

#### 2. Application

- 2.1. This policy applies to all records that are handled, received or generated by Council in the course of conducting its functions.
- 2.2. This policy does not apply to information or data not required to be compiled, recorded or stored by Council in the course of conducting its functions for the purpose of this policy. It also does not apply to information which is unsolicited and unrelated to Council's business or functions.

#### 3. Record Management System

- 3.1. Council will have a record management system, which may be electronic, physically based, or a combination of the two.
- 3.2. All records within Council will be stored in Council's record management system.

#### Record Identification

- 3.3. Council has a system for the identification of records in Council's record management system. All documents in Council's record management system will be assigned an identifier under this system.

#### Storage

- 3.4. Council will ensure the safe custody and proper preservation of all records it has control of.



#### **Record Classification and Security**

- 3.5. All records will receive classifications within Council's record management system.
- 3.6. The General Manager, or their delegate, will ensure that a system be established to ensure that access to certain documents or classes of documents is restricted to certain personnel on a need-to-know basis based on their delegation of authority and the requirements of their job.

#### **4. Public Access to Records**

- 4.1. Council will comply with the *Government Information (Public Access) Act 2009* (NSW) and other legislation and policies including:
  - (a) Privacy and Personal Information protection Act 1998 (NSW);
  - (b) Health Records and Information Privacy Act 2002 (NSW);
  - (c) Copyright Act 1968 (NSW);
  - (d) NSW Privacy Code of Practice for Local Government; and
  - (e) Council's Privacy Management Policy.

#### **5. Disposal of Records**

- 5.1. Council may dispose of records from time-to-time in accordance with relevant legislation and policy.
- 5.2. The General Manager will ensure that all records will be appraised before disposal in accordance with *General retention and disposal authority: Local Government Records* and as approved under section 21(2)(c) of the *State Records Act 1998* (NSW).

#### **6. Investigation for Breach**

- 6.1. The General Manager, or their delegate, will ensure that Council's records are kept in accordance with the relevant legislation and best practice principles.
- 6.2. The General Manager, or their delegate, will investigate any alleged breach of Council's record keeping obligations when:
  - (a) A report of possible breach is made;
  - (b) A known breach occurs; or
  - (c) The General Manager, or their delegate, reasonably suspects that a breach may have occurred.
- 6.3. Where a breach has occurred, the General Manager, or Delegate, will act on it according to law.

#### **7. Record Keeping Principles**

- 7.1. The State Records Act outlines various principles which must be complied with and are outlined as follows:

##### **7.2. Principle 1 – Recordkeeping should be compliant**

- (a) Recordkeeping should comply with legal and administrative requirements. Council must operate in an environment of accountability where the organisation as a whole and individual employees are accountable for decisions and actions.

**7.3. Principle 2 – Recordkeeping should be reliable**

- (a) Recordkeeping systems, procedures and practices should work reliably to ensure that records are credible and authoritative. This can be achieved by ensuring business processes where transactions become the record are operating routinely at the time the record is created and formal guidelines must be established for reporting system failures that may affect an electronic record.

**7.4. Principle 3 – Recordkeeping should be systematic**

- (a) Records should be made, maintained and managed systematically. Standard operating procedures should be used for all work practices including the need to document record keeping requirements.

**7.5. Principle 4 – Recordkeeping should be managed**

- (a) Recordkeeping must be managed through an identifiable records management program. Recordkeeping systems must have assigned responsibilities and accurately documented policies and procedures.

**7.6. Principle 5 – Recordkeeping should be routine**

- (a) Recordkeeping systems should be used when transacting business. Business processes and systems should be designed so that making records and capturing them into Council's recordkeeping system becomes a normal part of the work process.

**7.7. Principle 6 – Recordkeeping should be made**

- (a) Records should be made to document and facilitate the transaction of business and ensure capture into recordkeeping systems. Officers must ensure all records, including electronic messages, faxes and details of oral decisions or commitments are captured into ECM.

**7.8. Principle 7 – Recordkeeping should be retained**

- (a) Records should be retained for as long as they are required and should only be disposed of in accordance with the relevant retention and disposal authority/authorities as set down by State Records.
- (b) Council will refer to:
- (c) General Disposal Authority – Local Government Records (GA 39);
- (d) General Retention and Disposal Authority –Original or source GA45 source records that have been copied;
- (e) General Retention and Disposal Authority – Administrative Records 20019 (GA 28).

**7.9. Principle 8 – Recordkeeping should be complete**

- (a) A record should contain not only the content, but also the structural and contextual information necessary to document a transaction. It should be possible to understand a record in the context of the organisational processes that produced it and of other, linked records. Electronic messages that are a reply to a previous message should either contain the original message or make reference to the original message.

**7.10. Principle 9 – Recordkeeping should be comprehensive**

- (a) Records should document the whole of the business of a public office. Records must be made to support evidential requirements. Any outsourced functions must also keep accurate records to support those functions.

**7.11. Principle 10 – Recordkeeping should be adequate**

- (a) Records should be adequate for the purposes for which they are kept. There must be adequate evidence of the conduct of business activity to be able to account for that conduct within the context of relevant accountability requirements.

**7.12. Principle 11 – Recordkeeping should be accurate**

- (a) Records should correctly reflect what was communicated, decided or done. Business processes and systems should be designed to make it easy or if possible automatic to make accurate records of transactions. Falsifying information and removing records from files is illegal.

**7.13. Principle 12 – Recordkeeping should be authentic**

- (a) Records must be what they are purported to be, it should be possible to show that the recordkeeping system operates normally on any given business day so that the records created by it are credible and authoritative with adequate security to preserve their evidential quality.

**7.14. Principle 13 – Recordkeeping should be useable**

- (a) Records must be identifiable, retrievable, accessible and available when needed. Council should know what records it has and where all records are kept. Records should be registered and classified to enable easy retrieval.

**7.15. Principle 14 – Recordkeeping should be inviolate**

- (a) Records should be securely maintained to prevent unauthorised access, destruction, alteration or removal.

**8. Review**

- 8.1. This policy will be reviewed within 12 months of an Ordinary Council Election or such other time on an as-needs basis.

**References**

- *State Records Act 1998* (NSW).
- *Government Information (Public Access) Act 2009* (NSW).



## History

Minute Number	Meeting Date	Description of Change
26/2012	February 21, 2012	Adopted
75/213	February 19, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	September 1, 2021	Rebranded
	2022	Reviewed





## RELATED PARTY DISCLOSURES POLICY

**Responsible Department:** Financial Services  
**Responsible Section:** Financial Services  
**Responsible Officer:** Chief Financial Officer

### Objective

The purpose of this policy is to:

- Define the parameters for Related Party Relationships and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124;
- Ensure that Council's Related Party Relationships are disclosed, irrespective of whether there have been transactions between them.

### Introduction

Council is required to disclose Related Party Relationships and Transactions, as well as Key Management Personnel (KMP) compensation in its Annual Financial Statements in accordance with the Accounting Standard AASB 124.

The objective of this policy is to ensure that Narrabri Shire Council's financial statements contain the necessary related party disclosures, thereby ensuring transparency in dealings and their effect on Council's financial reports. These disclosures draw attention to the possibility that Council's financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

### Policy

#### 1. Definitions

Term	Meaning
<b>AASB 10</b>	The Australian Accounting Standards Board - Consolidated Financial Statements – details the criteria for determining whether Council has significant influence over an entity.
<b>AASB 11</b>	The Australian Accounting Standards Board - Joint Arrangements - details the criteria for determining whether Council has significant influence over an entity.
<b>AASB 121</b>	The Australian Accounting Standards Board - Related Party Disclosures Standard under Section 334 of the <i>Corporations Act 2001</i> .
<b>AASB 128</b>	The Australian Accounting Standards Board - Investments in Associates and Joint Ventures - details the criteria for determining whether Council has significant influence over an entity.
<b>The Act</b>	<i>The Local Government Act 1993</i> (NSW).
<b>The Regulation</b>	the <i>Local Government (General) Regulation 2021</i> (NSW).



Term	Meaning
<b>Key Management Personnel (KMP)</b>	<p>Are those persons having the authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of the entity.</p> <p>In the case of Narrabri Shire Council, KMPs are:</p> <ul style="list-style-type: none"> <li>• The Mayor</li> <li>• Councillors</li> <li>• The General Manager</li> <li>• Directors or other personnel identified as senior staff within the meaning of the <i>Local Government Act 1993</i> (NSW)</li> <li>• Chief Financial officer or other personnel at the manager level or above with functions responsible for the overall management and reporting of Council's financial affairs</li> <li>• Manager Governance and Risk</li> </ul>
<b>Material (materiality)</b>	Means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis of an entity's financial statements. For the purpose of this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.
<b>Ordinary Citizen Transaction</b>	Means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Council.
<b>Related Party</b>	A person or entity that is related to the entity preparing its financial statements (reporting entity).
<b>Significant (significance)</b>	Means likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/taxpayer relationship.
<b>Remuneration</b>	Means remuneration package and includes any money, consideration or benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from a Related Party Transaction.
<b>Close family members or close members of the family</b>	<p>In relation to a KMP, family members who may be expected to influence, or be influenced by that KMP in their dealings with Council will include:</p> <ul style="list-style-type: none"> <li>a) That person's children and spouse or domestic partner;</li> <li>b) Children of that person's spouse or domestic partner; and</li> <li>c) Dependants of that person or that person's spouse or domestic partner.</li> </ul> <p>Close family members <b>could</b> include extended members of a family (such as, without limitation, parents, siblings, grandparents, uncles/aunts or cousins) <b>if</b> they could be expected to influence, or be influenced by, the KMP in their dealings with Council.</p>



## 2. Policy Statement

- 2.1. Council is committed to responsible corporate governance, including compliance with laws and regulations governing related party transactions.
- 2.2. Related party relationships are a normal feature of commerce and business. For example, entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. In those circumstances, there is the possibility of the entity having the ability to affect the financial and operating policies of Council through the presence of control, joint control or significant influence.
- 2.3. A related party relationship could influence the normal business operations of Council even if related party transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the Council with other parties.
- 2.4. For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with related parties) may affect assessments of Council's operations.
- 2.5. AASB 124 provides that Council must disclose all material and significant related party transactions and outstanding balances, including commitments, in its Annual Financial Statements.
- 2.6. Generally, disclosure will only be made where:
  - (a) a transaction has occurred between Council and a related party of Council; and
  - (b) the transaction must be material in nature or size when considered individually or collectively.
- 2.7. To enable Council to comply with AASB 124, Council's KMP are required to declare full details of any Related Parties and Related Party Transactions. Such information will be retained and reported, where necessary, in Council's Annual Financial Statements.

## 3. Key Management Personnel

- 3.1. KMP are persons having the authority and responsibility for planning, directing and controlling the activities of the entity (voting powers), directly or indirectly, including any director (whether executive or otherwise) of the entity.
- 3.2. Key Management Personnel in Narrabri Shire Council are:
  - (a) The Mayor;
  - (b) Councillors;
  - (c) The General Manager;
  - (d) The Directors or other senior staff under the *Local Government Act 1993* (NSW) however titled.
  - (e) The Chief Financial Officer or other personnel at manager or above level responsible for the administration of Council's financial services.
  - (f) Manager Governance and Risk or other personnel at manager or above level responsible for the governance of Council, complaints coordinator, and/or Public Interest Disclosures coordination.
- 3.3. Where any person is appointed to a role that fits the definition of KMP in the Standard, they shall be deemed to be KMP under this policy.



#### 4. Related Parties

##### Overview

4.1. Related parties of Council are as follows:

- (a) Key Management Personnel (KMP) of Council;
- (b) Close family members of KMP;
- (c) entities that are controlled or jointly controlled by Council, KMP, or their close family members.

##### Entities Related to Council;

- 4.2. Entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council.
- 4.3. Council will need to identify transactions with these entities and may need to make extra disclosure about them in Council's financial statements.
- 4.4. When assessing whether Council has control or joint control over an entity Council must consider AASB 10 and AASB 11. AASB 128 details the criteria for determining whether Council has significant influence over an entity.
- 4.5. Council's Contracts Register, Leases and License Register and the Schedule of Debts Written Off will be reviewed to identify related party transactions/parties. This information will be included in the related party register which will include all joint arrangements and updated on a quarterly basis.

##### Close Family Members of KMP

- 4.6. Close Family Members of a KMP are family members who may be expected to influence, or be influenced by, that person in their dealings with Council.
- 4.7. In the context of related party disclosures, close family members could include extended members of a family. See the below table for guidance.

Definitely a close family member	Maybe a close family member
<b>Your spouse/domestic partner</b>	Your brothers and sisters, if they could be expected to influence, or be influenced by, you in their dealings with Council
<b>Your children</b>	Your aunts, uncles and cousins, if they could be expected to influence, or be influenced by, you in their dealings with Council
<b>Your dependants</b>	Your parents and grandparents, if they could be expected to influence, or be influenced by, you in their dealings with Council
<b>Children of your spouse/domestic partner</b>	Your nieces and nephews, if they could be expected to influence, or be influenced by, you in their dealings with Council
<b>Dependants of your spouse/domestic partner</b>	Any other member of your family if they could be expected to influence, or be influenced, by you in their dealings with Council

**Entities that are Controlled or Jointly Controlled by KMP or their Close Family Members.**

4.8. Entities that are controlled or jointly controlled by KMP or their close family members are related parties.

4.9. This includes:

- (a) Companies;
- (b) Trusts;
- (c) Joint ventures;
- (d) Partnerships; and
- (e) And non-profit associations such as sporting clubs.

**5. Related Party Transactions****General**

5.1. The following are related party transactions:

- (a) Transactions between Council and its related entities (ie subsidiaries or investments)
- (b) Transactions between Council and KMP;
- (c) Transactions between Council and Close Family Members of KMP;
- (d) Transactions between Council and entities wholly or partially controlled by KMP and/or their Close Family Members.

5.2. Transactions that are classed as "ordinary citizen transactions" are not related party transactions for the purpose of this Policy unless they are significant and material.

5.3. Related party transactions are required to be disclosed, regardless of whether a price is charged. Such transactions may include:

- (a) Purchase or sale of goods (finished or unfinished);
- (b) Purchase or sale of property and other assets;
- (c) Rendering or receiving services;
- (d) Leases;
- (e) Transfers of research and development;
- (f) Transfers under licence agreements;
- (g) Transfers under finance arrangements (including loans and equity contributions in cash or in kind);
- (h) Provision of guarantees or collateral;
- (i) Commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised);
- (j) Quotations and/or tenders;
- (k) Settlements of liabilities on behalf of Council or by Council on behalf of the related party;
- (l) Expense recognised during the period in respect of bad debts;
- (m) Provision for doubtful debts relating to outstanding balances.



## 6. Disclosure

### Notifications by Key Management Personnel

- 6.1. KMP are required to periodically provide notifications to the Financial Services Manager of:
- (a) Any existing or potential related party transactions between Council and any of their related parties during a financial year, and
  - (b) Any changes to previously notified related party relationships and transactions relevant to the subject financial year.
- 6.2. KMPs must complete the related party relationships notification using the Key Management Personnel Form (see Appendix B), notifying any existing or potential related party relationships between Council and any related parties of the KMP, to the Financial Services Manager by no later than the following periods during a financial year:
- (a) 30 days after the commencement of the application of this policy;
  - (b) 30 days after a KMP commences their term or employment with Council;
- 6.3. During the financial year, a KMP must proactively notify of any new or potential related party relationships that the person knows of, or any changes to previously notified related party relationships to the Financial Services Manager by no later than 30 days after the person knows of the transaction or change.

### Related Party and KMP Disclosure

- 6.4. The types of disclosure that are required are as follows:
- (a) Relationships between a parent and its subsidiaries, irrespective of whether there have been transactions between them;
  - (b) KMP Compensation (remuneration) relate to all forms of consideration paid, payable, or provided in exchange for services provided in total and for each of the following categories:
    - (i) Short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees
    - (ii) Post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care;
    - (iii) Other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit sharing, bonuses and deferred compensation;
    - (iv) Termination benefits;
- 6.5. Where related party transactions have occurred KMP are required to disclose:
- (a) The nature of the related party relationship (**Annexure B**);
  - (b) Information about the transactions, outstanding balances and commitments, including terms and conditions (**Annexure A**);
  - (c) Separate disclosure for each category of the related party;

Note: For the types of transactions to be disclosed refer to Related Party Transactions section above.





- 6.6. Should a KMP have any uncertainty as to whether a transaction may constitute a related party transaction they should contact the Financial Services Manager who can provide information and limited advice. Otherwise, KMP should seek their own advice in relation to the matter.
- 6.7. The New South Wales Auditor General Office may audit related party information as part of the annual external audit.

#### **Assessment for Disclosure by Council**

- 6.8. When assessing whether such transactions are material and significant the following factors will be taken into consideration:
- (a) Significance in terms of size;
  - (b) Was it carried out on non-market terms?
  - (c) Was it conducted at arm's length?
  - (d) Is it outside normal day-to-day Council operations?
  - (e) Was it subject to Council approval?
  - (f) Did it provide a financial benefit not available to the general public?
  - (g) Was the transaction likely to influence decisions of users of the Annual Financial Statements?
- 6.9. Regard must also be given to transactions that are collectively but not individually significant.

#### **Council Disclosure**

- 6.10. AASB 124 provides that Council must disclose all material and significant related party transactions in its Annual Financial Statements by aggregate or general description and include the following details:
- (a) The nature of the related party relationship;
  - (b) Relevant information about the transactions including:
    - (v) The amount of the transaction;
    - (vi) The amount of outstanding balances, including commitments;
    - (vii) Their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in the settlement;
    - (viii) Details of any guarantee given or received;
    - (ix) Provision for doubtful debts related to the amount of outstanding balances;
    - (x) The expense recognised during the period in respect of bad or doubtful debts due from related parties;
- 6.11. All transactions involving related parties will be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are ordinary citizen transactions, and to determine the significance of each of the transactions.
- 6.12. Generally, transactions with amounts receivable from and payable to KMP or their related parties which:
- (a) Occur within normal employee, customer or supplier relationships and at arm's length; and
  - (b) Are not material or significant.





shall be excluded from detailed disclosures. However they will be disclosed in the financial statements by general description. Disclosures that Related Party Transactions were made on terms equivalent to an arms-length transaction can only be made if such terms can be substantiated.

- 6.13. Information provided will be reviewed in accordance with the Council's operational requirements and held on a centralised register stored in Council's document management system.

## 7. Privacy

- 7.1. Information provided by KMPs and other related parties shall be held for the purpose of compliance with Council's legal obligation and shall be disclosed where required for compliance or as otherwise required by law.

## 8. Nature of Policy

- 8.1. Unlike other Council Policies, this is a joint policy of both the governing body of Council and General Manager.
- 8.2. Where this policy directs Council Staff, that direction is on the authority of the General Manager. Those clauses will have no effect until this policy is signed by the General Manager and will cease to have effect when the General Manager revokes them in writing.

## 9. Review

- 9.1. This policy will be reviewed within 12 months of an Ordinary Council Election or such other time as is required on an as-needs basis.

## References

- AASB 124 – Related Party Disclosures (July 2015)
- Australian Accounting Standards
- *Local Government Act 1993* (NSW).
- *Local Government (General) Regulation 2021* (NSW)
- *Government Information (Public Access) Act 2009* (NSW).
- *Corporations Act 2001* (NSW).
- Code of Conduct

## Annexures

- A. KMP Related Party Transactions Disclosure
- B. KMP Related Party Relationship Disclosure

## History

Minute Number	Meeting Date	Description of Change
112/217	June 27, 2017	Adopted
	July 31, 2020	Rebranded
	2022	Reviewed



## RURAL PROPERTY ACCESS POLICY

**Responsible Department:** Infrastructure Delivery  
**Responsible Section:** Road Services  
**Responsible Officer:** Manager Road Services

### Objective

To ensure that vehicular accesses to private property in rural areas are constructed to a uniform, practical and safe standard that will protect road pavements, utility services, pedestrians and motorists, as well as support drainage to prevent erosion.

### Introduction

It is the property owner's responsibility to construct and maintain property accesses. A property access is the section of vehicular access between Narrabri Shire Council's road construction (edge of pavement) and the property boundary.

Narrabri Shire Council requires that the property access be constructed at the frontage of a property, at location(s) approved by Narrabri Shire Council and to standards approved by Narrabri Shire Council in order to address possible road safety and maintenance considerations.

Under Section 107 of the Roads Act 1993, Council may direct any person who causes an obstruction or encroachment on a public road, or the owner of any land that is used, or is able to be used, in connection with the obstruction or encroachment on a public road, to remove the obstruction or encroachment.

### Policy

#### 1. Definitions

Term	Meaning
<b>Policy</b>	Rural Property Access Policy.
<b>Council</b>	Authorised Council Officer from Narrabri Shire Council.
<b>Rural</b>	Any property that adjoins a Council road which does not contain kerb and gutter.
<b>Driveway</b>	An all-weather access across a table drain and may include stormwater pipes (culverts).
<b>Property Access</b>	The roadway linking the edge of a Council road to a single private property boundary.
	The Private Property Entrance may traverse a road reserve or stock route.
<b>Council Road</b>	A Council controlled road listed on the Narrabri Shire Council Road Register.



## 2. General

- 2.1. The construction and maintenance of the driveway, from the edge of the Council formed road to the property boundary remains the responsibility of the property owner and must be carried out in accordance with this policy.
- 2.2. Any variance from the requirements of this policy must have written approval from Council before work has commenced.
- 2.3. Access to rural properties shall be located in accordance with AS.2890.1 or as approved by Council.
- 2.4. In any event, accesses must be at a location such as to provide adequate sight distances, so that road users can see vehicles entering or leaving the access in time to brake or take evasive action. Council can provide advice on the location of proposed accesses.
- 2.5. Each Lot must have access onto the property via a property access which is used for the purposes of accessing a single property.
- 2.6. Where multiple Lots are created and a 'Right of Carriageway' is used for access to rear Lots, then each Lot shall have a single property access created central to its Right of Carriageway access, or as approved by Council.
- 2.7. Accesses are to commence at the outside edge of the road shoulder, and under no circumstances are to impinge onto the road shoulder.
- 2.8. The access shall be formed on an alignment that is at right angles (ninety degrees) to the Council road alignment.
- 2.9. Under exceptional circumstances where approved by Council, the access may be formed on an alignment between seventy to ninety degrees to the Council road alignment.
- 2.10. Accesses are to be properly formed and graded so that stormwater is not channelled by the driveway onto the surface of Council's road.
- 2.11. The design and shape of the property access must be such that Council plant and machinery can traverse it during maintenance operations.
- 2.12. Where the works will affect the flow of traffic on a public road the property owner will need to engage a suitably experienced contractor to carry out the work. The contractor will need to complete the works in accordance with the Transport for NSW's Traffic Control at Work Sites ('TCAWS') manual, be adequately insured against Public Liability and shall be responsible for any claims arising from these works.

## 3. Access Surface

- 3.1. Where a proposed driveway adjoins to a sealed Council road, the driveway shall also be sealed from the road pavement to the property boundary or a length of 8.0m (whichever is the least distance).
- 3.2. Where a proposed driveway adjoins to a gravel surface Council road the driveway shall also have a gravel surface that is of a similar (or better) standard to that of the gravel road, from the road pavement to the property boundary or a length of 20m (whichever is the least distance).

## 4. Type 1 Property Access (not piped)

- 4.1. If the table drain has inadequate depth and it is impractical to fit a pipe, a non-piped property access may be provided through the table drain in accordance with Council standard drawing SD-102 (Rural Vehicular Crossing – Type 1).
- 4.2. Type 1 Rural Vehicular Crossings will not be appropriate at locations where stormwater from table drains may cause failure of these accesses.

## 5. Type 2 Property Access (piped-minimum diameter 375mm reinforced concrete pipe RRJ minimum 4.88m long with headwalls)

- 5.1. Where the access crosses a table drain beside Council's road, a concrete pipe shall be installed in accordance with Council standard drawing SD-102 (Rural Vehicular Crossing – Type 2) so that water in the table drain can flow unimpeded.



- 5.2. In some instances, a larger diameter pipe will be required, and this will be as directed by Council's Council at the expense of the property owner.
- 5.3. Stormwater pipes must not be located over water mains, sewer mains or other services.
- 5.4. The property owner is responsible to check the locations of any services, which might be affected by the access and thus responsible for any costs associated with the relocation or damage of these services.

## 6. Inspections

- 6.1. Inspections will be required:
  - (a) Prior to backfilling on pipes (Type 2);
  - (b) Prior to sealing the surface (Type 1 or 2);
  - (c) Prior to importing of gravel (Type 1).
- 6.2. Council requires at least two full working days' notice prior to inspecting the work.
- 6.3. Inspections will be carried out during Councils standard operating times (ordinarily Monday to Friday, 8:35am to 4:30pm).
- 6.4. A fee in accordance with Narrabri Shire Council's Fees & Charges will be required for any inspections where less than two full working days' notice has been given or where an inspection is required outside of Councils standard operating times.

## 7. Workmanship

- 7.1. Any vehicle crossing not inspected or constructed in accordance with this policy will be removed by Council after the property owner has been notified of Councils intentions in writing and given 28 days to rectify the matter.

## 8. Adjustments

- 8.1. Where Council works require an approved vehicle crossing to be modified, Council will undertake such modifications at no cost to the property owner. The property owner will continue to be responsible for the maintenance and upkeep of the modified access.

## 9. Review

- 9.1. This policy will be reviewed within 12 months of an Ordinary Council Election or from time-to-time on an as-needs basis.

## References

- *Roads Act 1993* (NSW).

## History

Minute Number	Meeting Date	Description of Change
201/2010	April 20, 2010	Adopted
26/2012	February 21, 2012	Reviewed
210/2013	April 2, 2013	Reviewed
106/2017	August 15, 2017	Reviewed
	August 31, 2021	Rebranded
	2022	Reviewed



## SEWER JUNCTION CONNECTION POLICY

**Responsible Department:** Infrastructure Delivery  
**Responsible Section:** Water Services  
**Responsible Officer:** Manager Water Services

### Objective

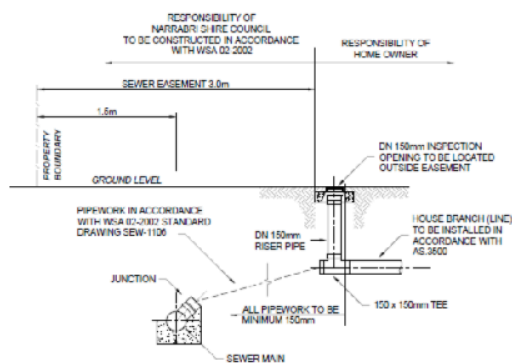
To ensure:

- Clear, concise, and easy to follow advice in undertaking Sewer Connections;
- Current applications records are accessible on or via Council's record management system.

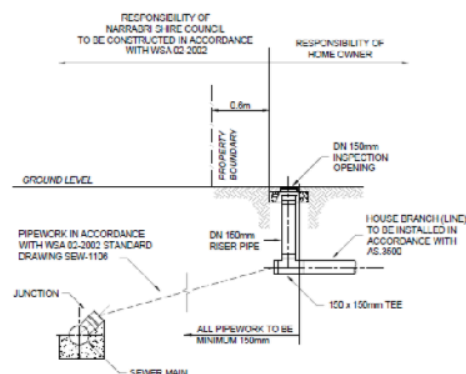
### Introduction

Council's Sewerage System transports sewerage to Council's sewerage treatment plants for Narrabri, Wee Waa and Boggabri sewer schemes. The integrity of these systems allows council to manage its Public and Environmental Health responsibilities.

The sections of pipework that are Council's responsibility are identified in the following two diagrams.



Sewer Main Located Inside the Property



Sewer Main Located Outside the Property



## Policy

### 1. Approval and Conditions

1.1. Connection to Council's Sewerage System will be approved and provided by Council, subject to the following conditions:

- (a) A Sewerage Service Connection form is completed signed and the appropriate payment is made in accordance with Council's Fees and Charges.
- (b) The size of the Sewerage Service Connection will be determined entirely by the customer or developer in line with appropriate guidelines and plumbing standards.
- (c) It is illegal for anyone other than Council to undertake work on Council sewerage infrastructure.
- (d) The property owner will be responsible for ensuring that:
  - (i) No liquid trade waste enters Council's Sewerage System without Council's approval via a trade waste agreement;
  - (ii) Stormwater does not enter Council's Sewerage System (ie roof or yard connections);
  - (iii) Seepage and subsoil water does not enter Council's Sewerage System;
  - (iv) The Sewerage Service connection and appropriate pipe work and fittings are adequately protected;
  - (v) The Inspection Opening is readily accessible at all times and covered by a commercially available screw cap fitted 100mm proud of the ground level.
  - (vi) All internal plumbing and drainage is installed and maintained according to AS/NZS3500.1.
  - (vii) The property has appropriate development consent to discharge sewage to the sewerage system.
- (e) The property owner will (at their cost) engage a licensed plumber to repair or replace any pipework, that is not the responsibility of Council as outlined in the diagram above.
- (f) The property owner will (at their cost) engage a licensed plumber to clear all blockages of any pipework, that is not the responsibility of Council as outlined in the diagram above. All debris from any blockage are to be captured and removed from the pipe work and not simply pushed into Council's Sewerage System.
- (g) Council will recover from the property owner any costs that Council incurs as a result of the following:
  - (viii) The property owner damaging any pipe work owned by Council;
  - (ix) Council having to locate an Inspection Opening that is not readily accessible;
  - (x) Council having to clear above ground obstructions located above a Sewerage Connection point on private property;
  - (xi) Council having to clear its Sewerage System as a result of debris being cleared from a property owners blocked pipeline and that debris ending up in Council's Sewerage System.
- (h) Should Council decide to provide a new connection point due to damage from tree roots or other causes emanating from the property, the property owner will be required to adjust their own pipework at their own cost.

### 2. Review

2.1. This policy will be reviewed within 12 months of an Ordinary Council Election or from time-to-time on an as-needs basis.



## History

Minute Number	Meeting Date	Description of Change
637/2000	December 19, 2000	Adopted
565/2003	December 16, 2003	Reviewed
212/2010	April 20, 2010	Reviewed
26/2012	February 21, 2012	Reviewed
607/2013	September 3, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	September 1, 2021	Rebranded
	2022	Reviewed





## SOCIAL MEDIA POLICY

<b>Responsible Department:</b>	Corporate and Commercial Services
<b>Responsible Section:</b>	Customer and Information Services
<b>Responsible Officer:</b>	Manager Customer and Information Services

### Objective

- Provides Council with a robust framework for the administration and management of their social media platforms.
- Sets standards of conduct for all Council Officials who use social media in their official capacity.

### Introduction

Social Media is a tool used by councils to interact and share information with their communities in an accessible and often more informal format. It enables councils to promote their achievements and address their constituents directly about community issues and events in ways that either complement or bypass traditional news and print media.

Significantly, one of social media's key features is its unprecedented reach and accessibility, in that anyone with a computer or mobile device can use social media to generate content which has the potential to be viewed and shared by hundreds of millions of people worldwide.

Despite its obvious benefits, social media also presents a variety challenges and risks. These include:

- the emergence of new, harmful forms of behaviour, such as cyber-bullying and trolling;
- maintaining the accuracy, reliability and integrity of information disseminated from multiple sources;
- organisations can be held liable for content uploaded onto their social media platforms by third parties ;
- content uploaded in a person's private capacity can adversely affect their employment and cause significant reputational damage to colleagues and employers; and
- rapid innovation can make it difficult to keep pace with emerging technologies and trends.

In addition, potential corruption risks may arise due to social media use. These include:

- customers, development proponents / objectors, tenderers, or other stakeholders grooming public officials by behaviours such as 'liking' specific posts, reposting content, or sending personal or private messages;
- public officials disclosing confidential or sensitive information;
- using social media for sponsorship opportunities, which may unfairly advantage one sponsor over another and lack transparency; and
- public agencies or officials promoting certain businesses by behaviours such as 'following' them, 'liking' content, or making comments, which may result in those businesses being favoured over others.



## Policy

### 1. Definitions

Term	Meaning
<b>Authorised user</b>	Members of council staff who are authorised by the general manager or smc to upload content and engage on the council's social media platforms on the council's behalf
<b>Council official</b>	In the case of a council - councillors, members of staff and delegates of the council (including members of committees that are delegates of the council); In the case of a county council – members, members of staff and delegates of the council (including members of committees that are delegates of the council); In the case of a joint organisation – voting representatives, members of staff and delegates of the joint organisation (including members of committees that are delegates of the joint organisation)
<b>Minor</b>	For the purposes of clause 8.5 of this Policy, is a person under the age of 18 years
<b>Personal information</b>	Information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
<b>Social media</b>	Online platforms and applications - such as social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards - that allow people to easily publish, share and discuss content.
<b>Social media coordinator (SMC)</b>	Is a Council's Social Media Coordinator appointed under clause 5 of this Policy

### 2. Application

- 2.1. This Policy applies to all social media pages made in affiliation with Narrabri Shire Council.

### 3. Engagement Principles

- 3.1. Four 'principles' of media engagement:

- (a) Openness;
- (b) Consistency;
- (c) Accuracy; and
- (d) Timeliness.

### 4. Establishment and Deletion of Council Social Media Platforms

- 4.1. A new council social media platform, or a social media platform proposed by a council related entity (for example, a council committee), can only be established or deleted with the written approval of the General Manager or their delegate.

### 5. Social Media Coordination

- 5.1. The General Manager, or their delegate will be Council's Social Media Coordinator (SMC).
- 5.2. The General Manager may appoint more than one SMC.
- 5.3. The SMC's role is to:
- (a) approve and revoke a staff member's status as an authorised user;
  - (b) develop and/or approve the training and/or induction to be provided to authorised users;
  - (c) maintain a register of authorised users;
  - (d) maintain effective oversight of authorised users;



- (e) moderate the Council's social media platforms in accordance with clause 9 of this Policy;
- (f) ensure the Council complies with its record keeping obligations under the *State Records Act 1998* (NSW) in relation to social media (see clause 11 of this Policy)
- (g) ensure the Council adheres to the rules of the social media platform(s)
- (h) coordinate with the Council's (Insert name of Council department or team) to ensure the Council's social media platforms are set up and maintained in a way that maximises user friendliness and any technical problems are resolved promptly.

5.4. The SMC may delegate their functions under clause 5.3 to authorised users.

5.5. The SMC is an authorised user for the purposes of this Policy.

## 6. Authorised Users

6.1. Only the SMC, or their delegate (Authorised User) is authorised SMC to upload content and engage on social media on the Council's behalf.

6.2. The SMC will appoint Authorised Users when required.

6.3. The role of an authorised user is to:

- (a) ensure, to the best of their ability, that the content they upload onto social media platforms is accurate;
- (b) correct inaccuracies in Council generated content;
- (c) engage in discussions and answer questions on Council's behalf on social media platforms;
- (d) keep the Council's social media platforms up to date; and
- (e) where authorised to do so by the SMC:
  - (i) moderate the Council's social media platforms in accordance with clause 9 of this Policy; and
  - (ii) ensure the Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media (see clause 11 of this Policy).

6.4. When engaging on social media on Council's behalf, an authorised user must identify themselves as a member of Council staff through the use of a Council managed social media account.

6.5. Authorised users must not use Council's social media platforms for personal reasons.

### Administrative Tone

6.6. Authorised users upload content and engage on social media on the Council's behalf. Authorised users must use language consistent with that function and avoid expressing or appearing to express their personal views when undertaking their role.

6.7. Authorised users may use more personal, informal language when engaging on Council's social media platforms, for example when replying to comments

### Register of authorised users

6.8. The SMC will maintain a register of authorised users.

### Cessation of an authorised user

6.9. The SMC may revoke a staff member's status as an authorised user, if:

- (a) the staff member makes such a request;
- (b) the staff member has not uploaded content onto any of the Council's social media platforms in the last (council to specify time period);
- (c) the staff member has failed to comply with this Policy; or
- (d) the SMC is of the reasonable opinion that the staff member is no longer suitable to be an authorised user.



## 7. Administrative Framework for Councillors' Social Media Platforms

- 7.1. For the purposes of this Policy, Councillor social platforms are not council social media platforms. Clause 4 of this Policy does not apply to Councillors' social media platforms.
- 7.2. Councillors are responsible for the administration and moderation of their own social media platforms (in accordance with this Policy), and ensuring they comply with the record keeping obligations under the *State Records Act 1998* (NSW) (see clause 11 of this Policy) and council's records management policy in relation to social media.
- 7.3. Clause 7.2 also applies to Councillors in circumstances where another person administers, moderates, or uploads content onto their social media platform.
- 7.4. Councillors must comply with the rules of the platform when engaging on social media.

### Induction and training

- 7.5. Councillors who engage, or intend to engage, on social media must receive induction training on social media use. Induction training can be undertaken either as part of the Councillor's induction program or as part of their ongoing professional development program.

### Identifying as a Councillor

- 7.6. Councillors must identify themselves on their social media platforms in the following format: *Councillor "First Name and Last Name"*.
- 7.7. A Councillor's social media platform must include a profile photo which is a clearly identifiable image of the Councillor.
- 7.8. If a Councillor becomes or ceases to be the Mayor, deputy Mayor, or the holder of another position (for example, chairperson of a committee), this must be clearly stated on the Councillor's social media platforms and updated within **14 days** of a change in circumstances.

### Other general requirements for Councillors' social media platforms

- 7.9. A Councillor's social media platform must include a disclaimer to the following effect: *"The views expressed and comments made on this social media platform are my own and not that of the Council"*.
- 7.10. Despite clause 7.9, Mayoral or Councillor media releases and other content that has been authorised according to the Council's Media Policy may be uploaded onto a Councillor's social media platform.
- 7.11. Councillors may upload publicly available Council information onto their social media platforms.
- 7.12. Councillors may use more personal, informal language when engaging on their social media platforms.
- 7.13. Councillor queries relating to social media platforms
- 7.14. Questions from Councillors relating to their obligations under this Policy, technical queries relating to the operation of their social media platforms, or managing records on social media may be directed to the SMC in the first instance, in accordance with Council's Councillor requests protocols
- 7.15. Other social media platforms administered by Councillors
- 7.16. A Councillor must advise the SMC of any social media platforms they administer on which content relating to the Council or Council Officials is, or is expected to be, uploaded. The Councillor must do so within:
  - (a) 14 days of becoming a Councillor, or
  - (b) 14 days of becoming the administrator.

## 8. Standards of Conduct on Social Media

- 8.1. This Policy only applies to Council Officials' use of social media in an official capacity or in connection with their role as a council official.
- 8.2. The policy does not apply to personal use of social media that is not connected with a person's role as a council official.
- 8.3. Council Officials must comply with the Council's code of conduct when using social media in an official capacity or in connection with their role as a council official.



- 8.4. Council Officials must not use social media to post or share comments, photos, videos, electronic recordings, or other information that:
- (a) is defamatory, offensive, humiliating, threatening, or intimidating to other Council Officials or members of the public;
  - (b) contains profane language or is sexual in nature;
  - (c) constitutes harassment and/or bullying within the meaning of the Model Code of Conduct for Local Councils in NSW, or is unlawfully discriminatory;
  - (d) is contrary to their duties under the Work Health and Safety Act 2011 and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety;
  - (e) contains content about the Council, Council Officials or members of the public that is misleading or deceptive;
  - (f) divulges confidential Council information;
  - (g) breaches the privacy of other Council Officials or members of the public;
  - (h) contains allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW;
  - (i) could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment;
  - (j) commits the Council to any action;
  - (k) violates an order made by a court;
  - (l) breaches copyright;
  - (m) advertises, endorses, or solicits commercial products or business;
  - (n) constitutes spam; or
  - (o) is in breach of the rules of the social media platform.
- 8.5. Council Officials must:
- (a) attribute work to the original author, creator or source when uploading or linking to content produced by a third party; and
  - (b) obtain written permission from a minor's parent or legal guardian before uploading content in which the minor can be identified.
- 8.6. Council Officials must exercise caution when sharing, liking, retweeting content as this can be regarded as an endorsement and/or publication of the content.
- 8.7. Council Officials must not incite or encourage other persons to act in a way that is contrary to the requirements of this Policy.
- 8.8. Councillors must uphold and accurately represent the policies and decisions of the Council's governing body but may explain why they voted on a matter in the way that they did. (see section 232(1)(f) of the *Local Government Act 1993* (NSW)).

## 9. Moderation of Social Media Platforms

- 9.1. Councils and Council Officials may be considered a 'publisher' of any content uploaded onto a social media platform they administer, including content that:
- (a) is uploaded by a third party;
  - (b) appears on their social media platform because they have 'liked', 'shared', or 'retweeted' the content, or similar; or
  - (c) both.
- 9.2. Council Officials who are responsible for the moderation of the Council's or Councillors' social media platforms may remove content and 'block' or ban a person from those platforms. Such actions must be undertaken in accordance with this Part.





- 9.3. For the purposes of clause 9, 'social media platform' and 'platform' means both the Council's and Councillors' social media platforms.

#### **Removal or 'hiding' of content**

- 9.4. Where a person uploads content onto a social media platform that, in the reasonable opinion of the moderator, is of a kind specified under clause 9.3, the moderator may remove or 'hide' that content.
- 9.5. Prior to removing or 'hiding' the content, the moderator must make a record of it (for example, a screenshot).
- 9.6. If the moderator removes or 'hides' the content under clause 9.4, they must, where practicable, notify the person who uploaded the content that it has been removed and the reason(s) for its removal and their rights of review.
- 9.7. A person may request a review of a decision by a moderator to remove or 'hide' content under clause 9.4. The request must be made in writing to the General Manager and state the grounds on which the request is being made.
- 9.8. Where a review request is made under clause 9.7, the review is to be undertaken by the General Manager or their delegate.

#### **Blocking or banning**

- 9.9. If a person uploads content that is removed or 'hidden' under clause 9.4 of this Policy on three (3) occasions, that person may be blocked or banned from the social media platform or all social media platforms managed by Council.
- 9.10. A person may only be blocked or banned from a Council social media platform with the approval of the SMC.
- 9.11. Clause 9.10 does not apply to blocking or banning a person from a Councillor's social media platform.
- 9.12. Prior to blocking or banning a person from a social media platform, the person must, where practicable, be advised of the intention to block or ban them from the platform/all platforms and be given a chance to respond. Any submission made by the person must be considered prior to a determination being made to block or ban them.
- 9.13. The duration of the block or ban is to be determined by the SMC, or in the case of a Councillor's social media platform, the Councillor.
- 9.14. Where a determination is made to block or ban a person from a social media platform or all social media platforms managed by Council, the person must, where practicable, be notified in writing of the decision and the reasons for it. The written notice must also advise the person which social media platforms they are blocked or banned from and the duration of the block or ban and inform them of their rights of review.
- 9.15. Despite clauses 9.9 to 9.14, where a person uploads content of a kind referred to under clause 9.3, and the moderator is reasonably satisfied that the person's further engagement on the social media platform poses a risk to health and safety or another substantive risk (such as the uploading of defamatory content), an interim block or ban from the platform/all platforms may be imposed on the person immediately for a period no longer than (Council to specify time period).
- 9.16. A person who is blocked or banned from the platform/all platforms under clause 9.15 must, where practicable, be given a chance to respond to the interim block or ban being imposed. Any submission made by the person must be considered when determining whether the interim block or ban is to be removed or retained under clauses 9.9 to 9.14.
- 9.17. A person may request a review of a decision to block or ban them from a social media platform. The request must be made in writing to the General Manager and state the grounds on which the request is being made.
- 9.18. Where a review request is made under clause 9.17, the review is to be undertaken by the General Manager or a member of staff nominated by the General Manager who is suitably qualified and who was not involved in the decision to block or ban the person. Where the decision to block or ban the person was made by the General Manager, the review must be undertaken by another senior and suitably qualified member of staff who was not involved in the decision.



- 9.19. Where a person that is the subject of a block or ban continues to engage on a social media platform(s) using an alternative social media accounts or profiles, a moderator may block or ban the person from the platform(s) immediately. In these circumstances, clauses 9.9 to 9.14 do not apply.

## **10. Use of social media during emergencies**

- 10.1. During emergencies, such as natural disasters or public health incidents, the SMC will be responsible for the management of content on the Council's social media platforms.
- 10.2. To ensure consistent messaging both during and after an emergency, authorised users and Council Officials must not upload content onto the Council's or their own social media platforms which contradicts advice issued by the agency coordinating the emergency response, or agencies supporting recovery efforts.

## **11. Records Management**

- 11.1. Social media content created, sent, and received by Council Officials (including Councillors) acting in their official capacity is a council record and may constitute open access information or be subject to an information access application made under the *Government Information (Public Access) Act 2009* (NSW). These records must be managed in accordance with the requirements of the *State Records Act 1998* (NSW) and the Council's approved records management policies and practices.
- 11.2. You must not destroy, alter, or remove social media content unless authorised to do so. If you need to alter or remove social media content, you must do so in accordance with this Policy, and consult with the Council's records manager and comply with the requirements of the *State Records Act 1998* (NSW).
- 11.3. If a Councillor's term of office concludes, the Councillor must contact the Council's records manager and SMC to manage and transfer records of social media content created during their term of office and comply with the requirements of the *State Records Act 1998* (NSW).
- 11.4. In fulfilling their obligations under clause 11 of this Policy, Council Officials should refer to any guidance issued by the relevant NSW Government Department relating to retention requirements for councils' and Councillors' social media content.

## **12. Privacy considerations and requirements**

- 12.1. Social media communications are in the public domain. Council Officials should exercise caution about what personal information, if any, they upload onto social media.
- 12.2. The *Privacy and Personal Information Protection Act 1998* (NSW) applies to the use of social media platforms by the Council and Councillors.
- 12.3. To mitigate potential privacy risks, Council Officials will:
- (a) advise people not to provide personal information on social media platforms;
  - (b) inform people if any personal information they may provide on social media platforms is to be used for official purposes;
  - (c) moderate comments to ensure they do not contain any personal information; and
  - (d) advise people to contact the Council or Councillors through alternative channels if they have personal information they do not want to disclose in a public forum.
- 12.4. Council Officials must ensure they comply with the *Health Records and Information Privacy Act 2002* (NSW) when engaging on or moderating social media platforms. In fulfilling their obligations, Council Officials should refer to any guidance issued by the Information and Privacy Commission of NSW.

## **13. Private use of social media**

- 13.1. Activities on social media websites are public activities. Even though privacy settings are available, content can still be shared and accessed beyond the intended recipients. The terms and conditions of most social media sites state that all content becomes the property of the site on which it is posted.





13.2. For the purposes of this Policy, a council official's social media engagement will be considered 'private use' when the content they upload:

- (a) is not associated with, or does not refer to, the Council, any other Council Officials, contractors, related entities or any other person or organisation providing services to or on behalf of the Council in their official or professional capacities; and
- (b) is not related to or does not contain information acquired by virtue of their employment or role as a council official.

13.3. If a council official chooses to identify themselves as a council official, either directly or indirectly (such as in their user profile), then they will not be deemed to be acting in their private capacity for the purposes of this Policy.

#### 14. Concerns or complaints

14.1. Concerns or complaints about the administration of a council's social media platforms should be made to the council's SMC in the first instance.

14.2. Complaints about the conduct of Council Officials (including Councillors) on social media platforms may be directed to the General Manager.

14.3. Complaints about a General Manager's conduct on social media platforms may be directed to the Mayor.

#### 15. Review

15.1. This Policy will be reviewed within 12 months of an Ordinary Council Election or from time-to-time on an as-needs basis.

#### References

- *Local Government Act 1993* (NSW).
- *Local Government (General) Regulation 2021* (NSW).

#### History

Minute Number	Meeting Date	Description of Change
359/2014	3 June 2014	Adopted
164/2017	15 August 2017	Reviewed
	2022	Reviewed (based on Model Policy from NSW Office of Local Government)

# MODEL COUNCILLOR AND STAFF INTERACTION POLICY

2022



**MODEL COUNCILLOR AND STAFF INTERACTION POLICY**  
2022**ACCESS TO SERVICES**

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## Preface

### **Positive working relationships between councillors and staff: a council's key asset**

Positive, professional working relationships between councillors and staff are a key element of any council's success. If relationships between councillors and staff are functioning effectively, the council is more likely to perform effectively. If these relationships break down, it can lead to dysfunction, create a potential corruption risk<sup>1</sup>, and ultimately the council's performance will suffer.

A good relationship between councillors and staff is based, in large part, on both having a mutual understanding and respect for each other's roles and responsibilities. These are defined in the *Local Government Act 1993* (the LGA) and the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

In broad terms, a councillor's role is a strategic one. As members of the governing body, councillors are responsible not only for representing the community, but also for setting the strategic direction of the council and keeping its performance under review. A comprehensive outline of the role of a councillor is provided in Part 4 of this Policy.

The role of council staff, under the leadership of the general manager, is to carry out the day-to-day operations of the council and to implement the decisions, plans, programs and policies adopted by the governing body.

### **Access to information: the key to the relationship**

Councillors need access to information about the council's strategic position and performance to perform their civic functions effectively. The general manager and staff are responsible for providing councillors with this information to facilitate the decision-making process.

<sup>1</sup> As highlighted by the NSW Independent Commission Against Corruption's Operation Dasha <https://www.icac.nsw.gov.au>

Given councillors' role in setting the council's strategic direction and keeping its performance under review, councillors are entitled to request information about a range of issues.

However, in requesting information, councillors should not be seeking to interrogate the minutiae of the council's operations or to direct or influence staff in the performance of their duties. Councillors should also recognise that a council's resources are finite, and they need to be mindful of the impact of their requests.

Above all, interactions between councillors and staff should be positive, respectful and professional.

### **Official capacity versus private capacity**

It is also inevitable that councillors and council staff will engage with their council in their private capacity. This can be for something as simple as borrowing a book from a council library, to more complex matters, such as submitting a development application.

In these circumstances, it is vital that councillors and council staff do not seek to use, or appear to use, their position within council to obtain a private benefit. To do so could be seen as an attempt to exert pressure on councillors and/or council staff with a view to obtaining preferential treatment. Such conduct has the potential to undermine both the integrity of a council's decision-making processes, as well as the community's confidence in council, and so must be avoided.

### **The development and intent of this policy**

This Model Councillor and Staff Interaction Policy has been developed by the Office of Local Government (OLG) in consultation with councils. It is applicable to councils, county councils and joint organisations.

It provides an exemplar approach, incorporating examples of best practice from a

diverse range of NSW councils. At its core, the policy has three main goals:

- to establish a framework by which councillors can access the information they need to perform their civic functions,
- to promote positive and respectful interactions between councillors and staff, and
- to advise where concerns can be directed if there is a breakdown in the relationship between councillors and staff.

The Model Councillor and Staff Interaction Policy is structured as follows:

<b>Part 1</b>	Introduction
<b>Part 2</b>	Sets out the scope of the policy
<b>Part 3</b>	Describes the policy's objectives
<b>Part 4</b>	Sets out the respective roles and responsibilities of councillors and staff and the principles that should guide their interactions
<b>Part 5</b>	Sets out the administrative framework for a councillor requests system
<b>Part 6</b>	Identifies which staff councillors can contact directly
<b>Part 7</b>	Addresses councillors' entitlement to access council buildings
<b>Part 8</b>	Describes appropriate and inappropriate interactions between councillors and staff
<b>Part 9</b>	Provides advice about who complaints can be made to
<b>Schedule 1</b>	Contains a template for a list of staff councillors can contact directly under Part 6 of the policy

### Adoption

While not mandatory, the Model Councillor and Staff Interaction Policy reflects best practice and all councils, county councils and joint organisations are encouraged to adopt it. In doing so, they are free to adapt the policy to suit their local circumstances and operating environments or to supplement it with their own provisions.

Provisions which can be adjusted are marked in red.

**Note:** In adopting the policy, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

**Note:** In adopting the policy, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

### Enforcement

Clause 3.1(b) of the Model Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to a council's policies. If adopted by a council, a breach of the policy may also constitute a breach of council's code of conduct.

Concerns or complaints about the administration of a council's councillor request system should be raised with the general manager (or the mayor in the case of a complaint about the general manager). If the matter cannot be resolved locally, councillors may raise their concerns with OLG.

### Acknowledgements

OLG wishes to thank Local Government NSW, the NSW Independent Commission Against Corruption, Local Government Professionals, United Services Union, and the councils involved for their invaluable assistance in developing the Model Councillor and Staff Interaction Policy.

# Model Councillor and Staff Interaction Policy

## Part 1 – Introduction

- 1.1 *The Councillor and Staff Interaction Policy* (the Policy) provides a framework for councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.
- 1.2 The Policy complements and should be read in conjunction with **Narrabri Shire Council's Code of Conduct** (the Code of Conduct).
- 1.3 The aim of the Policy is to facilitate a positive working relationship between councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.
- 1.4 It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

## Part 2 – Application

- 2.1 This Policy applies to all councillors and council staff.
- 2.2 This Policy applies to all interactions between councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.
- 2.3 This Policy applies whenever interactions between councillors and staff occur, including inside or outside of work hours, and at both council and non-council venues and events.
- 2.4 This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the General Manager.
- 2.5 The Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct.



## Part 3 – Policy objectives

3.1 The objectives of the Policy are to:

- a) establish positive, effective and professional working relationships between councillors and staff defined by mutual respect and courtesy
- b) enable councillors and staff to work together appropriately and effectively to support each other in their respective roles
- c) ensure that councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties
- d) ensure councillors have adequate access to information to exercise their statutory roles
- e) provide direction on, and guide councillor interactions with, staff for both obtaining information and in general situations
- f) maintain transparent decision making and good governance arrangements
- g) ensure the reputation of Council is enhanced by councillors and staff interacting consistently, professionally and positively in their day-to-day duties
- h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

## Part 4 – Principles, roles and responsibilities

- 4.1 Several factors contribute to a good relationship between councillors and staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.
- 4.2 The Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the General Manager, who in turn, is accountable to the Council's governing body.
- 4.3 Section 232 of the *Local Government Act 1993* (the LGA) states that the role of a councillor is as follows:
  - a) to be an active and contributing member of the governing body
  - b) to make considered and well-informed decisions as a member of the governing body
  - c) to participate in the development of the integrated planning and reporting framework
  - d) to represent the collective interests of residents, ratepayers and the local community
  - e) to facilitate communication between the local community and the governing body
  - f) to uphold and represent accurately the policies and decisions of the governing body
  - g) to make all reasonable efforts to acquire and maintain the skills

necessary to perform the role of a councillor.

- 4.4 The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.
- 4.5 It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.
- 4.6 Council commits to the following principles to guide interactions between councillors and staff:

**Principle**

**Achieved by**

**Equitable and consistent**

Ensuring appropriate, consistent and equitable access to information for all councillors within established service levels

**Considerate and respectful**

Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions

**Ethical, open and transparent**

Ensuring that interactions between councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct

**Fit for purpose**

Ensuring that the provision of equipment and information to councillors is

done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of 9 people.

**Accountable and measurable**

Providing support to councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data

- 4.7 Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors need to accept that:
- a) responses to requests for information from councillors may take time and consultation to prepare and be approved prior to responding
  - b) staff are not accountable to them individually
  - c) they must not direct staff except by giving appropriate direction to the General Manager by way of a council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA
  - d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions
  - e) they must not contact a member of staff on council-related business unless in accordance with this Policy
  - f) they must not use their position to attempt to receive favourable treatment for themselves or others.

- 4.8 The General Manager is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay.

Council staff need to understand:

- a) they are not accountable to individual councillors and do not take direction from them. They are accountable to the General Manager, who is in turn accountable to the Council's governing body
- b) they should not provide advice to councillors unless it has been approved by the General Manager or a staff member with a delegation to approve advice to councillors
- c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner
- d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
- e) they must provide full and timely information to councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

## Part 5 – The councillor requests system

- 5.1 Councillors have a right to request information provided it is relevant to councillor's exercise of their civic functions. This right does not extend to matters about which a councillor is merely curious.
- 5.2 Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.
- 5.3 The General Manager may identify Council support staff under this Policy for the management of requests from councillors.
- 5.4 Councillors can use the councillor requests system to:
  - a) request information or ask questions that relate to the strategic position, performance or operation of the Council
  - b) bring concerns that have been raised by members of the public to the attention of staff
  - c) request ICT or other support from the Council administration
  - d) request that a staff member be present at a meeting (other than a meeting of the council) for the purpose of providing advice to the meeting.
- 5.5 Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a councillor's request lacks specificity, the General Manager or staff member authorised to manage the matter is

entitled to ask the councillor to clarify their request and the reason(s) why they are seeking the information.

5.6 Staff must make every reasonable effort to assist councillors with their requests and do so in a respectful manner.

5.7 The General Manager or the staff member authorised to manage a councillor request will provide a response within **10 working days**. Where a response cannot be provided within that timeframe, the councillor will be advised, and the information will be provided as soon as practicable.

5.8 Requests under clause 5.4 (d) must be made **five working days** before the meeting. The General Manager, or members of staff that are listed at Schedule 1 of this Policy, are responsible for determining:

- a) whether a staff member can attend the meeting; and
- b) which staff member will attend the meeting.

Staff members who attend such meetings must be appropriately senior and be subject matter experts on the issues to be discussed at the meeting.

5.9 Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.

5.10 Staff will inform councillors of any confidentiality requirements for information they provide so councillors can handle the information appropriately.

5.11 Where a councillor is unsure of confidentiality requirements, they should contact the General Manager, or the staff member authorised to manage their request.

5.12 The General Manager may refuse access to information requested by a councillor if:

- a) the information is not necessary for the performance of the councillor's civic functions, or
- b) if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of staff time and resources, or
- c) the councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
- d) the General Manager is prevented by law from disclosing the information.

5.13 Where the General Manager refuses to provide information requested by a councillor, they must act reasonably. The General Manager must advise a councillor in writing of their reasons for refusing access to the information requested.

5.14 Where a councillor's request for information is refused by the General Manager on the grounds referred to under clause 5.12 (a) or (b), the councillor may instead request the information through a resolution of the council by way of a notice of motion. This clause does not apply where the General Manager refuses a councillor's request for information under clause 5.12 (c) or (d).

5.15 Nothing in clauses 5.12, 5.13, and 5.14 prevents a councillor from requesting the information in accordance with the *Government Information (Public Access) Act 2009*.

5.16 Where a councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of staff time and resources the council may,

on the advice of the General Manager, resolve to limit the number of requests the councillor may make.

5.17 Councillor requests are state records and must be managed in accordance with the *State Records Act 1998*.

5.18 A report will be provided to Council **annually** regarding the performance and efficiency of the councillor requests system against established key performance indicators.

## Part 6 – Access to Council staff

6.1 Councillors may directly contact members of staff that are listed in Schedule 1 of this Policy. The General Manager may amend this list at any time and will advise councillors promptly of any changes.

6.2 Councillors can contact staff listed in Schedule 1 about matters that relate to the staff member's area of responsibility.

6.3 Councillors should as far as practicable, only contact staff during normal business hours.

6.4 If councillors would like to contact a member of staff not listed in Schedule 1, they must receive permission from the General Manager.

6.5 If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager **a relevant Director or Manager Governance and Risk** who will provide advice about which authorised staff member to contact.

6.6 The General Manager or a member of the Council's executive leadership team may direct any staff member to contact councillors to provide specific information or clarification relating to a specific matter.

6.7 A councillor or member of staff must not take advantage of their official position to improperly influence other councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the General Manager or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

## Part 7 – Councillor access to council buildings

- 7.1 Councillors are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must obtain approval from the General Manager.
- 7.2 Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager.

## Part 8 – Appropriate and inappropriate interactions

- 8.1 Examples of appropriate interactions between councillors and staff include, but are not limited to, the following:
- a) councillors and council staff are courteous and display a positive and professional attitude towards one another
  - b) council staff ensure that information necessary for councillors to exercise their civic functions is made equally available to all councillors, in accordance with this Policy and any other relevant Council policies
  - c) council staff record the advice they give to councillors in the same way they would if it was provided to members of the public
  - d) council staff, including Council's executive team members, document councillor requests via the councillor requests system
  - e) council meetings and councillor briefings are used to establish positive working relationships and help councillors to gain an understanding of the complex issues related to their civic duties
  - f) councillors and council staff feel supported when seeking and providing clarification about council related business
  - g) councillors forward requests through the councillor requests system and staff respond in accordance with the timeframes stipulated in this Policy
- 8.2 Examples of inappropriate interactions between councillors and staff include, but are not limited to, the following:

- a) councillors and council staff conducting themselves in a manner which:
    - i) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
    - ii) constitutes harassment and/or bullying within the meaning of the Code of Conduct, or is unlawfully discriminatory
  - b) councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
  - c) staff approaching councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
  - d) subject to clause 5.12, staff refusing to give information that is available to other councillors to a particular councillor
  - e) councillors who have lodged an application with the council, discussing the matter with staff in staff-only areas of the council
  - f) councillors being overbearing or threatening to staff
  - g) staff being overbearing or threatening to councillors
  - h) councillors making personal attacks on staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media
  - i) councillors directing or pressuring staff in the performance of their work, or recommendations they should make
  - j) staff providing ad hoc advice to councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community
- 8.3 Where a councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of staff at risk, the General Manager may restrict the councillor's access to staff.
- 8.4 Any concerns relating to the conduct of staff under this Policy should be raised with the General Manager.



## Part 9 – Complaints

- 9.1 Complaints about a breach of this policy should be made to the General Manager (if the complaint is about a councillor or member of council staff), or the Mayor (if the complaint is about the General Manager).
- 9.2 Clause 9.1 does not operate to prevent matters being reported to OLG, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

## Schedule 1 – Authorised staff contacts for councillors (template table)

1. Clause 6.1 of this Policy provides that councillors may directly contact members of staff that are listed below. The General Manager may amend this list at any time.
2. Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.
3. Councillors should as far as practicable, only contact staff during normal business hours.
4. If councillors would like to contact a member of staff not listed below, they must receive permission from the General Manager or their delegate.
5. If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager, **the relevant Director, or Manager Governance and Risk** who will provide advice about which authorised staff member to contact.
6. In some instances, the General Manager or a member of the Council's executive leadership team may direct a council staff member to contact councillors to provide specific information or clarification relating to a specific matter.

<i><b>Position</b></i>	<i><b>Matters</b></i>
<b>Directors and Chief Financial Officer</b>	Matters within their directorate's area of responsibility
<b>Executive Assistant</b>	Administrative assistance Scheduling time with General Manager
<b>Manager Governance and Risk</b>	Meeting Procedures In capacity as complaints/PID coordinator
<b>Personal Assistant</b>	Scheduling time with relevant director





## STREET LIGHTING ON PUBLIC ROADS POLICY

**Responsible Department:** Infrastructure Delivery  
**Responsible Section:** Roads Services  
**Responsible Officer:** Manager Roads Services

### Objective

To provide guidance and instructions as to what standard of street lighting will be provided within the Narrabri Shire area and where street lighting will be placed and the process to be considered by council in determining the provision of new lights.

### Introduction

Public street lighting is primarily required to provide for the safe and comfortable movement at night of both vehicles and pedestrians, while additional benefits may include the discouragement of illegal and anti-social acts.

### Policy

#### 1. Standard to be achieved

- 1.1. All street lighting provided on public roads shall be designed in accordance with the Road Lighting Design Standards as nominated in the Australian Standard AS1158 'Lighting for roads and public spaces' and the NSW Public Lighting Code. The lighting category applicable to the roadway for which new street lighting is being provided shall be that nominated by Council's representative in accordance with the requirements of the relevant Australian Standard for Public Lighting AS1158 (refer to table);

Lighting Category	Typical Applicants
V4 or V5	Sub-Arterial Roads
B1, V5 or V4	Distributor and major Collection roads
B2	Local Street, Collector Road, Loop, Cul-de-sac, Laneway, Bikeway, Access Street
C	Local Street in park and rural areas

- 1.2. All new street lighting provided on existing public roads shall be standard structures and components in compliance with the relevant Australian Standard of Public Lighting AS1158.

#### Locations

- 1.3. Lighting shall be provided at the following sites;
- For existing urban areas zoned 'Residential A' and the average Lot size is not more than 0.3 hectares, and where following a residential request and inspection, it is shown that the lighting does not generally satisfy AS1158 or any site-specific plan developed for that site.
  - Urban areas of between 0.3 and 0.8 hectares allotment size to have lighting located only at intersection, crests and cul-de-sacs.



- (c) No lighting will be provided on subdivisions with allotments greater than 0.8 hectares.
- (d) Where any constructed footpath exists, and lighting is warranted, it shall be provided to the standard defined for a residential area.
- (e) Lighting in rural residential and rural areas shall be provided where specifically required by Council, generally at major intersections and the availability of low voltage power supply and shall be assessed on the merits of each case.

#### **Layout**

- 1.4. Lighting installations shall generally follow the pattern of an 80W mercury vapour lantern at road intersections and spaced approximately every 100 metres (typically every second power pole) for 9-metre-high mountings on overhead poles and 7-metre-high mountings for underground power installations. Allowance shall be made in the spacing design to provide a light at or near to road geometrical changes (e.g. crests, sags and curves).
- 1.5. Road intersections of status above a local residential street (e.g. collector roads) shall have a specific intersection lighting design.
- 1.6. For roads with extensive tree planting, consideration shall be made to provide lights on suitable extension brackets over the roadway.
- 1.7. Lighting along collector type urban roads with average daily traffic counts (ADT) >1500 vehicles per day, shall have an 80W MV lantern on every power pole (maximum 45 metre spacing) or higher output lanterns at designated locations.

### **2. Streetlight Shade**

- 2.1. Where light from a streetlight is causing excessive nuisance to a resident, then the resident can request installation of a shade.
- 2.2. Before agreeing to shading of streetlights an assessment of the streetlight and surrounding area is required. Consideration will be given to the general standard of lighting in the area, traffic safety and needs of pedestrians.

### **3. New Subdivisions**

- 3.1 For street lighting associated with new residential, commercial and industrial subdivisions, the street lighting shall become operational when the public roads are created and opened to the public.
- 3.2 If the electricity reticulation is installed after the public roads are created and opened, then the street lighting shall become operational as soon as installation has been completed by the electricity distributor.
- 3.3 Council may use its discretion and request the electricity distributor not to energise the street lighting upon the installation of the cabling and poles, dependent upon the exact details of each location.

### **4. Commercial Areas**

- 4.1 Where an arterial road abuts a commercial area, lighting will be designed and provided to Road Lighting Category V1, as stated in AS1158 and to suit the locality and Council budget allocated.
- 4.2 Security lighting shall be at the cost of the property owner and all arrangements are to be through the electrical distributor.



## 5. Industrial Areas

- 5.1 For industrial premises abutting category V roadways which have heavy vehicles entering and leaving the property, 150-watt high pressure sodium or approved equivalent lanterns will generally be considered appropriate
- 5.2 Private industrial properties will be encouraged to install their own security lighting as Council does not provide private security lighting.

## 6. Procedures to deal with street lighting requests

- 6.1 All public requests for new and improved lighting are to be investigated for compliance with the standards to be achieved, subject to the availability of funding, emerging technology and the availability of design and construction resources. If a request involves a major improvement the distributor or public lighting Consultant may be requested to design a public lighting scheme.
- 6.2 Although all attempts will be made to replace non-standard poles and fittings with identical items, their supply or replacement may be limited or not available at all and in such circumstances a similar pole, and or fitting, will be installed as a first option or at least a standard pole and or fitting may be erected as a secondary option.
- 6.3 All public requests regarding malfunctioning street lights will be forwarded to the local electrical distributor.

## 7. Budget Provision

- 7.1 Council will provide an annual budget allocation to provide for additional street lights and increased annual tariffs, plus consider a budget allowance for any capital lighting projects identified and approved by Council. Such budget shall be adjusted annually to reflect CPI and any other cost variations.

## 8. Lighting Inspections

- 8.1 Where required, Council staff will carry out random night time selected street lighting inspections to check for faulty lights. All faults found will be lodged into Councils Customer Service Request (CSR) system and repaired.

## 9. Review

- 9.1 This policy will be reviewed within 12 months of an Ordinary Council Election or from time-to-time on an as-needs basis.

## History

Minute Number	Meeting Date	Description of Change
811/2011	December 20, 2011	Adopted
210/2013	April 2, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	September 2, 2021	Rebranded
	2022	Reviewed



## THE CROSSING THEATRE CATERING POLICY

<b>Responsible Department:</b>	Corporate and Community Services
<b>Responsible Section:</b>	The Crossing Theatre
<b>Responsible Officer:</b>	Venue Manager

### Objective

The objective of this policy is to set Council's policy position regarding catering in the hire of The Crossing Theatre facilities.

### Introduction

The Crossing Theatre is a vital part of the Narrabri Shire Community. Being its biggest and most versatile venue, it is frequently used for events that require catering.

### Policy

#### 1. Crossing Theatre Provided Catering

- 1.1. The Crossing Theatre will provide catering services. This will include both food and alcohol in accordance with Council's liquor licence for The Crossing Theatre.
- 1.2. The Crossing Theatre can provide off-site food catering service.
- 1.3. Conference menus are available and flexible on approval by the Manager.
- 1.4. The Crossing Theatre will endeavour to work with community groups to provide catering to a required budget.
- 1.5. Catering requirements must be confirmed 21 days prior to the scheduled event.
- 1.6. All food and alcohol must be purchased and consumed on The Crossing Theatre premises in compliance with the Liquor Licence and State Health Regulations.

#### 2. Catering provided by third parties

- 2.1. External catering provision of food and beverages, provided by third parties or users of facilities, is not permitted at The Crossing Theatre.

#### 3. Review

- 3.1. This policy will be reviewed within 12 months of an Ordinary Council Election or from time-to-time on an as-needs basis.





## History

Minute Number	Meeting Date	Description of Change
789/2010	December 21, 2010	Adopted
210/2013	April 2, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	September 1, 2021	Rebranded
	2022	Reviewed



## THE CROSSING THEATRE CONCESSIONAL USE POLICY

<b>Responsible Department:</b>	Corporate and Community Services
<b>Responsible Section:</b>	Cultural Facilities
<b>Responsible Officer:</b>	Manager Cultural Facilities

### Objective

- To establish a framework for the awarding of concessional use of The Crossing Theatre.

### Introduction

Section 356 (1) of the Local Government Act, 1993 states that "A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions".

Section 356 (2) of the Local Government Act, 1993 states "A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this Section until at least 28 days public notice of Council's proposal has been given".

Public notice is not required under Section 356 (3) of the Local Government Act, 1993 if the assistance is given under a specific program. The specific program must have been included in Council's draft operational plan, must not exceed 5% of Council's proposed rating levy and must apply uniformly to all persons or a significant group of persons in Council's area.

### Policy

#### 1. Concessions

- 1.1. Council will provide concessions at The Crossing Theatre to eligible groups to conduct eligible events in accordance with this policy.
- 1.2. Entities seeking concessions must apply to Council in accordance with this policy.

#### 2. Event Eligibility Criteria

- 2.1. Entities eligible for assistance are:
  - (a) A registered charity;
  - (b) Not for Profit Organisations;
  - (c) Incorporated Community Organisations;
  - (d) Section 355 Committees of Council; and
  - (e) Schools within Narrabri Shire.

**Additional Eligibility Requirements**

2.2. In addition to the above, the event must:

- (a) Address at least one of the strategic objectives outlined in Council's Community Strategic Plan; and
- (b) Benefit a significant number of Narrabri Shire residents; or
- (c) Provide a significant public interest benefit to the Narrabri Shire Community.

2.3. Events not eligible for assistance are:

- (a) Where a full cost recovery charge is applied;
- (b) Where events have a business focus or are for-profit.

**Core Selection Criteria**

2.4 Applications will be selected based on the below criteria:

- (a) The eligible activity occurs within the Narrabri Shire Local Government Area;
- (b) The extent of alignment to the strategic objectives outlined in Council's Community Strategic Plan;
- (c) The benefit to the Narrabri Shire community;
- (d) The public interest benefit to the Narrabri Shire community.

**3. Application**

- 3.1. Entities wishing to receive a concessional rate under this policy must make a request to Council under this policy.
- 3.2. A request must be made in the prescribed form.
- 3.3. Requests must be submitted at least three months before the first day of the event.

**Supporting Documentation**

3.4. Applications must include the following in order to be considered eligible:

- (a) Details of the organisation or entity applying;
- (b) Proof of organisation or entity type;
- (c) A description of the event;
- (d) An explanation of how the event will meet the eligibility and selection criteria;
- (e) Any other document requested by Council.

**4. Assessment and Determination of Applications****Assessment**

- 4.1. The General Manager or their delegate will assess applications.
- 4.2. Assessment is to be merit based, and based on the extent to which the proposed event meets the selection criteria.

**Determination**

- 4.3. Following assessment the General Manager will ensure a report is brought to an Ordinary Council Meeting. The report should:
  - (a) Recommend that a concessional rate be offered;
  - (b) Recommend that a concessional rate not be offered; or
  - (c) Make no recommendation either way.
- 4.4. If the General Manager recommends that a concessional rate be offered, they should also recommend the proposed rate to offer.



- 4.5. Council will consider the report and make a determination to either offer or not offer a concessional rate.  
4.6. If Council offers a concessional rate, it will set an amount.

## 5. Other Fees

- 5.1. Other Council fees and charges are unaffected by this policy.

## 6. Review

- 6.1. This policy will be reviewed within 12 months of an Ordinary Council Election or from time-to-time on an as-needs basis.

## References

- *Local Government Act 1993* (NSW).

## History

Minute Number	Meeting Date	Description of Change
853/2009	December 2009	Adopted
26/2012	February 21, 2012	Reviewed
607/2013	September 3, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	2022	Reviewed



## USE OF COUNCIL FACILITIES BY ELECTED POLITICIANS POLICY

**Responsible Department:** Corporate and Commercial Services

**Responsible Section:** Governance and Risk

**Responsible Officer:** Manager Governance and Risk

### Objective

To facilitate and transparently manage the access to and use of the Councils Administration facilities by elected Politicians while they undertake constituency meetings during visits to the Narrabri Shire Area.

### Policy

#### 1. Definitions

Term	Meaning
<b>Elected Politician</b>	An elected member, however described, of: (a) The Parliament of the Commonwealth of Australia; (b) The Parliament of New South Wales; (c) The Parliament of another Australian State (d) The Parliament of another jurisdiction, where appropriate.

#### 2. Policy Position

- 2.1. The Council Chambers and Committee Rooms may be utilised by visiting elected Politicians for use to meet with the public during their visit.
- 2.2. Council facilities must be used solely in relation to local constituency issues. They must not be used for the promotion of parties, party political issues, or the donation to parties.
- 2.3. Use of the Council Chambers and Committee Rooms is subject to Council use and availability.
- 2.4. No fees will be charged for this use and the availability.
- 2.5. Council will not show any favouritism, grant special or detrimental treatment, or discriminate based on the political party or policy position of any visiting politician in implementing this policy.

#### 3. Procedure

- 3.1. Politicians proposing to visit and use Council facilities for meetings must formally request such use from the General Manager.
- 3.2. Any request must outline:
  - (e) The date of the visit
  - (f) The time of the visit
  - (g) The number of people anticipate to attend.
- 3.3. The General Manager will consider all requests and may approve them.



## History

Minute Number	Meeting Date	Description of Change
147/2008	April 1, 2008	Adopted
26/2012	February 21, 2012	Reviewed
58/2013	February 5, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	September 2, 2021	Rebranded
	2022	Reviewed



## WEE WAA TOWN LEVEE MAINTENANCE POLICY

**Responsible Department:** Infrastructure Delivery  
**Responsible Section:** Road Services  
**Responsible Officer:** Manager Road Services

### Policy

The Wee Waa Town Levee was constructed after the 1976 flood to minimise crop and stock losses resulting from flooding.

The objective of this policy is to ensure:

- The Wee Waa Town Levee infrastructure, inclusive of the earthen bank, floodgates, access gates, pumps and rail cuttings are inspected and maintained in accordance with the Wee Waa Levee Operations and Maintenance Manual.
- The Wee Waa Town Levee infrastructure is inspected at least biannually (every two years) or after each major flood event requiring activation of an Emergency Response.
- Inspections of the Wee Waa Town Levee are documented and reported to Council annually.
- Emergency Response during a flood event is undertaken in accordance with the procedures outlined in the Wee Waa Levee Operations and Maintenance Manual.
- A debrief after an Emergency Response is undertaken by the relevant senior management and operational staff to document the flood event and to review and update the Emergency Response procedures in the Wee Waa Levee Operations and Maintenance Manual as necessary.
- Every five years a Failure Impact Assessment is undertaken by a Chartered Professional Engineer.

### History

Minute Number	Meeting Date	Description of Change
157/2011	March 15, 2011	Adopted
26/2012	February 21, 2012	Reviewed
210/213	April 2, 2013	Reviewed
	2022	Reviewed





## ARTS AND CULTURAL POLICY

<b>Responsible Department:</b>	Planning and Sustainability
<b>Responsible Section:</b>	Tourism and Cultural Services
<b>Responsible Officer:</b>	Manager Tourism and Cultural Services

### Objective

Narrabri Shire will have a strong and vibrant arts and cultural sector which celebrates our diverse community, landscapes and heritage, and fosters innovation and creativity within our community.

The aim of this Arts and Cultural Policy for the Narrabri Shire Council is to:

- State the principles and objectives of Narrabri Shire's Arts and Cultural policy;
- Define the implementation and management structure necessary to realise the aims of the policy;
- Explain clearly the rationale underlying this policy;
- Provide Council staff with the structure necessary for a planned and coordinated approach to arts and culture and ensure that the community clearly understand Council's role in providing this service; and
- Allow Council to lead by example in the area of arts and culture, particularly in relation to what is expected from partners and the community. The importance of leading by example should not be underestimated in creating a positive context where local communities value the benefits of arts and cultural expression.

Narrabri Shire Council recognises that a strong arts and cultural sector will maintain and improve community well-being. It will do this by providing opportunities and the environment for art and cultural activities that will foster a strong community identity, build pride in our Shire and encourage and support the community and economic development.

### Introduction

Arts and cultural activities contribute strongly to the well-being of the Narrabri Shire community. These activities are part of our identity and our sense of place, with a strong arts and cultural sector being integral to both community and economic development and sustainability.

The Narrabri Shire Arts and Cultural Policy embraces all forms of visual, written and performing arts, and our heritage and cultural attributes – both past and contemporary.

This Policy applies to the whole of the Narrabri Shire area, and to the arts and cultural based venues, activities and events held within the Shire, including but not limited to The Crossing Theatre, the Narrabri Visitors Centre, Narrabri Shire Libraries, Museums, sites of historical and cultural significance for Gamilaraay/Gamilaroi/Gomeri/Kamilaroi people and for the broader community, and events held within the Shire.

The Narrabri Shire Arts and Cultural Policy recognises and is part of the Narrabri Shire Community Strategic Plan (and related documents) and the Narrabri Shire Cultural Plan. It also acknowledges the overarching arts and cultural policies of the NSW and Federal Governments.



## Policy

### 1. Policy Statement

- 1.1. Narrabri Shire Council recognises that a strong arts and cultural sector will:
  - (a) Strengthen, enrich and unite our community;
  - (b) Build pride in and commitment to the Shire;
  - (c) Assist in protecting and preserving our heritage and cultural assets;
  - (d) Provide opportunities for education and social interaction;
  - (e) Assist in place-making - creating and strengthening a 'sense of place';
  - (f) Encourage and facilitate community and economic development;
  - (g) Diversify and enhance the attraction, activity and experience base of the Shire for the benefit of both residents and visitors.
- 1.2. This will be achieved through:
  - (a) Engaging the community;
  - (b) Creating a strong sense of place;
  - (c) Celebrating the diversity within our community;
  - (d) Building and consolidating creative activities and talents within our community;
  - (e) Facilitating and supporting the establishment and growth of sustainable creative industries;
  - (f) Embracing the future;
  - (g) Fostering Partnerships at all levels to grow the Arts and Cultural sector within the Shire.

### 2. Engaging the Community

- 2.1. In accordance with Council's Community Strategic Plan, Delivery Program, and other Strategies, Plans, and Protocols, Council will, where possible:
  - (a) Develop cultural activities and programs reflective of community needs and aspirations;
  - (b) Encourage local artists, artisans and community groups to provide leadership and inspiration;
  - (c) Encourage on-going community participation in arts and cultural development;
  - (d) Develop and implement a community education program to raise awareness of and encourage participation in arts and cultural activities and resources available locally; and
  - (e) Encourage collaborative marketing between community and cultural organisations to optimise use of resources.

### 3. Create a Sense of Place

- 3.1. In accordance with Council's Community Strategic Plan, Delivery Program, and other Strategies, Plans, and Protocols Council will where possible:
  - (a) Capitalise on the arts and cultural assets of Narrabri Shire to improve the presentation, attractiveness and appeal of the towns, villages and localities within our Shire – creating environments that are interesting, vibrant and encourage visitation and social interaction.
  - (b) Encourage the protection, preservation and promotion of heritage assets within the Shire and encourage the 'telling of stories'.
  - (c) Ensure that arts and cultural activities reflect the quality and attractiveness of the Shire's physical environment and landscapes.
  - (d) Facilitate community input and networking between communities.



#### 4. Celebrating Diversity

- 4.1. In accordance with Council's Community Strategic Plan, Delivery Program, and other Strategies, Plans, and Protocols Council will where possible:
- (a) Acknowledge the Gamilaraay/Gamilaroi/Gomeroi/Kamilaroi Nation people as the traditional custodians of the land that Narrabri Shire encompasses.
  - (b) Celebrate our heritage – both Aboriginal and non-Aboriginal.
  - (c) Support arts and cultural events, festivals, activities, forums and awareness programs that contribute to and celebrate our diversity.
  - (d) Encourage creativity and innovation.

#### 5. Building and Consolidating

- 5.1. In accordance with Council's Community Strategic Plan, Delivery Program, and other Strategies, Plans, and Protocols Council will where possible:
- (a) Identify, assess, and address the needs of the performing and visual arts sectors;
  - (b) Identify, assess, and address the needs of different sectors of the community.
  - (c) Continue to maintain and improve the venues available for arts and cultural activities within the Shire and encourage the use of public areas and assets for arts and cultural activities.
  - (d) Continue to maintain the town and village halls and sporting facilities as a focal point for social and cultural interaction within the Shire community.
  - (e) Within the framework of the Narrabri Shire Tourism Destination Management Plan, prepare and implement a Cultural Tourism Plan to diversify the attractions, activities and experiences offered by the Shire and grow visitation.
  - (f) Integrate arts and culture into the economic development and marketing and promotion of the Shire.
  - (g) Explore opportunities to improve viability of activities, businesses and venues through market development including building visitor markets.

#### 6. Sustainable Creative Industries

- 6.1. In accordance with Council's Community Strategic Plan, Delivery Program, and other Strategies, Plans, and Protocols Council will where possible:
- (a) Encourage, facilitate and support the development of a strong and sustainable creative industries sector.
  - (b) Encourage mentoring between established creative businesses and new entrants.

#### 7. Embracing the Future

- 7.1. In accordance with Council's Community Strategic Plan, Delivery Program, and other Strategies, Plans, and Protocols Council will where possible:
- (a) Develop contemporary arts space / gallery with Narrabri Shire.
  - (b) Capitalise on new technologies which promote cultural development and facilitate and enhance 'story-telling'.
  - (c) Continue to utilise the Narrabri Shire libraries, Narrabri Shire Visitor Information Centre, and other significant cultural venues to consolidate and strengthen Narrabri's position within the Region, State and Nationally.
  - (d) Ensure cultural programmes continue to reflect the changing needs and demographics of the Shire.
  - (e) Encourage and support linkages between artistic practitioners. Support linkages between communities and cultural organisations in the development of new work.



## 8. Fostering Partnerships

- 8.1. In accordance with Council's Community Strategic Plan, Delivery Program, and other Strategies, Plans, and Protocols Council will where possible:
- (a) Seek opportunities to forge links between independent cultural organisations where efficiencies or creative initiatives may result.
  - (b) Seek opportunities to link Council's cultural resources with the resources of other agencies such as Arts North West, Regional Arts NSW, Museums Association and the Offices of Heritage and the Arts.
  - (c) Develop an effective communication strategy to create alliances with potential partners.
  - (d) Identify resources available from all strategic partners.
  - (e) Develop strategies to suit the range of potential partnerships.
  - (f) Work with local artists and communities on joint ventures and activities.
  - (g) Support local activities through funding, promotion and liaison.
  - (h) Liaise with sectors of the community regarding cultural initiatives.

## History

Minute Number	Meeting Date	Description of Change
954/2013	December 17, 2013	Adopted
164/2017	August 15, 2017	Reviewed
	August 31, 2021	Rebranded
	XXXX 2022	Reviewed



## BUSINESS ETHICS POLICY

**Responsible Department:** Corporate and Commercial Services

**Responsible Section:** Governance and Risk

**Responsible Officer:** Manager Governance and Risk

### Objective

This policy aims to:

- Provide clear guidance to those conducting business with Council of its values and ethical stance on a number of matters.
- Provide information to those conducting business with Council on the effect of some Council Policies that may not exist in the private sector.

### Introduction

Business dealings between Narrabri Shire Council and the private sector are becoming more extensive and may raise sensitive ethical questions. For this reason, Narrabri Shire Council has developed a Business Ethics Policy for behaviour appropriate to business dealings with Council.

This policy aims to provide external organisations, service providers, small business and individuals with an understanding of Council's expectation in relation to standards of ethical behaviour that meet Councils' requirements. It also provides guidelines for staff on Council's expectations when conducting business.

### Policy

#### 1. Our Shire Vision

1.1. The Narrabri Shire Community has identified the below as its vision in its Community Strategic Plan:

*"The Narrabri Shire will continue to be a strong and vibrant regional economic growth centre providing a quality living environment for the entire community."*

#### 2. Council Values

Value	Description
<b>Wellbeing</b>	Recognising safety, health, and wellbeing as a priority for all, especially our staff
<b>Integrity</b>	Ensuring transparency and honesty in all activities
<b>Leadership</b>	Providing guidance and direction to our community and our people
<b>Community focus</b>	Delivering prompt, courteous, collaborative, and helpful service, while empowering and responding to the community's changing needs.



Value	Description
<b>Accountability</b>	Accepting our responsibility for the provision of quality services and information to ensure transparency and honesty in all our activities
<b>Respect</b>	Treating everyone fairly with courtesy, dignity, and empathy
<b>Excellence</b>	Providing services, programs, and information which consistently meets and exceeds standards.

### 3. Key Business Principles

- 3.1. The principle of best value for money is at the core of council's business relationships with private sector suppliers of goods and services. Best value for money does not automatically mean the lower price. Rather, Council will balance all relevant factors including initial cost, whole-of-life costs, quality, reliability and timelessness in determining true value for money.
- 3.2. Part of obtaining best value for money also includes ensuring all of our business relationships are honest, ethical, fair and consistent.
- 3.3. Our business dealings will be transparent and open to public scrutiny wherever possible. Given the nature of some Council work, there will be times when the details of some business relationships will not be made publicly available.
- 3.4. We are committed to the purchase of all goods, equipment and services through established NSW Government contracts systems, where possible and reasonably practical. Where Council does not use this established system, Council will define the reasons for this action.
- 3.5. Narrabri Shire Council will ensure that all its policies, procedures and practices related to tendering, contracting and the purchase of goods and services are consistent with best practice and the highest standards of ethical conduct.

### 4. What to Expect from Council

- 4.1. Our staff are bound by Council's Code of Conduct. When doing business with the private sector, Narrabri Shire Council will:
  - (a) Use public resources effectively and efficiently.
  - (b) Deal fairly, honestly and ethically with all individuals and organisations.
  - (c) Avoid any conflicts of interest (whether real or perceived).
- 4.2. In addition, all Council procurement activities are guided by the following core business principles:
  - (a) All potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to submit bids.
  - (b) All procurement activities and decisions will be fully and clearly documented to provide an audit trail and to allow for an efficient performance review of contracts.
  - (c) Energy efficient equipment, products containing recycled materials and environmentally friendly products will be purchased wherever reasonably possible.
  - (d) Tenders will not be called unless Council has a firm intention to proceed to contract.
  - (e) This Council will not disclose confidential or proprietary information unless required by law to do so or to Council's legal advisors.





## 5. What Council Expects

- 5.1. We require all private sector providers of goods and services to observe the following principles when doing business with Council:
- (a) Comply with Council's procurement policies and procedures.
  - (b) Provide accurate and reliable advice and information when required.
  - (c) Declare actual or perceived conflicts of interest as soon as you become aware of the conflict.
  - (d) Act ethically, fairly and honestly in all dealings with Council.
  - (e) Take all reasonable measures to prevent the disclosure of confidential Council information.
  - (f) Refrain from engaging in any form of collusive practice, including offering Council employees inducements or incentives designed to improperly influence the conduct of their duties.
  - (g) Refrain from discussing Council business or information in the media.
  - (h) Assist Council to prevent unethical practices in our business relationships.
  - (i) Not make unsolicited contact with Councillors, staff and or delegates of the Council regarding submitted tenders until such time that the tender has been determined.

## 6. Why compliance Is Important

- 6.1. By complying with Council's statement of business ethics, suppliers will be able to advance their business objectives and interests in a fair and ethical manner. As all Narrabri Shire Council suppliers of goods and services are required to comply with this statement, compliance will not cause disadvantage to suppliers in any way.
- 6.2. Complying with Council's stated principles will also prepare suppliers for dealing with the ethical requirements of other public-sector agencies, should they choose to do business with them.
- 6.3. Non-compliance with the Council's ethical requirements when doing business with the Council such as demonstrated corrupt or unethical conduct could lead to:
- (a) Termination of contracts.
  - (b) Loss of future work.
  - (c) Loss of reputation.
  - (d) Matters being referred for criminal investigation.

## 7. Incentives, Gifts, Benefits

- 7.1. Council expects its staff to decline gifts, benefits, travel or hospitality offered during the course of their work. Suppliers should refrain from offering any such "incentives" to Council staff.
- 7.2. Suppliers and potential suppliers should note that gifts or benefits intended to incentivise or influence public decision-making may be considered corrupt conduct and referred to the Independent Commission Against Corruption for investigation.
- 7.3. If a gift is accepted, Council requires the staff member to provide a written report and to record the gift in a Public Gifts and Benefits Register. Inappropriate acceptance of gifts as an inducement to purchase goods and services may lead to disciplinary action.

## 8. Conflicts of Interest

- 8.1. Council staff are required to disclose any potential conflicts of interest under the Code of Conduct. Council extends this requirement to all our business partners, contractors and suppliers.





## **9. Confidentiality**

9.1. All Council information should be treated as confidential unless otherwise indicated or as required by law.

## **10. Communication Between Parties**

10.1. All communication should be clear, direct and accountable to minimise the risk of perception of inappropriate influence being brought to bear on the business relationship.

## **11. Use of Narrabri Shire Council Equipment, Resources and Information**

11.1. All Council equipment, resources and information should only be used for its proper official purpose.

## **12. Discrimination and Harassment**

12.1. Council will not discriminate against anyone on the grounds of:

- (a) race;
- (b) sex;
- (c) gender;
- (d) colour;
- (e) nationality;
- (f) religious conviction, or lack thereof;
- (g) ethno-religious background;
- (h) marital status;
- (i) age;
- (j) pregnancy;
- (k) physical, intellectual and / or psychiatric disability;
- (l) sexual preference; or
- (m) association or political conviction.

## **13. Review**

13.1. This policy will be reviewed within 12 months of an Ordinary Council Election or such other time on an as-needs basis.

## **References**

- *Local Government Act 1993* (NSW)
- *Local Government (General) Regulation 2021* (NSW).
- *Code of Conduct*
- *Customer Service Policy*
- *Record Management Policy*
- *Privacy Management Policy*



## History

Minute Number	Meeting Date	Description of Change
42/2015	February 17, 2015	Adopted
164/2017	August 15, 2017	Reviewed
	September 2, 2021	Rebranded
	2022	Reviewed



## Community Engagement Policy

<b>Responsible Department:</b>	Community and Commercial Services
<b>Responsible Section:</b>	Governance and Risk
<b>Responsible Officer:</b>	Manager Governance and Risk

### Objective

- To build trust and foster positive relationships between Narrabri Shire Council and the community and other stakeholders.
- To enable community members to understand and, where appropriate, provide input to planning and decision making on Council's projects, services, and initiatives.
- To enable more efficient delivery of Council projects, services and initiatives based on a clearer understanding of community needs, interests, and expectations.
- To provide a consistent framework for community engagement across Council.
- To enable engagement activities to be delivered as effectively as possible.

### Introduction

Narrabri Shire Council may from time to time, need to engage the local community and stakeholders who live, work, invest and visit the Narrabri Shire Local Government Area.

The Policy demonstrates Narrabri Shire Council's commitment to community engagement and provides a clear and consistent framework for undertaking engagement. When undertaking any community engagement or consultation in the Narrabri Shire Local Government Area, Council Officers (including staff and contractors) should first ensure they have the relevant delegation prior to proceeding. Council Officers should also ensure that they have involved the Community and Customer Relations Team through the 'Request to Advertise' process.

### Policy

#### 1. Scope

- 1.1. This Policy applies to all Council managed community engagement associated with a wide range of strategy development, projects, and activities.
- 1.2. This Policy applies throughout the Narrabri Shire Local Government Area.
- 1.3. All Council Officers are responsible for adhering to this policy.

#### 2. Community Engagement Strategy

- 2.1. All community consultation and engagement undertaken by a Council Officer should be performed in accordance with the most recent adopted Community Engagement Strategy or the Community Participation Plan (for any Planning and Development matters).

#### 3. Effective Community Engagement:

- 3.1. Effective community engagement:

- (a) informs decision making;
  - (b) drives better community outcomes by providing insight into people's aspirations and priorities;
  - (c) increases community understanding of Council's role and the rationale behind decisions;
  - (d) establishes Council as an engaging and responsive organisation;
  - (e) drives overall community satisfaction; and
  - (f) enables the creation of effective partnerships with the community and other key stakeholders.
- 3.2. Narrabri Shire Council's approach focuses on the five (5) main intentions of community engagement, as recommended by the International Association for Public Participation (IAP2):
- (a) **Inform:** One-way communication providing balanced and objective information to promote understanding about something that is going to happen or has already happened. This typically occurs throughout a project and after a decision has been made.
  - (b) **Consult:** Two-way communication designed to obtain public feedback about ideas, alternatives and proposals to help inform decision making
  - (c) **Involve:** Two-way communication to ensure that concerns and aspirations are consistently understood and considered.
  - (d) **Collaborate:** Two-way participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision making.
  - (e) **Empower:** Placing final decision making in the hands of the public.
- 3.3. All engagement processes will need to inform, many will include consultation, and some will involve active participation.

#### 4. Level of Engagement

- 4.1. Council recognises four (4) levels of engagement, based on the scale and likely impact of the proposed strategy, project or activity:

	Shire-Wide	Local
High	<p><b>Level 1</b> High, Shire-Wide Impact High level of real or perceived impact or risk across the Narrabri Shire. This may include any impact on health, safety, or wellbeing of residents.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Council's Community Strategic Plan.</li> <li>• Removal of a facility or service that caters for the whole Shire.</li> </ul>	<p><b>Level 2</b> High, Local Impact High level of real or perceived impact or risk on a local area, small community or user group(s) of a specific facility or service.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Facilities Management Plan.</li> <li>• Re-development of a sports ground.</li> <li>• Local street closure.</li> </ul>
Low	<p><b>Level 3</b> Low, Shire-Wide Impact Lower level of real or perceived impact or risk across the Narrabri Shire.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Changes to Council's Customer Service processes.</li> <li>• Satisfaction Survey.</li> </ul>	<p><b>Level 4</b> Low, Local Impact Lower level of real or perceived impact or risk on a local area, small community or user group(s) of a specific facility or service.</p> <p>Example:</p> <ul style="list-style-type: none"> <li>• Local street upgrade.</li> <li>• Playground or park upgrade.</li> <li>• Changes to a local program or event (such as time or location).</li> </ul>

- 4.2. Council will plan and deliver activities targeted to the engagement purpose and level and in accordance with the principles set out below.

#### 5. Legislative Context

- 5.1. The services and projects undertaken by councils in NSW are subject to a range of legislation, some of which has implications for community engagement. The following legislation has engagement requirements:
- Local Government Act 1993* (NSW);
  - Local Government (General) Regulation 2021* (NSW);
  - Environment Planning and Assessment Act 1979* (NSW); and
  - Environment Planning and Assessment Regulation 2000* (NSW).
- 5.2. In undertaking community engagement, Council officers should ensure compliance with the relevant strategy, project, service, or activity specific requirements set in any other applicable legislation or policy.
- 5.3. This policy ensures that Council's community and stakeholder engagement practices are in line with the:
- Quality Assurance Standard for Community and Stakeholder Engagement – International Association for Public Participation Australasia (IAP2); and
  - A1000 Stakeholder Engagement Standard 2015.

## 6. Principles of Engagement

6.1. The following principles will guide Council in the planning and delivery of all engagement activities:

- (a) **Proactive:** Council anticipates and acts on community needs for information and involvement from the beginning of a project.
- (b) **Accessible:** Council's engagement materials and activities are easy to understand, find and participate in.
- (c) **Timely:** Council prepares early to ensure it engages in the right way, at the right time, with the right people.
- (d) **Consistent:** Council's approach to community engagement consistently reflects the scale and likely impact of the project.
- (e) **Realistic:** Council sets realistic expectations about the purpose of engagement and communicates this clearly.
- (f) **Evidence-based:** Council understands and uses the engagement approaches that work best for the community and stakeholders.

## 7. Review

7.1. Council will monitor and evaluate its community engagement activities through a wide variety of methods, including:

- (a) Monitoring participation in engagement events and activities;
- (b) Analysing submissions; and
- (c) Seeking feedback from participants.

7.2. This policy will be reviewed within 12 months of an Ordinary Council Election or from time-to-time on an as-needs basis.

## Review

- Narrabri Shire 2021/2025 Community Engagement Strategy
- *Local Government Act 1993* (NSW)
- *Local Government (General) Regulation 2021* (NSW)
- *Environment Planning and Assessment Act 1979* (NSW)
- *Environment Planning and Assessment Regulation 2000* (NSW)

## History

Minute Number	Meeting Date	Description of Change
202/2021	23 November 2021	To be Adopted at the conclusion of the Public Exhibition Period in January 2022.
	2022	Reviewed



## DRAFT COMMUNITY GRANTS AND SPONSORSHIP POLICY

**Responsible Department:** Planning and Sustainability  
**Responsible Section:** Economic Development  
**Responsible Officer:** Manager Economic Development

### Objective

This policy aims to:

- Outline Council's policy position on the provision of grants and sponsorships under section 356 of the *Local Government Act 1993* (NSW) (the Act).
- Provide clear and transparent guidance on eligibility, criteria, and accountability by which community grants and sponsorship applications will be assessed and determined, provided, and acquitted.

### Introduction

Section 356(1) of the Act enables Council to resolve to contribute money or other financial assistance to persons for the purpose of exercising Council's functions. Community grants and sponsorships are a vital means for Council to carry out its function as regulator and service provider in the community.

Community grants and sponsorships provide support to community focused projects, events, and programs that directly benefit the community and address the community's objectives as set out in the current endorsed Community Strategic Plan.

### Policy

#### 1. Definitions

Term	Meaning
<b>Community Grants</b>	Monetary payments or in-kind provision for a project on terms and conditions set out in a grant agreement.
<b>Community Sponsorship</b>	Monetary payments or in-kind provision for an event or program on terms and conditions set out in a sponsorship agreement.
<b>Eligible Applications</b>	Applications that meet the eligibility criteria set out in this policy.
<b>Eligible Activity</b>	An event or program that is eligible for a Community Sponsorship or a project that is eligible for a Community Grant to assist in its funding.
<b>Event</b>	A one-off function, occasion, or other activity, which can last from a matter of hours to a matter of days, but is not ongoing.
<b>General Running Costs</b>	The expenditure required to maintain the day-to-day operations of an entity.
<b>Program</b>	An ongoing or regular series of events designed to achieve an aim or outcome.
<b>Project</b>	The acquisition, construction, or installation capital assets or equipment.





## 2. Community Grants

- 2.1. Council will, at its discretion and subject to this policy, provide community grants annually.
- 2.2. Council will, at its discretion, resolve a budget for community grants annually.
- 2.3. Community Grants will be awarded for projects.
- 2.4. Eligible entities that want a community grant must apply to Council in accordance with this policy.
- 2.5. Community grants must only be awarded for eligible applications.

## 3. Community Sponsorship

- 3.1. Council will, at its discretion and subject to this policy, provide sponsorships.
- 3.2. Council will, at its discretion, resolve a budget for sponsorships annually.
- 3.3. Community sponsorships will be awarded for events or programs or both.
- 3.4. Eligible entities that want a sponsorship from Council must apply to Council in accordance with this policy.
- 3.5. Sponsorships must only be awarded for eligible applications.

## 4. Eligibility

### Entity Type

- 4.1. In order to be eligible for a community grant or sponsorship, entities must be:
  - (a) A registered not-for-profit organisation;
  - (b) An incorporated community group;
  - (c) A registered sporting club;
  - (d) A school P&C Committee;
  - (e) A not-for-profit Childcare Facility; or
  - (f) A registered charity.

### Number of Grants and Sponsorships

- 4.2. Entities are only eligible for one community grant in any financial year.
- 4.3. Entities are only eligible for one community sponsorship in any financial year.
- 4.4. Entities may receive both a community grant and a community sponsorship in any financial year.

### Subject Matter Type

- 4.5. Community grants must be for a project.
- 4.6. Community sponsorships must be for an event or program.

### Time for expenditure

- 4.7. Community grants and sponsorships must be expended in the financial year for which they are awarded.

### Additional Eligibility Requirements

- 4.8. In addition to the above, the Eligible Activity for which the grant or sponsorship is sought must:
  - (a) Occur within the Narrabri Shire Local Government Area;
  - (b) Address at least one of the strategic objectives outlined in Council's Community Strategic Plan; and
  - (c) Benefit a significant number of Narrabri Shire residents; or
  - (d) Provide a significant public interest benefit to the Narrabri Shire Community.
- 4.9. Despite clause 4.8(a), an eligible entity may be awarded a community sponsorship to attend an event outside of the Narrabri Shire Local Government Area for the purpose of representing Narrabri Shire (including representation of individual townships, localities, or groups therewithin).

### Restrictions on Eligibility

- 4.10. Grants and sponsorships cannot be retrospective.
- 4.11. Grants and sponsorships cannot be awarded for specific events, projects, or programs that were funded in the previous financial year and continue into the new financial year. However, grants and



sponsorships may be awarded for a new instance of an event or program that does not traverse years (that is an annually occurring event or program).

4.12. The following are ineligible to receive community grants and/or sponsorships:

- (a) Individuals;
- (b) Unincorporated groups, other than those set out above;
- (c) Profit-making entities; and
- (d) Government departments.

4.13. Grants and sponsorships will not be awarded for general running costs.

## 5. Selection Criteria

### Core Selection Criteria

5.1. Applications will be selected based on the below criteria:

- (a) The event occurs within the Narrabri Shire Local Government Area;
- (b) The extent of alignment to the strategic objectives outlined in Council's Community Strategic Plan;
- (c) The benefit to the Narrabri Shire community; and
- (d) The public interest benefit to the Narrabri Shire community.

### Additional Selection Criteria

5.2. Applications that meet the below will receive higher priority:

- (a) Entities that commit to contributing 50% or more towards the cost of the eligible activities;
- (b) Eligible Activities that demonstrate a partnership between community groups and/or organisations;
- (c) Eligible Activities that have a high level of community support;
- (d) Eligible Activities that show benefit to a broad cross section of the Narrabri Shire Community;
- (e) Projects and programs that can demonstrate they will be sustainable after the period of funding has ended; and
- (f) Eligible Activities that promote or support social, cultural, and/or economic equity in the community.

### Points Based Weighting

5.3. There shall be a points-based system against which applications will be assessed. Each selection criteria shall receive points weighting.

## 6. Applications

- 6.1. Applications for community grants or sponsorships (or both) must be made using the form prescribed by Council. The prescribed form is located at Appendix 1 to this policy.
- 6.2. The General Manager may authorise the amendment of the prescribed form at any time as required.

### Supporting Documentation

6.3. Applications must include the following in order to be considered eligible:

- (a) Details of the organisation or entity applying;
- (b) Proof of organisation or entity type;
- (c) A description of the Eligible Activity;
- (d) An explanation of how the Eligible Activity will meet the eligibility and selection criteria;
- (e) A budget for the Eligible Activity in accordance with this policy;
- (f) A copy of a bank statement for the entity's bank account that they will nominate for the funds to be paid into;
- (g) A valid and current certificate of currency for public liability insurance;
- (h) Evidence of authority from relevant landowners, if the applicant does not own the land upon which the Eligible Activity is to take place;
- (i) Evidence of contributions from other entities; and
- (j) Any other document requested by Council.

**Budgets**

- 6.4. Budgets must include:
- (a) A statement of all proposed funding sources, income, and costs for the eligible activity, taking into account the requested grant or sponsorship contribution;
  - (b) A copy of quotes, dated within ninety (90) days of the application submission, for all costs associated with the Eligible Activity.
- 6.5. Budgets must be including GST.
- 6.6. Quotes must indicate whether GST has been included or excluded.

**Timing of Applications**

- 6.7. Applications for grants and sponsorships must be submitted by 23:59 on 30 April of the financial year before the grant is sought.
- 6.8. Applications may be submitted and considered out of time only in extenuating circumstances.
- 6.9. Where an out of time application is submitted and extenuating circumstances exist, a report will be brought to Council regarding the application for decision.

**7. Assessment and Determination of Applications****Assessment**

- 7.1. The General Manager will appoint a panel to assess applications.
- 7.2. The assessment panel will meet, review applications, and make recommendations regarding eligibility and scoring of applications.
- 7.3. Assessment shall be merit-based in accordance with this policy.
- 7.4. Applications will be scored using the scoring system against which all applications are assessed.
- 7.5. Applications with higher scores shall be given preference unless exceptional circumstances apply.

**Determination**

- 7.6. Following assessment, a report shall be submitted to the June Ordinary Council Meeting of the financial year in which the grants or sponsorships are to be awarded.
- 7.7. Council will consider the report and pass a resolution regarding the awarding of community grants and sponsorships.

**Awarding Ceremony**

- 7.8. There shall be a ceremony, held in the Council Chambers, at which successful applicants will be presented their grants or sponsorships, or both.

**8. Provision of Funding****Transfer of Funds**

- 8.1. Payment of grants and sponsorships will be:
- (a) made in advance to successful applicants;
  - (b) transferred within fourteen (14) days of the execution of the funding deed; and
  - (c) transferred to the successful applicant's nominated bank account.
- 8.2. Following payment of the grants and sponsorships, the recipient must confirm receipt of the funds in writing.

**9. Obligations of Successful Applicants****General**

- 9.1. Successful candidates must:
- (a) Participate in a meeting with the General Manager or their delegate to review and sign a grant or sponsorship agreement that sets out the terms and conditions associated with the grant or sponsorship;
  - (b) Provide documentation as required by Council upon request;



- (c) Provide a delegate to attend the presentation ceremony;
  - (d) Acknowledge Council's contribution in any advertising for the Eligible Activity. Infrastructure projects will be required, at Council's discretion, to have a sign on display for a minimum of 12 months from the date of the approved project acquittal highlighting Council's support. Council will supply such a sign;
  - (e) Invite a representative of Narrabri Shire Council to attend any opening or presentation relating to the Eligible Activity;
  - (f) Invite at least one (1) representative of Narrabri Shire Council to attend any Eligible Activity;
  - (g) Provide acquittal documentation as required by the grant agreement;
  - (h) Seek approval prior to alteration of the proposed Eligible Activity, objectives, timeframes, or budgets; and
  - (i) Complete all documentation and meet all timeframes required by Council.
- 9.2. Funds provided for grants and sponsorships must only be used for the Eligible Activity for which it was applied and granted.
- 9.3. If a recipient, without reasonable excuse, fails to comply with the general obligations above, they will be ineligible for community grants or sponsorships in the following financial year.

**Insurance**

- 9.4. Recipients must hold and maintain public liability insurance of at least \$10,000,000 for the duration of the Eligible Activity.

**Withdrawal of Funding**

- 9.5. Council reserves the right to withdraw funding from applicants or representatives of applicants who have acted in a manner which may be considered illegal, unethical, may bring Council into disrepute, or which would be against Council's strategic objectives.

**Acquittal Process Obligations**

- 9.6. Awardees must lodge a project acquittal prior to 30 June in the year that the grant or sponsorship was awarded.
- 9.7. Project acquittals must be in the form prescribed by Council, set out in the grant or sponsorship agreement.
- 9.8. Unless an extension is granted by Council in writing, failure to lodge an acquittal by the due date will result in:
- (a) Allocated grant or sponsorship funding will be forfeited, and any funds already paid by Council will become a debt owed to Council by the applicant; and
  - (b) Future applications being deemed ineligible until an acquittal is lodged.

**10. Review**

- 10.1. This policy will be reviewed within twelve (12) months of an Ordinary Council Election.
- 10.2. This policy may be reviewed at any other time when required.

**References**

- *Local Government Act (NSW) 1993* (NSW).
- *Local Government (General) Regulation 2021* (NSW).



## History

Minute Number	Meeting Date	Description of Change
114/2016	April 5, 2016	Adopted
164/2017	August 15, 2017	Reviewed
275/2019	November 26, 2019	Adopted
	December 24, 2019	Rebranded
	2022	Reviewed



## COMMUNITY MEMBER APPOINTMENT TO COUNCIL COMMITTEES POLICY

<b>Responsible Department:</b>	Corporate and Commercial Services
<b>Responsible Section:</b>	Governance and Risk
<b>Responsible Officer:</b>	Manager Governance and Risk

### Objective

This policy aims to establish a framework for the appointment of community members to advisory and other Committees

### Introduction

In carrying out its functions, Council forms a number of advisory and other committees. From time-to-time, it is necessary or preferable for the membership of those committees to include members of the community.

### Policy

#### 1. Application

- 1.1. This policy only applies to positions specifically defined in the terms of reference for committees as "community members".
- 1.2. This policy does not apply to the Audit Risk and Improvement Committee.

#### 2. Appointment of Community Members to Committees

- 2.1. Council will adopt a selection process for the appointment of community members to committees.
- 2.2. The selection process will involve:
  - (a) Advertisement;
  - (b) Expressions of interest;
  - (c) Review by selection panel;
  - (d) Interview by selection panel (if appropriate);
  - (e) Recommendation to Council;
  - (f) Determination by the Council.

##### Advertisement

- 2.3. Council will advertise community member vacancies in committees as widely as possible in the community.

##### Expressions of Interest

- 2.4. Expressions of Interest should include, at a minimum:
  - (a) The applicant's resume or CV;
  - (b) A declaration of relevant interests; and
  - (c) A letter stating why the applicant believes they should be appointed and the value they will bring.

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- 2.5. Applicants should be able to demonstrate the ability to:
- (a) Adhere to Council Policies and Codes;
  - (b) Adhere to Council's Corporate Values;
  - (c) Work constructively with Council and other Committee members.

#### **Review by Selection Panel**

- 2.6. The General Manager will appoint a selection panel, which should be made up of people with the required skills, experience, and impartiality to assess applicants.
- 2.7. The General Manager or their delegate will ensure that the selection panel assesses and considers each application on its merits.
- 2.8. If necessary and appropriate, the selection panel may elect to interview some or all applicants.
- 2.9. Having assessed and considered each application, the General Manager will ensure that the selection panel will report to them, or their delegate, as to:
- (a) The names of suitable applicants;
  - (b) If more than one, the order of preference of suitable applicants; with
  - (c) Reasons for the above.

#### **Recommendation to Council**

- 2.10. The General Manager will ensure a report is brought to Council recommending:
- (a) The appointment of Community members applicant(s) to the committee; or
  - (b) That further endeavour be taken to find suitable candidates.

#### **Determination by Council**

- 2.11. Council will then consider the report and make a determination.

### **3. Review**

- 3.1. This policy will be reviewed within 12 months of an Ordinary Council Election or from time-to-time on an as-needs basis.

### **References**

- *Local Government Act 1993* (NSW)
- *Local Government (General) Regulation 2021* (NSW).

### **History**

Minute Number	Meeting Date	Description of Change
106/2017	27 June 2017	Adopted
	2022	Reviewed





## COMPETITIVE NEUTRALITY COMPLAINTS MANAGEMENT POLICY

<b>Responsible Department:</b>	Corporate and Commercial Services
<b>Responsible Section:</b>	Governance and Risk
<b>Responsible Officer:</b>	Manager Governance and Risk

### Objective

This document constitutes a formal mechanism established by Narrabri Shire Council for the handling and management of competitive neutrality complaints.

### Introduction

In April 1995, the Council of Australian Governments (COAG) ratified the National Competition Policy.

One of the major components of the National Competition Policy is the principles contained in the *Competition Principles Agreement*.

*The Competition Principles Agreement* requires the creation of an effective regime to deal with complaints that Council business activities are not competing in the market against private businesses on a "level playing field" and are operating with competitive advantage.

This document has a threefold purpose.

- Firstly, it may be used by members of the public and the owners of businesses competing in the same market as Narrabri Shire Council to submit complaints to the Council alleging that the Council is operating with net competitive advantages as a result of the Council's ownership of a business activity or service.
- Secondly, it will provide a formal mechanism for the investigation, determination and advice of the outcome of a complainant alleging that non regulatory service functions discharged or business activities operated by the Council are operating with competitive advantage over other private businesses.
- Thirdly, it will serve to ensure that Council staff continuously monitor non regulatory services provided by the Council operate under the principles of Competitive Neutrality.

### Policy

#### 1. The Competitive Neutrality Principle

- 1.1. Competitive neutrality is one of the principles of National Competition Policy which is applied throughout Australia at all levels of Government, including Local Government. Competitive neutrality is based on the concept of a "level playing field" for competitors in a market, be they public or private sector competitors.
- 1.2. Government business organisations, whether they be Commonwealth, State or Local Government, should operate without net competitive advantages over businesses as a result of their public ownership.

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- 1.3. Where Narrabri Shire Council competes in the market place with other private businesses, the Council will do so on the basis that it does not utilise its public position to gain an unfair advantage over private businesses who may be in competition with the Council.

## 2. What is a Competitive Neutrality Complaint?

- 2.1. A complaint regarding competitive neutrality is determined as:
- (a) A complaint that Narrabri Shire Council has not met its requirements under the National Competition Policy Statement of Pricing and Costing for Council Businesses - a Guide to Competitive Neutrality and includes concern that the Council has not established an effective Competitive Neutrality Complaints Management System.
  - (b) A complaint that Narrabri Shire Council has not abided by the spirit of competitive neutrality in the conduct of Council business activities.
- 2.2. A competitive neutrality complaint is not:
- (a) A complaint regarding the level of service provided by a business activity such as water quality, a mobile garbage bin not collected or the condition of a road or footpath
  - (b) A complaint regarding the cost of the service, unless it is that Council has not costed the service to take competitive neutrality into account
  - (c) A complaint regarding the trade practices laws and their application to the Council

## 3. Council Business Activities Subject to Competitive Neutrality

- 3.1. **Category 1 Business Activities**
- (a) The following Narrabri Shire Council owned and operated activities have been categorised as *Category 1 Businesses* and are subject to competitive neutrality. Each business activity has an annual gross operating income over \$2M per year.
- 3.2. **Category 1**
- (a) Narrabri Council Water Supply;
  - (b) The Crossing Theatre.
- 3.3. **Category 2**
- (a) Narrabri Shire Council Sewerage Services
  - (b) All other commercial operations.

## 4. How to Lodge a Competitive Neutrality Complaint

- 4.1. A competitive neutrality complaint should be made in writing;

**Post to:** Narrabri Shire Council

PO Box 261

NARRABRI NSW 2390

**Fax to:** (02) 6799 6888

**Email to:** council@narrabri.nsw.gov.au.

**Time Limits**

- 4.2. Competitive neutrality complaints will be acknowledged within 7 working days and responded to by Narrabri Shire Council within 30 days of the date of submission of the complaint.
- 4.3. If the competitive neutrality complaints require detailed investigation, the complainant will be informed of progress at regular intervals.

**Remedies**

- 4.4. Competitive neutrality complaints which establish that Narrabri Shire Council:
  - (a) has not met its requirements under the National Competition Policy Statement or *Pricing and Costing for Council Businesses - a Guide to Competitive Neutrality*; OR
  - (b) has not abided by the spirit of competitive neutrality in the conduct of Council business activities,will result in changes to the Council's business practice to ensure future and continued compliance with the principle of competitive neutrality.

**Alternatives**

- 4.5. Any complainant dissatisfied with Narrabri Shire Council's determination of a competitive neutrality complaint may refer the complaint to either the:
  - (a) NSW Office of Local Government;
  - (b) NSW Ombudsman;
  - (c) NSW Independent Commission Against Corruption (ICAC); or
  - (d) Australian Competition and Consumer Commission (ACCC).

**5. Who Will Be Dealing with The Competitive Neutrality Complaint**

- 5.1. The Narrabri Shire Council Public Officer will diligently, fairly and honestly investigate all competitive neutrality complaints. The Public Officer will submit an investigation report to the Council's General Manager within 21 days of the competitive neutrality complaint being received. Where the complaint is justified, such report will contain recommendations for changes to the Council's business activities practice to ensure future and continued compliance with the principle of competitive neutrality.
- 5.2. A response to the competitive neutrality complaint will be provided by the General Manager within 30 working days of the date of submission of the complaint.
- 5.3. The Public Officer performs a role which is independent and separated from the management and control of Council business activities.

**6. Confidentiality**

- 6.1. All competitive neutrality complaints received will be determined by the Council in the strictest confidence.

**References**

- Competition Principles Agreement – Council of Australian Governments (COAG).
- Measure by the adherence to the Policy.



## History

Minute Number	Meeting Date	Description of Change
209/2013	April 2, 2013	Adopted
164/2017	August 15, 2017	Reviewed
	September 1, 2021	Rebranded
	2022	Reviewed



## COMPLAINTS ABOUT COUNCIL POLICY

**Responsible Department:** Corporate and Commercial Services

**Responsible Section:** Customer and Information Services

**Responsible Officer:** Customer and Information Services

### Objective

This policy aims to effectively deal with and manage complaints from the Community, by:

- Demonstrating and promoting Council's commitment to customer satisfaction.
- Establishing a framework for management of complaints that fall outside Council's Code of Conduct Policy.
- Monitoring feedback in an endeavour to improve existing services and facilities and Council's public image.

### Introduction

Narrabri Shire Council is committed to delivering quality customer services and to communicating effectively with its customers and the local community. Council values customer feedback because it helps with the continuous evaluation and improvement of its services.

This policy establishes Council's system for managing complaints and using the results to improve service to the community.

Council commits to:

- Accept any criticism in good faith.
- Deal with complaints in accordance with this policy.
- Widely publicise the existence of this policy.
- Encourage members of the public dissatisfied with Council's conduct to lodge complaints and to facilitate such action by making complaint and feedback forms freely available in the Customer Service Centre and on Council's website.
- Ensure that complainants who are dissatisfied with the outcome of their complaint are offered an avenue of review.
- Advise complainants of their right to make a complaint to an external body if they are dissatisfied with the way that their complaint has been handled internally.
- Report annually to the Public on complaint statistics, using this information to identify and rectify deficiencies in Council services.



## Policy

### 1. Definitions

Term	Meaning
<b>Appropriate External Body</b>	<ul style="list-style-type: none"> <li>For corruption/serious maladministration: ICAC</li> <li>For serious/substantial waste of money, pecuniary interest breaches, and competitive neutrality breaches: Office of Local Government</li> <li>For maladministration: NSW Ombudsman.</li> <li>For privacy and access to government information- the Information Privacy Commissioner</li> <li>For crimes occurring under NSW law: NSW Police.</li> <li>For crimes occurring under Commonwealth law: Australian Federal Police.</li> <li>Any other external body with the function to investigate and determine complaints about Council.</li> </ul>
<b>Complainant</b>	The person or entity making a complaint
<b>Related Party</b>	People or entities with the following relationships to the complainant: <ul style="list-style-type: none"> <li>Parents;</li> <li>Siblings;</li> <li>Cousins;</li> <li>Uncles/aunts;</li> <li>Grandparents;</li> <li>Spouses/partners;</li> <li>Children;</li> <li>Children of spouses/partners;</li> <li>Dependants;</li> <li>Business partners;</li> <li>Companies or other entities under the complainant's influence.</li> </ul>
<b>Serious conduct complaints</b>	Complaints regarding corruption, serious or substantial waste, pecuniary interests breaches, competitive neutrality breaches, or criminal activity.

### 2. General Council Complaints

2.1. For the purposes of this policy, a complaint is any expression of dissatisfaction with Council's:

- (a) Policies, Operational Protocols, and Procedures;
- (b) Employees (except where that complaint is of a breach of Council's Code of Conduct Policy); or
- (c) Quality of Service.

2.2. The following are not considered complaints under this policy:

- (a) A complaint which, if established, involves conduct that constitutes a breach of Council's Code of Conduct Policy;
- (b) A request for works or services;
- (c) A complaint about something outside Council's functions;



- (d) A request for information or a request for explanation of Council's Policies, Operational Protocols, or Procedures;
- (e) An appeal or objection on subject matter where appeals and/or objections are covered by another Council Policy, Operational Protocol, or Procedure;
- (f) Reports about faulty or damaged infrastructure;
- (g) Reports about neighbours, noise, dogs, unauthorised building work or other issues that fall under the provisions of another, more specific, Council Policy, Operational Protocol, or Procedure.

2.3. Complaints that satisfy 2.2(a) should be made and managed under Council's Code of Conduct Policy.

### **3. Complaints about Corruption, Serious or Substantial Waste, Competitive Neutrality, or Criminal Activity**

3.1. Serious Conduct Complaints by all persons other than Council officers should be made directly to:

- (a) The General Manager; and/or
- (b) The appropriate external body.

3.2. Serious Conduct Complaints by Council Officers should be made in accordance with extant Council Policy.

### **4. Making a Complaint.**

- 4.1. Complaints may be made in writing or verbally. It is, however, preferable but not mandatory that complaints are made in writing.
- 4.2. Complaints about staff and complaints about Council's assessment and regulatory processes must be made in writing.
- 4.3. Complaints should:
  - (a) be detailed and identify the facts upon which the complaint is made;
  - (b) Include sufficient detail
  - (c) Include any evidence lawfully available to the complainant to substantiate the complaint; and
  - (d) Avoid opinions, hearsay, or unsupported conclusions.
- 4.4. Complaints may be made anonymously. However, Council will only act on anonymous complaints where they contain sufficient information to enable investigation.

### **5. Time Limit for Making Complaints**

- 5.1. Complaints are to be made within three months of whichever is later of the following:
  - (a) The date of the policy, event, or provision of service;
  - (b) The complainant becoming aware of the policy, event, or provision of service.
- 5.2. The General Manager may, at their discretion, extend the time for lodging a complaint.
- 5.3. Where a complaint is made out of time, and the General Manager has not extended the time for making the complaint, the complaint will not be considered by Council.

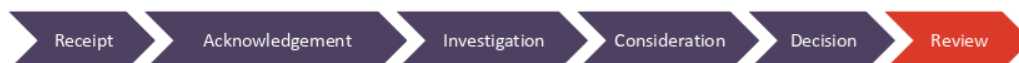
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## 6. Complaint Management

6.1. Council has a six-stage process for complaint management:



### Receipt and acknowledgement

6.2. The General Manager will ensure that complaints are acknowledged in writing within five working days of the complaint being received.

### Investigation, consideration, and decision

6.3. The General Manager, or their delegate, will assign an appropriate uninvolved person to investigate, consider, and make a decision regarding the complaint (the decision maker).

6.4. The decision maker should have sufficient delegation to resolve the complaint and provide an appropriate remedy.

6.5. Complaints should be managed at the lowest appropriate level in the circumstances.

6.6. The investigation, consideration, and decision-making process should be conducted within a reasonable timeframe in the circumstances of the case.

6.7. Investigations will be conducted in a reasonable and objective manner, adhering to the principles of natural justice.

### Decision

6.8. Following consideration of the matter, the decision maker will decide to:

- (a) Uphold the complaint entirely;
- (b) Uphold the complaint partially; or
- (c) Refuse the complaint.

6.9. Where a complaint is upheld entirely or partially, the decision maker is to determine an appropriate remedy.

6.10. If the appropriate remedy is within the decision maker's delegation, they may implement it.

6.11. If the appropriate remedy is not within the decision maker's delegation, they are to make a recommendation to the decision maker or governing body that has that delegation.

6.12. The complainant and any other affected person will be advised of the outcome of a complaint by the decision maker. The decision maker must include reasons for the decision.

### Review

6.13. Where a complainant or affected person is dissatisfied with the outcome of a complaint, they may seek a review of the complaint.

6.14. A request for review must be made within seven working days of the date of the original decision.

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- 6.15. The General Manager, or their delegate, will assign a member of staff more senior than the original decision maker to consider the review.
- 6.16. A review will be conducted by making a new decision, as if the original decision had not been made.
- 6.17. A review will not be an assessment of the conduct of the original investigation or decision-making process by the original decision maker.
- 6.18. A review should be conducted within a reasonable timeframe in the circumstances of the case.
- 6.19. Where a complainant believes on reasonable grounds that the original decision maker did not follow this policy, they should make a separate complaint under this policy to that effect. That separate complaint will have no bearing on any review of the original decision, or vice versa.

#### **Finality of Decisions**

- 6.20. Where no review is sought, the original decision will be final, subject to the jurisdiction of external bodies.
- 6.21. Where a review is sought, the decision of the reviewer is final, subject to the jurisdiction of external bodies.
- 6.22. Where a complaint has been finalised, Council will not accept any further complaints regarding the same matter or a matter that is substantially similar from the same complainant or a related party of the same complainant unless there is:
  - (a) A substantial change in circumstances;
  - (b) Significant new evidence;
  - (c) Significant new facts; or
  - (d) Other extenuating circumstances warranting reinvestigation.

### **7. Confidentiality and Protection from Victimisation**

- 7.1. Confidentiality of complaints will be maintained so far as reasonably practicable and in accordance with relevant legislation, policies, and/or natural justice.
- 7.2. Complainants will not be subject to victimisation, retribution, or other adverse action as a result of lodging a complaint.

### **8. Unreasonable, Frivolous, and Vexatious Complaints**

- 8.1. Complaints that are unreasonable, frivolous, or vexatious will be refused by the decision maker.
- 8.2. Where a complainant makes two or more unreasonable, frivolous, or vexatious complaints, the General Manager or their delegate may declare that person to be an unreasonable complainant.
- 8.3. The General Manager is to ensure that there is a register of unreasonable complainants.
- 8.4. Where an unreasonable complainant makes a further complaint, Council will not:
  - (a) Accept the complaint;
  - (b) Respond to the complaint or communicate with the complainant;
  - (c) Investigate the complaint; or



- (d) Make any decision other than to refuse the complaint;.
- 8.5. Council may refuse to consider, at the General Manager or their delegate's discretion, a complaint from an unreasonable complainant's related party in circumstances where the General Manager or delegate form the view that the unreasonable complainant substantially or wholly contributed to the making of the complaint.
- 8.6. The General Manager or their delegate may, at their discretion, decide to allow a complaint from an unreasonable complainant or related party in extenuating circumstances.
- 8.7. Where a person has been declared to be an unreasonable complainant, the General Manager or their delegate must bring a report to Council explaining the circumstances of that declaration.
- 8.8. Where a person is declared an unreasonable complainant by the General Manager or their delegate, that person may request that the General Manager submit the matter to Council for review at an Ordinary Council Meeting.
- 8.9. Where the General Manager receives a request under clause 8.8, they or their delegate must bring a confidential report to the next Ordinary Council Meeting, so far as is reasonably practicable. The report must:
  - (a) Identify the person;
  - (b) Identify the basis of the declaration; and
  - (c) Provide any response by the person to the declaration (if known).
- 8.10. Council will review the report and either:
  - (a) Uphold the declaration;
  - (b) Revoke the declaration; or
  - (c) Revoke the declaration in part and direct the General Manager to impose limits on the person's interactions with Council.
- 8.11. The decision of Council will be final.
- 8.12. Complaints refused under this part must be recorded in Council's document management system.

## **9. Recording, Monitoring, and Reporting**

- 9.1. All documents relating to complaints will be recorded and stored in Council's document management system.
- 9.2. Council will maintain a complaints register.
- 9.3. Where it appears that there is a trend in upheld complaints giving rise to a potential systemic or systematic issue, Council will investigate that trend.
- 9.4. Council will report annually on:
  - (a) The number of complaints;
  - (b) The type of complaints; and
  - (c) The outcomes of complaints.
- 9.5. Council will report complaint data to any other agency or entity as required by law or policy.

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## References

- *Local Government Act 1993* (NSW)
- *Privacy and Personal Information Protection Act 1998* (NSW)
- *Government Information (Public Access) Act 2009* (NSW)
- *Local Government (General) Regulation 2021* (NSW).
- *Code of Conduct Policy 2022*

## History

Minute Number	Date	Description of Change
811/2011	December 20, 2011	Adopted
58/2013	February 5, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	2022	Reviewed



## COMPLIANCE AND ENFORCEMENT POLICY

<b>Responsible Department:</b>	Planning and Sustainability
<b>Responsible Section:</b>	Regulatory Compliance
<b>Responsible Officer:</b>	Manager Regulatory Compliance

### Objective

The objectives of this policy are to:

- Ensure that the Council's functions are exercised consistently and without bias, in accordance with its obligations under section 8 of the *Local Government Act 1993* (NSW);
- Provide information for all internal and external stakeholders and interested parties about Council's position on compliance and enforcement matters in the local government area;
- Outline matters to be considered at the various stages of the enforcement process from the receipt and investigation of reports alleging unlawful activity, through to what enforcement option council will choose and whether to commence criminal or civil proceedings;
- Outline how staff decide whether enforcement action is warranted and what type of enforcement action is appropriate in the particular circumstances;
- In certain circumstances council will have shared enforcement responsibilities with other regulatory authorities. This policy sets out a collaborative and cooperative approach to such matters. Advice and guidance is also provided on the role of council in building and construction compliance matters where there is a private certifier, and the role of councillors in enforcement;

### Introduction

Council has statutory obligations as a regulatory authority under several different pieces of legislation including in the monitoring of food service venues, the structural safety of buildings and public areas, ensuring the safety of public roads and other public spaces, the effective control of pollution (including noise, water, air and visual pollution), unsafe or unhealthy conditions and compliance with development consents, approvals and permits, as part of implementing our Community Strategic Plan. This policy has been designed to deliver those statutory and strategic objectives in a transparent, efficient, fair and consistent manner.



## Definitions

Term	Meaning
<b>Authorised Officer</b>	Staff member of the Council authorised under legislation and by internal delegations to carry out compliance action on behalf of the Council
<b>Complaint</b>	<p>A complaint is an expression of dissatisfaction made about council services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required. For the purposes of this policy, a complaint does not include:</p> <ul style="list-style-type: none"> <li>• A report alleging unlawful activity (see definition below);</li> <li>• A request for information about a council policy or procedure;</li> <li>• A request for an explanation of actions taken by council;</li> <li>• A request for internal review of a council decision.</li> </ul>
<b>Enforcement</b>	Actions taken in response to serious or deliberate contraventions of laws.
<b>Regulation</b>	Using a variety of tools and strategies to influence and change behaviour to achieve the objectives of an Act, Regulation or other statutory instrument administered by council.
<b>Report alleging unlawful activity</b>	An expression of concern or a request for service in relation to alleged unlawful activity, where a response or resolution is explicitly or implicitly expected or legally required.
<b>Unlawful activity</b>	<p>Any activity or work that has been or is being carried out:</p> <ul style="list-style-type: none"> <li>• Contrary to the terms and conditions of a development consent, approval, permit or licence;</li> <li>• Contrary to an environmental planning instrument that regulates the activities or work that can be carried out on particular land;</li> <li>• Contrary to a legislative provision regulating a particular activity or work;</li> <li>• Without a required development consent, approval, permit or licence;</li> <li>• Contrary to legislation in relation to which the Council is the appropriate regulatory authority; and</li> <li>• Includes any activity, place or structure which is a risk to public health and safety but excludes any parking or traffic offences, which are dealt with in accordance with the Australian Road Rules.</li> </ul>



## Policy

### 1. Compliance and Enforcement Principles

Principle	Action
<b>Accountable and transparent</b>	<ul style="list-style-type: none"> <li>Acting in the best interests of public health and safety and in the best interests of the environment;</li> <li>Ensuring accountability for decisions to take or not take action;</li> <li>Acting fairly and impartially and without bias or unlawful discrimination;</li> <li>Providing information about compliance and enforcement priorities and reasons for decisions to improve understanding and certainty and promote trust by the regulated community;</li> <li>Ensuring meaningful reasons for decisions are given to all relevant parties, particularly when there is a departure from this policy;</li> <li>Acting on any complaints or concerns about the conduct of compliance officers in accordance with council's complaints management policy and procedures;</li> <li>Advising people and organisations subject to enforcement action of any avenues available to seek an internal or external review of a decision.</li> </ul>
<b>Consistent</b>	<ul style="list-style-type: none"> <li>Ensuring all compliance and enforcement action is implemented consistently;</li> <li>Encouraging reports about possible unlawful activity by acting reasonably in response to the circumstances and facts of each matter.</li> </ul>
<b>Proportional</b>	<ul style="list-style-type: none"> <li>Ensuring the level of enforcement action is proportionate to the level of risk and seriousness of the breach;</li> <li>Making cost-effective decisions about enforcement action;</li> <li>Taking action to address harm and deter future unlawful activity.</li> </ul>
<b>Timely</b>	<ul style="list-style-type: none"> <li>Ensuring responses to reports alleging unlawful activity and decision making in relation to those is timely.</li> </ul>

### 2. Responsibility

- 2.1. Council receives information about alleged unlawful activity from members of the public, contact from other government agencies and information gathered by its officers during proactive inspections.
- 2.2. The General Manager or their delegate is responsible for implementing this policy. They are also responsible for ensuring that any other possible unlawful activity identified as a result of an inspection, proactive enforcement or other activity is brought to the attention of the appropriate business unit of council.
- 2.3. Council will:
  - (a) Treat all relevant parties with courtesy and respect;
  - (b) Communicate with all relevant parties and provide feedback on the progress of an investigation and any reasons for delay without compromising the integrity of the investigation;
  - (c) Make full and proper records in relation to the assessment and investigation of reports alleging unlawful activity, including reasons for any decisions;
  - (d) Inform all relevant parties of reasons for decisions;





- (e) Provide as much information as possible to all relevant parties about the outcomes of investigations to show that adequate and appropriate action was taken and/or is proposed to be taken in response to a report of alleged unlawful activity;
  - (f) Provide information to all relevant parties about any avenues to seek an internal or external review of a decision.
- 2.4. All reports alleging unlawful activity are to be entered into council's records management system and actioned in a timely manner by the appropriate business unit.
- 2.5. Only the General Manager or their delegate can undertake investigations or compliance and enforcement action in relation to this policy.

### **3. Responding to Concerns About Unlawful Activity**

#### **How reports alleging unlawful activity will be dealt with by Council**

- 3.1. Council will record and assess every report alleging unlawful activity. Council will respond to every such report unless the person raising the matter has indicated they do not wish to receive a response about council's handling of the matter, or the report is anonymous.
- 3.2. Not all reports will need to be investigated. A preliminary assessment of all matters will be made to determine the priority for a response, and whether investigation or other action is required.
- 3.3. An investigation of alleged unlawful activity may take a significant amount of time to complete, particularly where the issues are complex. If council decides to investigate, Council will give the person who reported the alleged unlawful activity regular feedback on the progress of the investigation, and any reasons for delay. This does not mean that the individual can expect to be given details about every aspect of the investigation or information that would compromise the integrity of the investigation.
- 3.4. Decisions about what action should be taken by council are made at the council's discretion. This means the objective is that reports alleging unlawful activity will be resolved to the satisfaction of council, not necessarily the person raising the matter. Council will generally try to resolve matters as quickly and informally as possible so as to avoid the need to take formal action.
- 3.5. Council will endeavour to manage the expectations of people who report alleged unlawful activity, and in particular explain that in the absence of sufficient evidence of unlawful activity, council may be unable to take further action. Council will also explain that council does not have unlimited resources and powers to deal with reports alleging unlawful activity. If council is unable to fully investigate or take action on a matter because it is restricted by any legal or resource limitations this will be explained to the individual.

#### **Confidentiality of people who report allegations of unlawful activity**

- 3.6. People who report allegations of unlawful activity should not expect that their identities will remain confidential from the subject of their report in all circumstances. Council may have to disclose information that identifies them in the following cases:
  - (a) The disclosure is necessary to investigate the matter;
  - (b) Their identity has already been disclosed to the subject of their report directly or in a publicly available document;
  - (c) The individual was consulted following receipt of a Government Information (Public Access) Act 2009 application and did not object to the disclosure;
  - (d) The individual consents in writing to their identity being disclosed;
  - (e) The disclosure is required to comply with principles of procedural fairness;
  - (f) The matter proceeds to court.
- 3.7. Council will take seriously any concerns an individual may have about their physical safety being endangered as a result of making a report. However, this may limit council's ability to investigate the matter.

**What council expects from people who report allegations of unlawful activity**

- 3.8. Council expects that people who report allegations of unlawful activity will cooperate and act in good faith in respect of any investigations conducted by council. This includes:
- (a) Providing a clear description of the problem (and the resolution sought, if relevant);
  - (b) Giving all available and relevant information to council, including any new information about the alleged activity that may become known to the person following the making of their report;
  - (c) Not giving any information that is intentionally misleading or wrong;
  - (d) Cooperating with council's inquiries and giving timely responses to questions and requests for information;
  - (e) Treating council's staff with courtesy and respect;
  - (f) Allowing the investigation to be completed without prematurely taking the matter to other agencies unless referred to by council.
- 3.9. If these expectations of the individual are not met, council may set limits or conditions on the continuation of the investigation or may need to restrict any further communications with the individual.
- 3.10. Any unreasonable conduct will be dealt with in accordance with the principles of the NSW Ombudsman's *Managing Unreasonable Complainant Conduct Manual 2021* and any applicable council policy.

**What parties can expect from council staff**

- 3.11. People who report alleged unlawful activity, as well as individuals or businesses that are subject to investigation and any enforcement action, can expect that Council will:
- (a) Treat them with courtesy and respect;
  - (b) Advise them of the outcome of the allegation reported, including a full explanation of the reasons why that outcome was considered to be reasonable in the circumstances;
  - (c) Clearly explain decisions;
  - (d) Provide information about any relevant internal and external appeal processes that may be available;
  - (e) Carefully assess any new information provided by any party after a decision has been made and advise whether further action will be taken.

**Complaints about Council's enforcement actions**

- 3.12. Any complaints about council's handling of reports alleging unlawful activity will be recorded separately and handled in accordance with council's Complaints About Council Policy or Code of Conduct.
- 3.13. Where a person or organisation subject to enforcement action merely disputes council's decision to take enforcement against them, they will be directed to make representations in accordance with any relevant internal and external appeal processes.
- 3.14. Council will act on any complaints about the conduct of compliance officers in accordance with relevant Council policy.

**Anonymous reports**

- 3.15. Anonymous reports will be recorded and assessed in accordance with the above requirements. However, because it is not possible to seek clarification or additional information about a matter, it may be more difficult to evaluate the allegations and therefore these reports are less likely to warrant investigation.

**Unlawful activity outside business hours**

- 3.16. Unlawful activity can occur outside business hours. In particular, council may receive reports about matters such as offensive noise and failure to comply with limitations on hours of operation during nights and weekends.
- 3.17. Due to resource and operational capability restraints on council, investigations into alleged unlawful activity outside business hours will be assessed on the basis of risk of harm to health, welfare, safety, property or the environment or it is otherwise in the public interest to take such action.

**Neighbour disputes**

- 3.18. When a dispute between two neighbours is a civil matter, council will often have no authority to resolve the issue in dispute, in such cases parties may be referred to LawAccess NSW and Community Justice Centres.

**4. Investigating Alleged Unlawful Activity**

- 4.1. Not all reports alleging unlawful activity will warrant investigation. A preliminary assessment of all matters will be made to determine whether investigation or other action is required. Council will prioritise matters on the basis of risk to public safety, human health and environment.

**Circumstances where no action will be taken:**

- 4.2. Council will take no further action if, following a preliminary assessment, it is identified that:
- (a) Council does not have jurisdiction to investigate or is not the appropriate authority to take action on the issues raised. Where there is another appropriate authority or course of action, council may bring the matter to the attention of the authority or provide information and contact details to the individual;
  - (b) The report relates substantially to a matter previously determined by council and no new or compelling information is presented which would cause council to change its earlier decision;
  - (c) The allegations relate to a lawful activity (eg where there is an existing approval or the activity is permissible without council approval or consent being required);
  - (d) The report is not supported with evidence or appears to have no substance; or
  - (e) The relevant manager, director or the general manager determines that investigation or other action would have an unreasonable impact on resources and/or is unlikely to achieve an outcome sufficient to justify the expenditure of resources.

**Relevant factors guiding decisions as to whether to take action:**

- 4.3. When deciding whether to investigate, council will consider a range of factors including whether:
- (a) The activity is having a significant detrimental effect on the environment or it constitutes a risk to public safety;
  - (b) The report is premature as it relates to some unfinished aspect of work that is still in progress;
  - (c) The activity or work is permissible with or without permission;
  - (d) All conditions of consent are being complied with;
  - (e) Much time has elapsed since the events the subject of the report took place;
  - (f) Another body is a more appropriate agency to investigate and deal with the matter;
  - (g) It appears there is a pattern of conduct or evidence of a possible wide spread problem;
  - (h) The person or organisation reported has been the subject of previous reports;
  - (i) The report raises matters of special significance in terms of the council's existing priorities;
  - (j) There are significant resource implications in relation to an investigation and any subsequent enforcement action;
  - (k) Whether the complaint is trivial, frivolous or vexatious;
  - (l) It is in the public interest to investigate the report; and



- 4.4. The factors outlined in clause 4.3 are for Council to consider and weigh in making a determination. Council is not limited in their use of discretion by these considerations and may decide to investigate based on these and other matters. Any decision not to investigate an allegation of unlawful activity will be recorded and the reasons for that decision clearly stated.

## 5. Taking Enforcement Action

- 5.1. When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, council will consider the full circumstances and facts of the matter and the public interest. The following common considerations will assist council staff in determining the most appropriate response in the public interest:

- (a) Considerations about the alleged offence and its impact, such as:
  - (i) The nature, extent and severity of the unlawful activity, including whether the activity is continuing;
  - (i) The harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity;
  - (ii) The seriousness of the breach, including whether the breach is merely technical or trivial in nature; and
  - (iii) The time period that has lapsed since the date of the unlawful activity.
- (b) Considerations about the alleged offender:
  - (i) Any prior warnings, instructions, advice that was issued to the person or organisation reported or previous enforcement action taken against them;
  - (ii) Whether the offence was committed with intent;
  - (iii) Whether the person or organisation reported has been proactive in the resolution of the matter and assisted;
  - (iv) With any council requirements and instructions;
  - (v) Any mitigating or aggravating circumstances demonstrated by the alleged offender; and
  - (vi) Any particular circumstances of hardship affecting the person or organisation reported.
- (c) Considerations about the impact of any enforcement action, such as:
  - (i) The need to deter any future unlawful activity;
  - (ii) Whether an educative approach would be more appropriate than a coercive approach in resolving the matter;
  - (iii) The prospect of success if the proposed enforcement action was challenged in court;
  - (iv) The costs and benefits of taking formal enforcement action as opposed to taking informal or no action;
  - (v) What action would be proportionate and reasonable in response to the unlawful activity; and
  - (vi) Whether council is prevented from taking action based on earlier advice given, i.e. whether an estoppel situation has been created.
- (d) Considerations about the potential for remedy, such as:
  - (i) Whether the breach can be easily remedied;
  - (ii) Whether it is likely consent would have been given for the activity if it had been sought; and
  - (iii) Whether there is a draft planning instrument on exhibition that would make the unauthorised use legal.

**Legal or technical issues**

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- 5.2. Where legal and/or technical issues are in question, Council will consider whether legal advice or professional advice from duly qualified staff or other experts should be obtained and considered.

#### **Requirements for considering enforcement action**

- 5.3. Prior to taking enforcement action, Council will take into account the above considerations as well as the evidence gathered during their investigation.
- 5.4. Council personnel will act impartially, and not act as a decision-maker in relation to any matter in which they have a personal interest. Enforcement action will not be taken purely as a response to the conduct of an individual such as persistent demands or threats.
- 5.5. Council will maintain records about the decision-making processes in relation to reports alleging unlawful activity and any enforcement action, as well as records of interactions with relevant parties.
- 5.6. Council will take steps to ensure that any enforcement action is taken against the correct person or organisation.
- 5.7. Where there are multiple possible parties to an alleged unlawful activity, sometimes it may not be appropriate to take enforcement action against every person who may be liable for the alleged unlawful activity. In such circumstances, Council will be guided by legal advice in determining the appropriate persons to pursue.

### **6. Options for Dealing with Confirmed Cases of Unlawful Activity**

- 6.1. Council will try to use the most efficient method to deal with unlawful activity.
- 6.2. The General Manager, or their delegate, will use discretion to determine the most appropriate response to confirmed cases of unlawful activity.
- 6.3. Council may take more than one approach to dealing with unlawful activity where appropriate.
- 6.4. Any enforcement action taken by council will depend on the full circumstances and facts of each case, with any decision being made on the merits.
- 6.5. At all times, council's key concerns are:
- (a) To ensure compliance with relevant legislation and policy;
  - (b) to prevent or minimise harm to health, welfare, safety, property or the environment; and
  - (c) to influence behaviour change for the common good and on behalf of the community.
- 6.6. Council will conduct risk assessment and management in accordance with its Risk Management Framework when responding to unlawful activities.
- 6.7. The following enforcement options to be considered by council are ordered to reflect an escalation in response that is proportionate to the level of risk, the seriousness of the confirmed breach or the need for a deterrent:

Level of risk	Enforcement options
<b>Low</b>	<ul style="list-style-type: none"> <li>Take no action on the basis of a lack of evidence or some other appropriate reason;</li> <li>Provision of information/advice on how to be compliant.</li> <li>Negotiating with the person to obtain voluntary undertakings or an agreement to address;</li> <li>The issues of concern issuing a warning or a formal caution.</li> </ul>
<b>Medium</b>	<ul style="list-style-type: none"> <li>Issuing a letter requiring work to be done or activity to cease in lieu of more formal action;</li> <li>Issuing a notice of intention to serve an order or notice under relevant legislation, and then serving an order or notice if appropriate.</li> </ul>
<b>High</b>	<ul style="list-style-type: none"> <li>Issuing a penalty notice;</li> <li>Carrying out the works specified in an order at the cost of the person served with the order.</li> </ul>
<b>Severe</b>	<ul style="list-style-type: none"> <li>Seeking an injunction through the courts to prevent future or continuing unlawful activity;</li> <li>Commence legal proceedings for an offence against the relevant Act or Regulation.</li> </ul>

#### **Following up enforcement action**





- 6.8. All enforcement action will be reviewed and monitored to ensure compliance with any undertakings, advice, directions, or orders issued by council.
- 6.9. Reports alleging continuing unlawful activity will be assessed and further action taken if necessary.
- 6.10. Should initial enforcement action be found to have been ineffective, Council will consider other enforcement options.

#### **Penalty notices**

- 6.11. Penalty notices are a way of imposing a fine on a person who an authorised officer believes is guilty of an offence without commencing criminal proceedings against them.
- 6.12. Generally, penalty notices are appropriate where:
  - (a) The breach is not serious enough to warrant a penalty above the penalty notice amount;
  - (b) The breach is not ongoing;
  - (c) The facts appear incontrovertible;
  - (d) The imposition of the penalty is likely to provide a practical and viable deterrent; and
  - (e) There are no significant aggravating factors that warrant the matter being dealt with by a Court.
- 6.13. Authorised officers can issue penalty notices in accordance with their statutory responsibilities and delegations, this policy and any guidelines or operating procedures.
- 6.14. Council will also consider whether it is appropriate to issue a formal caution as an alternative to issuing a penalty notice in appropriate circumstances and in accordance with the Attorney-General's Caution Guidelines.
- 6.15. The General Manager will ensure that where an authorised officer proposes to issue a penalty notice, the issue of that notice should only be in circumstances where the authorised officer is satisfied that there is sufficient evidence to establish that the offence was committed.
- 6.16. In circumstances where it is proposed to issue a penalty notice on the basis of information provided only by a complainant (i.e. a person who is not a Council staff member) the evidence must include a witness statement signed by the proposed witness that complies with the requirements for a witness statement set out in the *Criminal Procedure Act 1986* (NSW) and other applicable legislation.
- 6.17. Wherever possible, witness statements should be accompanied by objective evidence demonstrating the offence, for example, photographs.
- 6.18. When considering issuing penalty notices based only on evidence provided by a complainant in such circumstances the matter should be referred to the Council's lawyer for advice.

#### **7. Taking Legal Action**

- 7.1. Council will be guided by legal advice in deciding whether to commence criminal or civil proceedings and will consider the following:
  - (a) Whether there is sufficient evidence to establish a case to the required standard of proof;
  - (b) Whether there are reasonable prospects of success before a court; and
  - (c) Whether the public interest warrants legal action being pursued.

##### **Whether there is sufficient evidence to establish a case to the required standard of proof**

- 7.2. Council considers the decision to take legal action a serious matter, and as such will only initiate and continue proceedings once it has been established that there is admissible, substantial and reliable evidence to the required standard of proof.
- 7.3. The basic requirement of any criminal prosecution is that the available admissible evidence is capable of proving all of the elements of the offence beyond reasonable doubt.
- 7.4. In civil enforcement proceedings, council will require sufficient evidence to satisfy the court that an actual or threatened breach has occurred on the balance of probabilities.

##### **Whether there is a reasonable prospect of success before a court**



- 7.5. Council will not take legal action unless there is a reasonable prospect of success before a court.
- 7.6. In making this assessment, Council will consider the availability, competence and credibility of witnesses, the admissibility of the evidence, all possible defences, and any other factors which could affect the likelihood of a successful outcome.

**Whether the public interest requires legal action be pursued**

- 7.7. The principal consideration in deciding whether to commence legal proceedings is whether to do so is in the public interest. In making this determination, the same factors to be considered when taking enforcement action apply. (See Section 6, Taking enforcement action).
- 7.8. The following considerations relate more specifically to the decision to commence legal proceedings and will assist council and its delegated staff in making this determination:
  - (a) The availability of any alternatives to legal action;
  - (b) Whether an urgent resolution is required (court proceedings may take some time);
  - (c) The possible length and expense of court proceedings;
  - (d) Any possible counter-productive outcomes of prosecution;
  - (e) What the effective sentencing options are available to the court in the event of conviction;
  - (f) Whether the proceedings or the consequences of any resulting conviction would be unduly harsh or oppressive.

**Time within which to commence proceedings**

- 7.9. Sometimes legal action will be statute barred despite good evidence that unlawful activity has occurred.

**8. Discretion and Exercise of Powers not Limited**

- 8.1. Responsible council staff are not limited by this policy in their use of discretion and exercise of official functions. The full circumstances and facts of each case need to be considered and a decision made on the merits.





## 9. Review

- 9.1. This policy will be reviewed within 12 months of an Ordinary Council Election or at other times on an as-needs basis.

## References

- NSW Ombudsman Model Compliance and Enforcement Model Policy December 2015
- NSW Ombudsman's Managing Unreasonable Complainant Conduct Manual 2021
- *Local Government Act 1993* (NSW)
- *Local Government (General) Regulation 2021* (NSW)
- *Criminal Procedure Act 1986* (NSW)

## History

Minute Number	Meeting Date	Description of Change
438/2008	July 17, 2008	Adopted
26/2021	February 21, 2012	Reviewed
607/2013	September 3, 2013	Reviewed
221/2017	October 24, 2017	Reviewed
	2022	Reviewed



## CUSTOMER SERVICE POLICY

<b>Responsible Department:</b>	Corporate and Commercial Services
<b>Responsible Section:</b>	Customer and Information Services
<b>Responsible Officer:</b>	Manager Customer and Information Services

### Objective

The objective of this policy is to outline Council's commitment to customer service and provide a framework for its interactions with customers.

### Introduction

Council provides various services to many customers across all of its operations year-round. This policy sets out Council's commitment to good customer service, while providing a framework for how Council will handle situations if things do not go well with customers.

### Policy

#### 1. Definitions

Term	Meaning
<b>Customers</b>	Includes both individuals and organisations to which Council provides service. Customers include ratepayers, residents, asset users, consultants, developers, government departments, as well as people passing through the Narrabri Shire local government area. Internal customers include Council departments and members of staff.
<b>Customer Service</b>	Interactions between a customer and a provider at the time of a sale or provision of a service and thereafter. Customer service adds value to a product or service and builds an enduring relationship.

#### 2. Customer Service Standards

- 2.1. Council commits to provide service to customers in accordance with its customer service charter. Council will display a copy of this charter in all of its facilities and provide a copy to people on request.

#### 3. Council's Expectations of Customers

- 3.1. To assist Council in providing our services, and as a sign of mutual respect, we ask our customers to:
- (a) Treat Council officers with courtesy and respect;
  - (a) Respect the privacy, safety and needs of other community members;
  - (b) Provide accurate and complete information;
  - (c) Telephone to make an appointment for a complex enquiry or to see a specific officer;



- (d) Telephone the officer nominated on any correspondence sent to you and quote the reference number on the letter;
- (e) Address written correspondence to the General Manager, sent via post, email or fax to request a response on more formal matters.

#### **4. Dealing with Difficult Customers**

- 4.1. Council will treat customers with courtesy and respect at all times and to make every reasonable effort to address the customer's needs even when this proves difficult.
- 4.2. Council acknowledges that there will always be a small percentage of customers whose issues cannot be dealt with to their satisfaction.

##### **Unreasonable Customers**

- 4.3. The General Manager may declare a customer an Unreasonable Customer where they are satisfied that:
  - (a) Every effort has been made by staff to address a customer's needs; and
  - (b) there is not a reasonable likelihood of reaching a position where a particular customer is satisfied with Council's actions and service.
- 4.4. Where a person has been declared to be an unreasonable complainant, the General Manager or their delegate must bring a report to Council explaining the circumstances of that declaration.
- 4.5. Where a person is declared an unreasonable customer by the General Manager or their delegate, that person may request that the General Manager submit the matter to Council for review at an Ordinary Council Meeting.
- 4.6. Where the General Manager receives a request under clause 4.5, they or their delegate must bring a confidential report to the next Ordinary Council Meeting, so far as is reasonably practicable. The report must:
  - (a) Identify the person;
  - (b) Identify the basis of the declaration; and
  - (c) Provide any response by the person to the declaration (if known).
  - (d) Council will review the report and either:
  - (e) Uphold the declaration;
  - (f) Revoke the declaration; or
  - (g) Revoke the declaration in part and direct the General Manager to impose limits on the person's interactions with Council.
- 4.7. The decision of Council will be final.
- 4.8. Where a person is declared an Unreasonable Customer, it will result in one or more of the following:
  - (a) Refusal to accept telephone calls or make appointments with the customer;
  - (b) Requesting that all future communication be in writing;
  - (c) Identification of a single staff member as contact person through whom all communication must occur;
  - (d) Continue to receive correspondence but only acknowledge or otherwise respond to it if:
    - (i) The customer provides significant new information relating to their complaint or concern;
    - or



- (ii) The customer raises new issues which in the General Manager's opinion, warrant fresh action.

4.9. The General Manager may also decide to stop or limit responses to the customer in relation to the issue in question.

4.10. Where the General Manager has made such a decision, they will ensure that this is communicated in writing to the customer and that the customer is given the opportunity to make representation to the Council about the proposed action.

4.11. The General Manager will monitor any future contact with the customer in relation to the issue.

**Customers who make unreasonable demands**

4.12. Customers who make unreasonable demands include members of the public whose demands on Council significantly and unreasonably divert Council's resources away from other functions or create an inequitable allocation of resources from other customers.

4.13. If, in the opinion of the General Manager, a customer is making unreasonable demands on Council and the customer continues to write, telephone and/or visit the Council the General Manager may direct that Council:

- (a) Not respond to any future correspondence and only take action where, in the opinion of the relevant Director the correspondence raises specific, substantial and serious issues; or
- (b) Only respond to a certain number of requests in a given period;

4.14. Before making such a direction, the General Manager must write to the customer:

- (a) advising them of Council's concern;
- (b) requesting that they limit and focus their requests; and
- (c) warning the customer that if they continue to place unreasonable demands on the organisation the General Manager will make such a direction.

4.15. The customer shall be given one opportunity to make representations about Council's proposed course of action.

**Customers who constantly raise the same issue with different staff**

4.16. If in the opinion of the General Manager a customer is constantly raising the same issues with different staff, the following action may be taken:

- (a) The General Manager may notify the customer that:
  - (i) only a nominated staff member will deal with them in the future;
  - (ii) they must make an appointment with that person if they wish to discuss their matter;
  - (iii) all future contact with Council must be in writing.
- (b) The General Manager shall advise Councillors of any notification issued.
- (c) The customer shall be given one opportunity to make representations about Council's proposed course of action and will be referred to Council's Code of Conduct for options available to them by way of formal complaint about particular staff or via submissions they may make to the NSW Ombudsman, Office of Local Government, or ICAC.

**Customers who are rude, abusive or aggressive**



4.17. If rude, abusive or aggressive comments or statements are made in telephone conversations or in-person interaction, Council may:

- (a) Warn the caller that if the behaviour continues the conversation or interaction will be terminated;
- (b) Terminate the conversation or interaction if the rude, abusive or aggressive behaviour continues after a warning has been given;
- (c) Call Police as appropriate if there is a perceived threat.

4.18. Where a conversation or interview is terminated, Council will record the termination and reason for it in its incidents log.

4.19. If in the opinion of the General Manager, any correspondence to Council contains personal abuse, inflammatory statements or material clearly intended to intimidate, it will be returned to the sender and not acted upon.

4.20. The General Manager may declare a customer who is rude, abusive, or aggressive an unreasonable customer under this policy.

#### **Vexatious customers**

4.21. If in the opinion of the General Manager, a person continues to make representation by way of correspondence, telephone, email or personal representation, that has no basis in fact and/or is considered to be undertaken with frivolous or mischievous motives then the General Manager may declare such person to be a vexatious complainant. The General Manager may then take the same action as outlined in this policy for unreasonable customers.

### **5. Timeframes**

5.1. General customer service will be delivered in accordance with Council's Customer Service Charter.

5.2. Council will not set unrealistic or arbitrary timeframes for action on requests from customers. However, Council will acknowledge, respond to, and action all requests and contacts from customers as soon as reasonably practicable in the circumstances.

### **6. Privacy and Access to Information**

6.1. Requests for access to Council documents are dealt with in accordance with the *Government Information (Public Access) Act 2009* (NSW) and Council's Privacy Management Policy. In addition, the *Privacy and Personal Information Protection Act 1998* (NSW) sets requirements in relation to disclosure of personal information.

6.2. Further information is available by viewing Council's Privacy Management Policy located on Council's website or by contacting the Public Officer.



## 7. General

- 7.1. In all of the situations referred to in this policy, adequate documentary records must be made and maintained on the appropriate Council file within Council's document management system.
- 7.2. Where the General Manager determines to limit a customer's access to the Council in any of the ways specified in this Policy, the General Manager must advise the Council as soon as practicable of the relevant circumstances and the action taken and forward such advice, where appropriate, to the ICAC, Office of Local Government and the NSW Ombudsman for information.

## References

- *Government Information (Public Access) Act 2009* (NSW).
- Council's Privacy Management Policy;
- Council's Code of Conduct;
- Complaints About Council Policy;
- *Privacy and Personal Information Protection Act 1998* (NSW).

## History

Minute Number	Meeting Date	Description of Change
358/2013	June 4, 2013	Adopted
164/2017	August 15, 2017	Reviewed
	June 23, 2020	Rebranded
	2022	Reviewed



## DEBT RECOVERY & HARDSHIP POLICY

**Responsible Department:**

**Responsible Section:**

**Responsible Officer:**

### Objective

The objective of this policy is to ensure the collection of rates, charges and debts owing to Council in a timely and consistent manner.

This policy does not apply to costs orders in litigation, which are dealt with by the Recovery of Costs Orders in Litigation Policy.

### Introduction

Council acknowledges that it has a responsibility to ensure that the collection of monies owing to it is carried out in an efficient, effective and transparent manner. Council will commit to ensuring that all persons are treated fairly and consistently, and given due consideration and compassion to those who are suffering genuine financial hardship. All matters will be administered with integrity, confidentially, fairness and respect.

### Policy

#### 1. Definitions

Term	Meaning
<b>Approval Authority</b>	For debts of \$2,000 or less, the General Manager. For debts of \$2,000.01 or more, the elected body of Council.
<b>Charge</b>	A charge leviable and payable under the provisions of the <i>Local Government Act 1993</i> (NSW) or other such amount required by Council or other legislation to be paid to Council that is identified as a charge.
<b>Commercially Unviable</b>	A debt is commercially unviable when the cost of recovery significantly outweighs the likely amount expected to be recovered, rendering it not cost effective to recover the debt within the meaning of regulations 131 and 213 of the <i>Local Government (General) Regulations 2021</i> (NSW).
<b>Debt</b>	Rates, charges, fees, levies, or other amounts owing to Council.





Term	Meaning
<b>Hardship</b>	<p>Difficulty in paying a debt as a result of:</p> <ul style="list-style-type: none"> <li>(a) Loss or change of income;</li> <li>(b) Illness;</li> <li>(c) Loss arising from an accident;</li> <li>(d) Natural disaster or adverse events;</li> <li>(e) Death in the family;</li> <li>(f) Separation, divorce, or other family crisis;</li> <li>(g) Family violence; and</li> <li>(h) Some other temporary financial difficulty due to loss of income or an increase in essential expenditure.</li> </ul> <p>Hardship in this sense may be permanent or temporary.</p>
<b>Periodic Payment Agreement</b>	An agreement between a debtor and Council whereby a debtor makes regular equal payments of a portion of a debt towards payment of the debt.
<b>Rate</b>	Rates leviable and payable under the provisions of the <i>Local Government Act 1993</i> (NSW) and within the limitations established by the Independent Pricing and Regulatory Tribunal (IPART).
<b>Recovery Action</b>	Any course of action available to Council under this policy or at law to ensure and/or compel payment of debts owing to Council.
<b>Waiver</b>	A release from liability for payment of a debt, or a specified portion of a debt.
<b>Writing off</b>	Removing the amount of a debt, or a specified portion of the amount of a debt, from Council's financial documentation.

## 2. Recovery of Debts

- 2.1. Recovery action will commence when rates and/or charges are not paid by the due date for each quarterly instalment unless arrangements have been entered into to make periodical payments under Section 564 of the *Local Government Act 1993* (NSW).
- 2.2. Recovery action will commence when water service or usage charges (or both) are not paid by the due date unless arrangements have been entered into to make periodical payments under Section 357 of the *Water Management Act 2000* (NSW).
- 2.3. Recovery action will commence if other debts (other than amounts due from Government departments).

## 3. Water Flow Restriction

- 3.1. Council has a responsibility to ensure the recovery of outstanding water accounts to ensure the water fund has satisfactory cash flow to complete capital work and to ensure councils financials are being managed in accordance with section 8A.
- 3.2. Council aims to recover outstanding water charges through restriction of water supply.
- 3.3. Council will not restrict water supply for properties involving repayment arrangements and tenanted properties.
- 3.4. If an account should remain outstanding a water flow restrictor will be fitted in accordance with this policy and regulation 144 of the *Local Government Regulations 2021* (NSW) to restrict water use so as to maintain personal hygiene only.

**Water Flow Restriction Pre-requisites**

- 3.5. Council must first issue a Reminder Letter, which will:
- (a) Be issued 14 days after due date of the account becoming due and to include a copy of this Policy and detail the outstanding amount.
  - (b) Allow 28 days to make payment or arrangements for a suitable payment plan.
- 3.6. If no payment is made within 28 days of the due date stated in the Reminder Letter, Council will issue a Final Notice and Intention to Restrict Flow, which will:
- (a) Be issued 28 days after the date the Reminder Letter was issued (in circumstances where an account remains unpaid);
  - (b) Include a copy of the Reminder Letter and this Policy;
  - (c) Provide a "Notice of Intention to Restrict Flow" that will come into 7 days from the date of the Final Notice, without further notice;
  - (d) Be sent by registered mail or hand delivered;
  - (e) State that restrictors will only be avoided if balance of account paid in full or arrangements made; and
  - (f) Be filed on Councils Records Management System.
- 3.7. If there is no payment within seven (7) days of the date of the Final Notice, a Flow Restrictor will be installed, which will:
- (a) Be installed on the existing water meter; and
  - (b) Restrict water flow to three (3) litres per minute.
- 3.8. The Flow Restrictor will be removed:
- (a) On payment of the balance of the account in full; or
  - (b) On the parties entering into a satisfactory periodical payment agreement.
- 3.9. The removal of the flow restrictor will take place as soon as possible but within two (2) working days from clearance of funds.
- 3.10. Restrictors will be removed during normal working hours, unless otherwise instructed by the General Manager.
- 3.11. Disconnection from the water supply
- (a) All services disconnected or restricted for non-payment of the account may be subject to a payment restriction fee, as set annually in Councils Fees and Charges, prior to services are reinstated. This fee will be charged by order of the General Manager.
  - (b) All disconnection/reconnection fees as well as the outstanding account must be paid in full before reconnection of the service.

**Disconnection**

- 3.12. Should a Flow Restrictor be tampered with, or an account be outstanding for six months after a flow restrictor has been fitted (that is, not paid or no repayment program negotiated), Council will issue a Notice to Disconnect.
- 3.13. A Notice to Disconnect will:
- (a) Provide a written "Notice of Intention to Disconnect the Water Supply" seven (7) days from the date of this Notice, without further notice; and
  - (b) Be delivered by registered mail or hand delivered.



#### **4. Compassionate Intervention**

- 4.1. At any stage in the debt recovery process prior to legal action commencing, an early intervention may be made to ratepayers in a compassionate, rational attempt to assist in avoiding accumulating, unmanageable levels of debt and costly legal action.
- 4.2. An early intervention may be in the form of any combination of the following:
  - (a) letter;
  - (b) telephone call;
  - (c) SMS message;
  - (d) Email;
  - (e) Personal visit; or
  - (f) a combination of the above outlined in clause 4.2(a)-4.2(e).
- 4.3. For accounts that remain outstanding, despite legal action having been taken, a late intervention personal visit may be made to ratepayers to help resolve the situation.
- 4.4. Interventions can come from a Council officer (including a third-party agent contracted by Council).

#### **5. Extra Charges**

- 5.1. Overdue rates and water usage charges shall be set in accordance with the respective legislation by the maximum allowable under the legislation.

#### **6. Concession for Home Dialysis Machines**

- 6.1. Council will provide a concession of 30 kilolitres of water per rateable quarter (up to 120 kilolitres per financial year), pro-rated to each local resident required to use a dialysis machine in their home.
- 6.2. This concession will be in addition to any other concession, donations, agreements, or measures under this policy.
- 6.3. The concession will be granted on application, submitted in writing and supported by a letter from the resident's doctor verifying a home dialysis machine is in use at the property.
- 6.4. The General Manager may amend the application form on an as needs basis and replace it as an attachment to the Policy without a resolution of Council.

#### **7. Agreements for Periodical Payments**

- 7.1. Council may enter into periodic payment arrangements with debtors.
- 7.2. Council may enter into periodic payment arrangements with debtors in the following circumstances:
  - (a) Hardship; or
  - (b) Other reasons beyond the debtor's control that impact payment.
- 7.3. If a debtor fails to meet the terms of an agreement, the agreement shall be terminated, and the full amount of the outstanding debt and accrued interest shall be immediately due and payable. Recovery action shall commence immediately for amount due.
- 7.4. If a debtor fails to meet the terms of an agreement and the agreement is terminated and the premises previously had a water flow restrictor installed in relation to the debt, the water flow restrictor will be re-installed seven (7) days following an additional Notice to Install being issued.



## 8. Waiver by Resolution or by Order

- 8.1. Debts may be waived in accordance with this policy and law.
- 8.2. Waiver of debts is discretionary, unless otherwise required by law.
- 8.3. Debts may be waived for the following reasons:

- (c) Hardship; or
- (d) Commercial Unviability.

### Hardship

- 8.4. An approval authority may waive a debt or part of a debt, other than rates and charges, on the basis of hardship in accordance with section 610E of the *Local Government Act* and this policy.

### Commercial Unviability

- 8.5. An approval authority may waive a debt or part of a debt on the basis of commercial unviability in accordance with this policy.

### Writing Off

- 8.6. Where:
  - (e) A debt is waived for hardship or commercial unviability; and
  - (f) The approval authority forms the view, on reasonable grounds, that it would not be cost effective to recover the debt; or
  - (g) One of the other provisions of regulations 131(4) or 213(5) of the *Local Government (General) Regulations 2021* (NSW) apply; then
  - (h) The approval authority is to write off the debt in accordance with those regulations.

- 8.7. Clause 8.5 above applies to part of a debt as well as the whole debt.

### Interest

- 8.8. Where a debt is waived and written off for commercial unviability or hardship, it and any interest payable will be written off in accordance with regulations 131 and 213 of the *Local Government (General) Regulations 2021* (NSW), where those regulations are applicable.

## 9. Waiver of Accrued Interest

- 9.1. An approval authority can waive accrued interest under the hardship provisions of the *Local Government Act 1993* (NSW), or the commercial unviability provisions of the Policy, or both.

## 10. Applications

- 10.1. Where a debtor seeks a relief under this policy, they must apply to Council.
- 10.2. Applicants must be made in the prescribed form, (Appendix A of the Policy).
- 10.3. Applications must include, at a minimum:
  - (a) The prescribed application form, fully completed;
  - (b) Evidence of hardship, such as:
    - (i) Bank statements;
    - (ii) Medical certificates;
    - (iii) Employment correspondence;
    - (iv) Tax returns;
    - (v) Statutory declarations explaining circumstances;
    - (vi) Evidence of Centrelink, Veterans Affairs, or other Government benefits;
    - (vii) Letter from financial counsellor or other assistance service; or



- (viii) Other relevant evidence of hardship.

10.4. Whilst applications may be made at any time, it is preferable that an application be made as soon as the hardship becomes known to the debtor.

## 11. Assessment and Determination of Applications

11.1. The General Manager, or their delegate, will ensure that applications are assessed.

11.2. Assessments are to consider whether the applicant:

- (a) Receives Centrelink benefits;
- (b) Receives other benefits;
- (c) Could be considered in acute financial hardship (that is, they earn below 75% of the minimum weekly wage);
- (d) Is experiencing domestic or family violence involving financial abuse;
- (e) Has been referred by an accredited financial counsellor, welfare agency, or legal assistance service;
- (f) Has a payment history that indicates that they have difficulty in meeting payments in the past;
- (g) Has appropriately completed the application form; and/or
- (h) Has provided sufficient appropriate evidence of financial and/or other hardship.

11.3. Assessments are to consider the applicant's capacity to pay, including, but not limited to:

- (a) The debtor's total disposable income and current financial commitments;
- (b) The number of dependants and/or children the debtor has;
- (c) Advice from an accredited financial counsellor; or
- (d) A combination of the above outlined in clause 11.3(a)-11.3(c).

11.4. Following assessment, the approval authority must decide to:

- (a) Postpone the due date for payment of the debt, other than a rate, for an appropriate period in the circumstances;
- (b) Postpone interest accrual on the debt for an appropriate period in the circumstances;
- (c) Waive and write off the debt only in accordance with clause 8 above;
- (d) Waive and write off part of the debt in accordance with clause 8 above;
- (e) Waive interest on the debt in accordance with 9 above;
- (f) Waive extra charges in accordance with 8 above;
- (g) Offer or accept a periodical payment plan in accordance with 7 above; or
- (h) Refuse the application and uphold the debt.

11.5. The approval authority may decide to take more than one action under clause 11.4, except for clause 11.4 (h), which must be taken on its own.

11.6. Where the approval authority is the Council, the General Manager will ensure that a report is brought to an Ordinary Council Meeting, containing their recommendation, and attaching a copy of the assessment.

11.7. The report referred to in clause 11.6 should be brought in a confidential report and considered in a closed session of Council.

11.8. Where the approval authority is the General Manager and they have made a decision, an applicant can require the General Manager to bring a report to the elected Council containing the application, for the Council to make a determination.

## 12. Savings

12.1. Any existing agreements in relation to debts at the date of this policy's adoption will not be affected by the provisions of this policy.



## References

- *Local Government Act (NSW) 1993* (NSW).
- *Local Government (General) Regulation 2021* (NSW).
- *Debt Management and Hardship Guidelines* (Office of Local Government NSW, 2018)

## History

Minute Number	Meeting Date	Description of Change
115/2014	5 April 2016	Adopted
164/2017	15 August 2017	Reviewed
	2 June 2020	Rebranded
	August 2022	Reviewed
	2022	Reviewed



## Appendix A – Hardship Form



Our Reference:  
Contact Name: Governance Coordinator

### Application for Consideration of Hardship

I, \_\_\_\_\_  
(Full name in BLOCK LETTERS)

Of: \_\_\_\_\_  
(Address)

Apply for a consideration on the basis of financial hardship.

1) Do you receive any pensions or benefits? ☐ Yes ☐ No

If YES, please provide the following:

Pension Type: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

2) Do you have a current Pensioner Concession Card issued by the Commonwealth Government? ☐ Yes ☐ No

PCC No: \_\_\_\_\_ Date of Grant: \_\_\_\_\_

3) How many children do you support ?

No. of Children: \_\_\_\_\_ Ages: \_\_\_\_\_

What is the cause of your financial hardship?


4) How long have you been experiencing hardship?

5) Please state gross weekly amount received from the following sources of income:

- |  |          |
|--|----------|
| a) Pensions and benefits   | \$ _____ |
| b) Compensation, superannuation insurance or retirement benefits | \$ _____ |
| c) Spouse's income   | \$ _____ |
| d) Income of other residents of the property                     | \$ _____ |
| e) Casual/part-time employment                                   | \$ _____ |
| f) Family allowance  | \$ _____ |
| g) Interest from financial institution                           | \$ _____ |
| h) Dividends   | \$ _____ |
| i) Other:  | \$ _____ |

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E. council@narrabri.nsw.gov.au  
www.narrabri.nsw.gov.au





- 6) Please provide name and current balance of all bank, credit union or building society accounts held by you.


- 7) Please state details of fortnightly outgoings.

Outgoing	Owed to	Amount
Rent/Mortgage:		
Other Loans:		
Insurances:		
Medical and Health Costs:		
Council rates and Charges:		
Other:		

- 8) Please outline any other factors you wish for Council to consider.


Please attach a separate page with any other relevant information you feel may assist your application (including any supporting evidence of the above).

#### Privacy Statement

\*This information is being collected by Narrabri Shire Council, 46-48 Maitland Street Narrabri.  
Your information is being collected by Narrabri Shire Council in accordance with the *Privacy Act 1988* (Cth) and the *Privacy and Personal Information Protection Act 1998* (NSW) for the purpose of evaluating hardship in accordance with Council's Recovery of Costs Orders in Litigation Policy. The supply of this information is voluntary; you are not legally required to provide your personal information, however if you do not supply all the information requested above Council may not be able to consider your application for consideration of hardship. If you wish to obtain a copy of Council's Privacy Management Policy, please contact Council on (02) 6799 6866 or [council@narrabri.nsw.gov.au](mailto:council@narrabri.nsw.gov.au).

I hereby declare that the information provided is true and correct. I understand that if I make a false statement in an application, I may be guilty of an offence under the *Crimes Act 1900* (NSW).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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## DONATION IN LIEU OF ORDINARY RATES POLICY

**Responsible Department:**

**Responsible Section:**

**Responsible Officer:**

### Objective

- To consider financial assistance by way of donation to local service, cultural, sporting, charitable or non-profit organisations who operate within or provide benefit to the residents of Narrabri Shire or conduct quality cultural, sporting and community service programs and activities and who cannot attract sufficient funds from other sources;
- To address targets specified within the Community Strategic Plan or other Strategic Documents as well as objectives;
- Detail the principles whereby Council grants donations to organisations.

### Introduction

Chapter 15 of the *Local Government Act 1993* (NSW) provides a legal basis upon which Councils charge rates, including the parties liable to and exempt from paying rates to Council.

Section 356 of the *Local Government Act 1993* (NSW) permits Council to give financial assistance to entities for the purpose of exercising its functions.

This policy establishes Council's position in relation to exercising that power in relation to ordinary rates, in order to expand the relief available to entities in the community that benefit the community.

### Policy

#### 1. Definitions

Term	Meaning
<b>Community Services</b>	Not-for-profit Incorporated entities that provide a service for the benefit of the community.
<b>Donation</b>	A grant from Council to an organisation or group and includes 'Financial Assistance', 'In Kind Assistance', 'Sponsorship' and 'waiving of fees and charges'.
<b>Local Charity</b>	A not-for-profit entity recognised as a charitable organisation and providing charitable services in the Narrabri Shire community.
<b>Sporting Clubs</b>	A club that engages in sport or provides sporting services, excluding registered clubs under the <i>Registered Clubs Act 1976</i> (NSW).
<b>Social Clubs</b>	A club that engages in social activities or provides social services, excluding registered clubs under the <i>Registered Clubs Act 1976</i> (NSW).



## 2. Donations in Lieu of Ordinary Rates and Charges

- 2.1. Council may, in accordance with this policy, donate a sum to organisations or entities in the Shire that are liable to pay rates and charges.
- 2.2. A donation under this policy will constitute a credit against rates and/or charges payable to Council. To avoid doubt, a donation under this policy will not involve the payment of cash or transfer of funds to entities.
- 2.3. Council will, at its discretion, contribute the following amounts to the following types of entities:
  - (a) Community Services or Local Charity:
    - i. 100% of General Rates and Annual Charges; or
    - ii. Such lesser amount as Council Resolves.
  - (b) Sporting/Social Clubs:
    - i. 100% of General Rates only; or
    - ii. Such lesser amount as Council Resolves.
- 2.4. Donations will only be paid to qualifying entities where that entity:
  - (a) Is the party liable to pay rates under the *Local Government Act 1993* (NSW); or
  - (b) Is not the party liable to pay rates under the *Local Government Act 1993* (NSW) but is liable to indemnify the party liable to pay rates for the whole amount of rates relating to the property for which an application is made.
- 2.5. Entities must apply to the Council for the donation, in accordance with this policy.
- 2.6. Donations will only be made for rates and charges on land that is used directly in association with the organisation's activity.
- 2.7. Where an entity is granted a donation under this policy but ceases to use or own the property during the term of the year the donation relates, the donation will be limited to the period within the year that the entity was the owner/occupier of the property. In those instances, Council will issue a revised rates and charges notice.
- 2.8. A decision to make a donation in lieu of ordinary rates and charges will take the form of a resolution of Council.

## 3. Applications for Donation

- 3.1. Entities seeking a donation in lieu of ordinary rates under this policy must apply to Council.
- 3.2. Applications are to be submitted in the form prescribed by Council. A copy of that form is an appendix to this policy.
- 3.3. The General Manager may amend or replace the application form and attach any amended or replacement application form to this policy without the need for a further Council Resolution.
- 3.4. Applications must include, at a minimum:
  - (a) The legal name of the applying entity;
  - (b) The registered address of the entity;
  - (c) The property address and ID;
  - (d) The name of the registered proprietor of the property;
  - (e) Documentary evidence of liability to indemnify the registered proprietor of the property if the entity apply for the donation is not the owner;
  - (f) The articles of incorporation/constitution of the entity;
  - (g) Other documents evidencing that the entity meets one of the types identified at clause 2.3 and uses the property for that purpose.
- 3.5. Applications are to be submitted to the Council Administration Office or Council inbox.
- 3.6. Applications will open on the first day of April in the financial year before the donation is sought to be made.



3.7. Applications must be submitted by:

- (a) the first day of May in the financial year before the donation is sought to be made; or
- (b) any other time, where the entity only becomes liable to pay rates or indemnify the registered proprietor for rates part-way through the financial year that the application concerns.

#### 4. Assessment and Determination of Applications

- 4.1. The General Manager will ensure that applications are assessed in accordance with this policy.
- 4.2. The General Manager will ensure that a report is brought to the June Ordinary Council Meeting. The report will include:
  - (a) The recommended applicants
  - (b) The properties of the recommended applicants
  - (c) The amount for each property
  - (d) The total amount
  - (e) Any candidates that are not recommended for donation, including a reason why.
- 4.3. Where an application is made in accordance with clause 3.6(b) above, the General Manager is to ensure a report is brought to the next practicable Ordinary Council Meeting.
- 4.4. Council will consider the report and make a determination.
- 4.5. Council may request that an applicant, or their representative, attend a Briefing or Workshop to clarify any matter in relation to their application before Council makes a determination.

#### 5. Marketing of This Policy

- 5.1. Council commits to the following promotion of the Donation in Lieu of Ordinary Rates Policy:
  - (a) Recipients of the donation in the previous financial year will be notified via email of the opening of the application period.
  - (b) The application period will be advertised on the Narrabri Shire Council website and on the official Council Facebook page.

#### 6. Review

- 6.1. This policy will be reviewed within 12 months of an Ordinary Council Election or from time-to-time on an as-needs basis.

#### References

- *Local Government Act (NSW) 1993.*
- *Local Government (General) Regulation 2021.*

#### History

Minute Number	Meeting Date	Description of Change
115/2014	5 April 2016	Adopted
164/2017	15 August 2017	Reviewed
	2 June 2020	Rebranded
	2022	Reviewed



## FILM POLICY

<b>Responsible Department:</b>	Planning and Sustainability
<b>Responsible Section:</b>	Tourism and Cultural Services
<b>Responsible Officer:</b>	Manager Tourism and Cultural Services

### Objective

- To provide film and television production companies with an understanding of the procedures they must follow in order for filming to take place;
- To outline conditions under which filming will be permitted in the region;
- To provide Councils with a framework for assessing and approving filming;
- To ensure the public safety and free movement of residents whilst filming is taking place.

### Introduction

The NENW Film Policy has been developed to encourage filmmaking and to facilitate the use of the region as a film location, including a 'no fees policy' for daily filming location fees.

Film New England North West (Film NENW) links organisations in the region and is a contact point for filming, providing support and referrals to assist you with your filming requirements and make your production a smooth and rewarding experience.

This Policy complies with the Local Government Filming Protocols which outline the rights and obligations of filmmakers and councils throughout the state. We recommend you read the Local Government Filming Protocols before submitting your filming application. A copy of the protocols is available at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au).

### Policy

#### 1. Council Locations

- 1.1. If you plan to film in NENW it is recommended that you first contact Film NENW who will facilitate your introduction to the appropriate Council authorities. Council's Film Contact Officer is the Media Officer, this delegate will assist with obtaining the necessary support, contact details are telephone: 02 67996 866 or [council@narrabri.nsw.gov.au](mailto:council@narrabri.nsw.gov.au).
- 1.2. Production in the NENW region is possible during most times, depending on the size and nature of the production. Local Councils can advise on the timing of specific events and preferred filming times when traffic disruption will be minimised.

#### 2. Non-Council Locations

- 2.1. If you are filming on private property or at a commercial venue, you will need to negotiate directly with the relevant property owner/manager.
- 2.2. The consent of the owner of the proposed private filming location needs to be obtained before lodging the application.



### 3. Permits

- 3.1. Some Councils and/or locations may require a permit to be obtained before filming can take place.

### 4. Permissible Times for Filming

- 4.1. Residential Areas - filming activities may take place routinely between 8:00am and 7:00pm from Monday to Saturday. Permission can be sought for filming outside these hours including Sundays and Public Holidays.
- 4.2. Non-Residential Areas - by negotiation with Council.
- 4.3. Any variation to filming times approved under the Filming Agreement will require written approval from Council.

### 5. Insurance and Risk Management

- 5.1. You must provide details of Public Liability Insurance cover to a minimum level of \$20 million and a copy of the Certificate of Currency at the time of making your application.
- 5.2. The Certificate of Currency must clearly state that the policy covers liability for the death or injury to any person or damage to any property arising out of the activity authorised by the permit.
- 5.3. For major productions, stunts, special effects or pyrotechnics, a higher level of cover may be required. It will be necessary for an applicant to arrange for their insurance company to issue an addendum to the policy to cover other specific activities.
- 5.4. Applicants are also required to indemnify Council in relation to any claims or other matters that may arise as a result of any filming activity. All filming activity must comply with all laws, regulations, and policies extant at the time of filming.

### 6. Risk Management

- 6.1. Council may require the applicant to demonstrate that a risk assessment has been conducted. Risk management plans must identify any potential hazards and actions and how it is intended that the production company will mitigate those risks associated with the filming activity.

### 7. Parking, Traffic and Road Closures

- 7.1. A traffic management plan may be required by Council for parking, closing of streets and/or roads. Where closure of a major arterial road is proposed, early contact with the appropriate authorities is recommended.
- 7.2. A list should be provided of all production vehicles to be parked in the vicinity of the filming location or on Council-controlled property. This list should specify the type of vehicle, size (e.g. length of trucks) and registration number.
- 7.3. It is recommended that the applicant contacts Film NENW and the relevant Council who will facilitate early contact with the appropriate authorities.

### 8. Resident Notification

- 8.1. All residents and businesses within the agreed vicinity must be notified in writing by the applicant at least five (5) to seven (7) business days before filming begins. This notification must include the name of a contact person on site to handle complaints, and details of the filming including whether firearms, stunts or explosives are to be used. The start time for set up and hours during which filming takes place will also be specified. Prior to commencement of filming the applicant will need to provide a copy of information distributed and demonstrate to Council's satisfaction that this notification process has been satisfactorily undertaken.





## 9. Access during Filming

- 9.1. Normal pedestrian and vehicle access should be maintained at all times other than when filming actually takes place.

## 10. Environmental Factors and Noise

- 10.1. There will be minimal disruption to the normal workings of the community;
- 10.2. The applicant will ensure that the site complies with the Film Industry "Safety Code" requirements and that all conditions required in the applicant's insurance policy are met;
- 10.3. It is imperative that noise generated by the production does not unduly disturb the community. Whilst a modest noise increase prior to 10:00pm depending on the location is allowable, after 10:00pm the noise level must be maintained at the normal background sound level and comply with the *Protection of the Environment Operations Act 1997*;
- 10.4. You must supply a list of all dangerous substances or articles to be taken on to the location.

## 11. Stunts/Firearms/Explosives

- 11.1. Applications to carry or use firearms on site will not be considered except when accompanied by written proof of police approval and full information regarding their use including e.g. types of weapons and safety precautions
- 11.2. Where filming requires the use of stunts or the lighting of fires or the like, full information must be provided with the application and will require the written permission of the relevant Council.

## 12. Cleaning and Damages

- 12.1. The production company will be responsible for the control and removal of all litter at its expense. The site will be left in the condition it enjoyed prior to filming taking place, to the satisfaction of Council. Any repair for damage to council property or infrastructure will be arranged by Council and borne by the production company/producer.

## 13. Bonds

- 13.1. Council may require a bond provided by the production company to make good any damage caused to a location as a direct result of filming activities. Where no damage occurs, the bond will be refunded in full.

## 14. Other Authorities

- 14.1. Some areas within the NENW region are not directly controlled by Councils and may require separate filming permission. Film NENW can assist production companies by providing contact details for other authorities such as Transport for NSW, Police, National Parks & Wildlife Service, Aboriginal Lands Council. It is the onus of the applicant to seek approval from the relevant authority, and more time should be allowed for the processing of such applications;
- 14.2. Whilst obtaining approval from other authorities is the responsibility of the applicant, assistance may be provided by Film NENW and Council.

## 15. Promotional Photography

- 15.1. Film NENW and/or Council may request permission from the production company/producer to photograph the crew during filming. All images will be used solely for promotional purposes to attract filming to the Shire.





## 16. Best Practice

16.1. It is the responsibility of the producer or the producer's representative to liaise with local Council/s to ensure Best Practice standards are observed and met during the production process.

## 17. Fees and charges

17.1. A per production fee of \$550.00 (including GST) will apply to all productions in the NENW region. This fee covers the application process, a one-off locations fee, and site costs of filming on public land or in public buildings or spaces.

17.2. **No Daily Locations Fees** associated with filming on public land or in public buildings or spaces will be charged, except where an existing hire fee is in place.

17.3. Permit fees and charges may apply in the following circumstances:

- (a) If a planning permit is required;
- (b) Where Council personnel are required to be present during filming;
- (c) Where additional services and resources are requested from Council;
- (d) Where temporary road closures are required (costs provided on application to the relevant Council).

17.4. Applications for filming should be made at least ten (10) working days before the requested filming date, subject to the scope of the production.

	Commercial Stills Photography	Documentaries Short Films Children's Productions	TV Drama Mini-series	TV Commercials	Films <\$10million budget	Films \$10million + budget
<b>Cash Bond (paid to relevant Council if applicable)</b>	Nil	\$500	\$500	\$750	\$1,000	<b>\$2,000</b>
<b>Public Liability Insurance (minimum required)</b>	<b>\$10million</b>	<b>\$10million</b>	<b>\$10million</b>	<b>\$10million</b>	<b>\$10million</b>	<b>\$10million</b>

*Note: Cash Bond fees quoted do not include GST.*

## 18. Waiving Fees and Charges

18.1. Council may agree to reduce or waive fees if the production is, for example:

- (a) A student film production;
- (b) A documentary;
- (c) An educational, charitable or community project;
- (d) A tourism-based production.

18.2. A request to waive fees and charges associated with commercial filming/photography activity must be received by Council in writing. The decision to waive may be delegated to the General Manager or his/her nominee



## 19. Film Production – Code of Conduct

- 19.1. At the direction of Council, written and face to face notification must be provided to each resident or business proprietor who is either directly affected by the activities or is located in the vicinity of the production. This includes actual filming, parking, base camps, and meal areas. The notification should include:
- (a) Name of the Production Company;
  - (b) Name of the Production;
  - (c) Nature of the Production (i.e., feature film, television series, TV commercial);
  - (d) Type of activity and duration (i.e., dates, times, number of days, parking requirements, lighting and special equipment, time of first arrival and likely departure);
  - (e) Company contact and telephone number (location manager, unit manager, first assistant director);
  - (f) Name and telephone number of the Council contact pertaining to the production;
  - (g) The Code of Conduct should be attached to the filming notification that is distributed to the community.
- 19.2. The Production Company and its representatives must make every reasonable effort to accommodate the requirements of residents and business proprietors affected by the production.
- 19.3. Every member of the Production Company (including security personnel) must be conversant with the Code of Conduct and abide by it during the production.
- 19.4. The Production Company and its representatives must abide by any conditions stipulated in Council approval.
- 19.5. Council reserves the right to cancel an approval, in the event of non-compliance with the approval conditions, if substantive complaints are received during the production, or if an emergency situation arises in the area.
- 19.6. Council reserves the right to refuse an application by a production company where its previous activities have resulted in a significant number of substantive complaints from the local community.
- 19.7. The Production Company and its representatives must maintain normal access for motorists and pedestrians through the filming site at all times other than when filming actually takes place.
- 19.8. Production vehicles must not arrive in or near a residential location earlier than the time stipulated in Council's approval and must park in the areas nominated in the approval.
- 19.9. The Production Company and its representatives must ensure that all other production and crew vehicles are either legally parked at all times or parking in parking stations.
- 19.10. The Production Company and its representatives must maintain at all times clear of any obstruction, four-metre-wide emergency vehicle lane through the filming site.
- 19.11. The Production Company and its representatives must not remove, move or tow away any private vehicle from the filming site.
- 19.12. The Production Company and its representatives must abide by the requirements of Council and the NSW Police Service regarding the location and parking of production vehicles.
- 19.13. The Production Company and its representatives must remove all props, rigging or other materials associated with the production, as well as any directional signs erected for filming purposes, upon completion of the production.
- 19.14. The Production Company and its representatives must not remove, trim or cut any vegetation or trees on the public way unless approved by Council.
- 19.15. The Production Company and its representatives must ensure the location is in a clean and tidy condition at the completion of the production, or the Company will be required to reimburse the Council for the full cost of any extraordinary cleaning services.
- 19.16. The Production Company must reimburse the Council for any damage (such as illegal removal of traffic or parking signs, identifiable damage to streets, footways, parks and open spaces) caused to the public way as a result of the production.



19.17. The Production Company and its representatives must comply with any industry standards regarding professional and personal conduct at all times during the course of the production.

## References

- *Local Government Act 1993* (NSW).

## History

Minute Number	Meeting Date	Description of Change
191/2008	April 15, 2008	Adopted
26/2012	February 21, 2012	Reviewed
210/2013	April 2, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	January 21, 2021	Rebranded
	2022	Reviewed



## FRAUD AND CORRUPTION POLICY

**Responsible Department:** Corporate and Commercial Services

**Responsible Section:** Governance and Risk

**Responsible Officer:** Manager Governance and Risk

### Objective

To reinforce Narrabri Shire Council's commitment to the prevention of fraud and corruption and to outline the methodology to deter and detect fraudulent behaviour and corrupt conduct.

This policy applies to all Council officials – Councillors, staff, volunteers and delegates.

### Introduction

Narrabri Shire Council is committed to an honest and ethical environment that minimises fraud and corruption. Fraud and corruption are incompatible with Council's values and present a risk to the achievement of Council's objectives and the provision of Council's services to the public. Narrabri Shire Council has a zero-tolerance approach to fraud and corruption.

Narrabri Shire Council is committed to:

- Development and maintenance of a sound ethical culture supported by appropriate policies, procedures and strategies that prevent fraudulent and corrupt behaviour.
- Regular conduct and review of fraud and corruption risk assessments to identify circumstances in which fraud and corruption could occur.
- Implementation of fraud and corruption prevention and mitigation procedures in day to day operations.
- Use of formal procedures for the investigation of allegations of corrupt and fraudulent behaviour.
- Procuring from suppliers, consultants, and contractors in an ethical manner.
- Ongoing education and training of all Council officers and elected members in relation to their obligations in combating dishonest and fraudulent behaviour

### Policy

#### 1. Definitions

Term	Meaning
<b>Fraud</b>	A deliberate and premeditated turn of events which involves the use of deception to gain advantage from a position of trust and authority. The type of events includes: acts of omission, theft, the making of false statements, evasion, manipulation of information and numerous other acts of deception (Audit Office of NSW).
<b>Corruption</b>	The <i>ICAC Act 1988</i> (NSW) at sections 7,8 and 9 define corruption.
<b>Council Official</b>	The Council official includes Councillors, members of staff, contractors filling roles within Council's organisational structure, volunteers and delegates of council.



## 2. Nature of Policy

- 2.1. Unlike other Council Policies, this is a joint policy of both the governing body of Council and General Manager.
- 2.2. Where this policy directs Council Staff, that direction is on the authority of the General Manager. Those clauses will have no effect until this policy is signed by the General Manager and will cease to have effect when the General Manager revokes them in writing.

## 3. Approach

- 3.1. Narrabri Shire Council adopt an agency-wide fraud and corruption control framework that is consistent with relevant legislation, government policy, and best practice. In particular, it is also the policy of Narrabri Shire Council to:
  - (a) as part of its framework, implement internal controls that prevent, detect and respond to fraud and corruption;
  - (b) assess its fraud and corruption risks at least every two years;
  - (c) ensure all staff, including contractors, are aware of relevant fraud and corruption risks and are trained to understand Narrabri Shire Council's values, codes, policies and expectations of behaviour;
  - (d) report annually to the Audit and Risk Committee on the status of the fraud and corruption control framework;
  - (e) treat all complaints about, and instances of, fraud and corruption seriously. Narrabri Shire Council will cooperate with all relevant investigative and regulatory bodies and will take fair, proportionate disciplinary action against any employee or third party found to have engaged in fraud or corruption; and
  - (f) wherever practical, align to better practice advice issued by organisations such as the NSW Independent Commission Against Corruption, the NSW Ombudsman and Audit Office of NSW

## 4. Responsibilities

- 4.1. In addition to the responsibilities of all staff and managers set out below, the following officers and groups have key roles in relation to controlling fraud and corruption.
  - (a) The General Manager is responsible for ensuring that an agency-wide fraud and corruption control framework is in place, modelling the highest standards of ethical behaviour and ensuring compliance with all relevant legal obligations. The General Manager must report "possible" corrupt conduct to the Independent Commission Against Corruption (ICAC) pursuant to the ICAC Act.
  - (b) Manager Governance and Risk is the owner of this policy and is responsible for:
    - (i) coordinating and documenting Narrabri Shire Council's overall fraud and corruption control framework;
    - (ii) the maintenance of this policy;
    - (iii) assessing fraud and corruption risks and trends; and
    - (iv) reporting those to executive management and Audit Risk and Improvement Committee.
  - (c) The Audit Risk and Improvement Committee is responsible for giving advice to the Council about this policy and monitoring the fraud and corruption control framework.
  - (d) Directors and Managers are expected to:



- (i) ensure all reasonably necessary controls aimed at preventing, detecting and responding to fraud and corruption are in place;
  - (ii) Ensure compliance with all relevant policies and practices;
  - (iii) alert the policy owner, their director, or the Risk Coordinator of any undocumented or emerging fraud and corruption risks;
  - (iv) ensure suppliers and contractors are aware of and adhere to Narrabri Shire Council's policies and expectations in relation to fraud and corruption; and
  - (v) ensure all staff complete relevant training and are aware of fraud and corruption risks.
- 4.2. In addition to complying with all integrity-related policies including the Code of Conduct, Council Officials are expected to cooperate with all initiatives aimed at preventing, detecting and responding to fraud and corruption. This includes risk assessments, training and education, audits and investigations and the design and implementation of controls.

#### **General Responsibilities**

- 4.3. Council officials are responsible for reporting cases of suspected fraud or corrupt conduct.
- 4.4. Council officials have a responsibility to act honestly and to follow diligently Council's policies and procedures to prevent and mitigate fraud and corruption.
- 4.5. All Council officials are responsible for:
- (a) Performing their functions and duties with diligence, honesty, integrity and impartiality.
  - (b) Complying with this policy and all legislative requirements to ensure they are not participating in corrupt or fraudulent behaviour.
  - (c) Reporting any suspicion of fraudulent or corrupt behaviour to the General Manager, the appropriate Manager or the Mayor if such behaviour concerns the General Manager, or by utilisation of Council's Internal Reporting Policy.
  - (d) Reporting any identified weaknesses in internal controls that could potentially facilitate a fraudulent or corrupt act.

### **5. Disclosing suspected fraud and/or corruption**

- 5.1. Council has a separate policy dealing with reporting suspected fraud and/or corruption. To emphasise the point, however, Council encourages all personnel to report suspected fraud and/or corruption in accordance with those policies and the *Public Interest Disclosures Act 1994* (NSW), and the *Public Interest Disclosures Act 2022* (NSW) (when that Act commences).
- 5.2. Council officials must read Council's Public Interest Disclosures Policy in relation to the protection afforded officials who report or disclose information for specified matters (such as fraud and corruption) internally or to external agencies.
- 5.3. Council officials are expected to comply with the *Public Interest Disclosures Act 1994* (NSW), and the *Public Interest Disclosures Act 2022* (NSW) (when that Act commences), in regard to fraud and corruption prevention and reporting.
- 5.4. Council will afford reporters under that legislation with the protections given by the legislation.

### **6. Fraud and Corruption Risk Assessments**

- 6.1. Council's main objective is to minimise the occurrence of fraud and corruption within the Council by:
- (a) Identifying fraud and corruption risks; and
  - (b) Determining strategies to control these risks.





- 6.2. The Director of the directorate responsible for risk will instigate a review of Council's fraud and corruption risk and control strategies every four years. The Director will also ensure that periodic and comprehensive risk assessments are conducted by relevant Managers of each area of operation pursuant to Council's Enterprise Risk Management Policy. Regular internal audits will be conducted to test the fraud and corruption control framework.

## **7. Examples of Fraudulent and Corrupt Activity**

### **7.1. Theft:**

- (a) Stationery and office supplies;
- (b) Construction and maintenance equipment and tools;
- (c) Lap top computers;
- (d) Mobile phones;
- (e) Technical equipment (mobile GPS, cameras etc.);
- (f) Cash; or
- (g) Intellectual property, including documents and data

### **7.2. Inappropriate or Misuse of Council Resources:**

- (a) Unauthorised use of corporate credit cards, petrol cards, Cabcharge or vouchers;
- (b) Staff undertaking secondary paid work during work hours;
- (c) Staff using telephones excessively for private purposes without appropriate reimbursement of costs;
- (d) Internet service being used extensively for non-work purposes;
- (e) "Left-over" materials being taken by Council officers; or
- (f) Plant being used by staff for private use without authorisation or payment.

### **7.3. Gifts, Benefits and Bribes:**

- (a) Any gifts or benefits provided to, or any attempt to give a gift or benefit to a Council officer, is managed by Council's Gifts and Benefits Policy and Council's Code of Conduct. These prescribe when a gift may or not be accepted and relevant processes for dealing with such matters.
- (b) Bribes are given to influence the way a recipient carries out their official functions. For example, not respond to or report an illegal or unauthorised activity or procure goods and services from a specific person or company.
- (c) Higher risk areas for exposure to such behaviour includes:
  - (vi) Officers who approve or can influence decisions;
  - (vii) Officers who procure goods and services for Council;
  - (viii) Regulatory and compliance staff; and
  - (ix) Staff who carry out work with the private sector

### **7.4. Zoning and Development**

- (a) Coercion, intimidation and harassment of Council planning staff dealing with development applications (DAs); or
- (b) Inducement from developers to modify DA conditions imposed.

### **7.5. Procurement, Tendering and Contract Management**





- (a) Activities associated with procurement, tendering and contract management have traditionally been susceptible to fraud and corruption risks. Examples of such risks include:

- (i) Order splitting to avoid tendering provisions or quotes;
- (ii) The collusion with suppliers (dummy quotes);
- (iii) Fraudulent contract variations; or
- (iv) False invoices.

7.6. Human Resources

- (a) Creation of false employees on the payroll system;
- (b) Job applicants falsifying career background details;
- (c) Direct recruitment of friends and relatives breaching the legislative requirement of merit-based employment; or
- (d) Claiming unworked overtime on timesheets.

7.7. Information Technology

- (a) Unauthorised electronic transfer of funds;
- (b) Unauthorised alteration of input data;
- (c) Alteration or misuse of software; or
- (d) Unauthorised sale or provision of information to 3rd parties.

## 8. Discipline and Investigation

- 8.1. Narrabri Shire Council has zero tolerance for corrupt or fraudulent behaviour.
- 8.2. Council staff found guilty of such matters will face disciplinary matters pursuant to the Code of Conduct and the Local Government (State) Award. Other (non-staff) Council officers will be disciplined pursuant to Council's Code of Conduct.
- 8.3. Further, as stated above, all "possible" corruption matters, involving Council officers, have a mandatory statutory reporting requirement to ICAC. The ICAC or Council itself can also seek criminal prosecutions by reporting fraud and other corruption matters to the NSW Police Service.
- 8.4. The General Manager must make an initial determination as to whether the matter in question concerns or may concern corrupt conduct. This may entail their own analysis of the circumstances surrounding the matter or utilising another staff member or an investigator to carry out preliminary enquiries on which to base the determination.
- 8.5. After formal notification by the General Manager, the ICAC will normally determine if they will investigate the alleged corruption matter. Alternatively, the ICAC may instruct Council to carry out their own investigation and report the findings to the ICAC. In such circumstances Council should engage an experienced and suitably qualified investigator for the process.

## 9. Fraud and Corruption Prevention Training

- 9.1. Narrabri Shire Council acknowledges that a high level of awareness amongst all Council officers in relation to fraud and corruption issues is an essential element in identifying and combatting such behaviours. Awareness training will be implemented through the following programs:
  - (a) At induction for all new employees.
  - (b) At the induction program for all new councillors.
  - (c) At the induction program for all volunteers and delegates.
  - (d) Regular refreshers.



- (e) Fraud and Corruption prevention information through meetings, memos and other internal publications.
- (f) Follow up meetings with staff after internal and external audits where relevant.

## **10. Fraud and Corruption Mitigation Practices**

10.1. Narrabri Shire Council recognises that appropriate policies and procedures must be implemented in certain operational areas to regulate and enable the monitoring of particular activities. These areas within Council include:

- (a) Risk Management
  - (i) Risk Assessment and management pursuant to the Risk Management Framework.
- (b) Finance
  - (i) Cash Handling Procedures;
  - (ii) Petty Cash Handling Procedures; and
  - (iii) Corporate Credit Card Procedures.
- (c) Governance
  - (i) Procurement and Disposal of Assets Policies;
  - (ii) Councillors' Expenses and Facilities Policy; and
  - (iii) Public Interest Disclosures Policy.
- (d) Ethics
  - (i) Code of Conduct;
  - (ii) Fraud and Corruption Policy; and
  - (iii) Statement of Business Ethics.
- (e) Fraud Detection
  - (i) Fraud detection mechanisms/controls to aid in the early detection of suspicious or fraudulent behaviours. Such mechanisms may include monitoring staff and transactions and internal audit activities.
  - (ii) The Stock take of equipment and resources provided for staff.

## **11. Review**

This policy will be reviewed within 12 months of an Ordinary Council Election or such other time on an as-needs basis.



## References

- *Local Government Act 1993* (NSW).
- *Independent Commission Against Corruption Act 1988* (NSW)
- *Public Interest Disclosure Act 1994* (NSW)
- Narrabri Shire Council Code of Conduct 2019
- Gifts and Benefits Policy
- Procurement Policy
- ICAC *Sample Fraud and Corruption Control Policy*

## History

Minute Number	Meeting Date	Description of Change
Draft Policy	November 26, 2019	For Adoption and Exhibition
027/2020	February 25, 2020	Adopted
	February 12, 2020	Rebranded
	2022	Reviewed



## GIFTS AND BENEFITS POLICY

<b>Responsible Department:</b>	Corporate and Commercial Services
<b>Responsible Section:</b>	Governance and Risk
<b>Responsible Officer:</b>	Manager Governance and Risk

### Objective

To develop and maintain policy on the receipt of gifts and benefits consistent with the *Local Government Act 1993* (NSW) and *Local Government Regulation 2021* (NSW), as guided by the ICAC in maintaining accountability of the individual and the integrity of Council.

This policy should be read in conjunction with Council's Code of Conduct.

### Policy

#### 1. Gifts and Benefits

- 1.1. Council officials and employees must:
  - (a) Never solicit gifts and benefits;
  - (b) Never accept gifts of money;
  - (c) Always consider the value and purpose of a gift or benefit in light of this policy and the Code of Conduct before making any decisions about accepting it."
- 1.2. If an employee becomes aware of a staff member soliciting gifts or benefits or accepting money, they must report it immediately to the General Manager under the Code of Conduct, or as a Public Interest disclosure.
- 1.3. If Council Official is offered a gift of money (including offers of money to cover expenses for trips to view samples of work etc) it should be refused and the incident reported immediately to the officer's supervisor, the General Manager or, in the case of a Councillor, to the Mayor.
- 1.4. In deciding whether to accept a gift, consideration needs to be given to the provisions of this policy and the Code of Conduct, as well as:
  - (a) The motive of the gift giver;
  - (b) The actual or perceived effect of the gift;
  - (c) The cost of the gift; and
  - (d) Other situational factors.

#### 2. The motive of the gift giver

- 2.1. Gifts can be given with varying motives and purposes. The purpose for which a gift is given, to a certain extent, affects how it should be managed.
- 2.2. There are a number of potential types of gift or benefit based on motive:
  - (a) Gift of influence – a gift that is intended to generally ingratiate the giver with the recipient for favourable treatment in the future.

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- (e) Gift of gratitude – a gift offered to an individual or agency in appreciation of performing specific tasks or for exemplary performance of duties. Gifts to staff who speak at official functions would be considered gifts of gratitude.
  - (f) Token gift – a gift that is offered in business situations to an agency or public official representative of an agency. Such gifts are often small office or business accessories (eg. Pens, calendars, folders) that contain the company logo. They are usually products that are mass produced and not given as a personal gift.
  - (g) Ceremonial gift – an official gift from one agency to another agency. Such gifts are often provided to a host agency when conducting official business with delegates from another organisation. Although these gifts may sometimes be offered to express gratitude, the gratitude usually extends to the work of several people in the agency, and therefore the gift is considered to be for the agency, not a particular individual.
- 2.3. Gifts of influence should never be accepted.
- 2.4. Gifts of gratitude, token gifts and ceremonial gifts are acceptable under certain circumstances set out in Council's Code of Conduct. The below offers further guidance in addition to the Code of Conduct.
- The actual or perceived effect of the gift**
- 2.5. If the likely perception of the gift-giving is that the gift could influence the recipient in the performance of their official function, the gift should not be accepted. This is so regardless of actual intent.
- The Cost of the Gift**
- 2.6. Gifts valued below the threshold in the Code of Conduct are for nominal gifts may be accepted. If a gift exceeds that value, it should be rejected, returned, or surrendered to Council in accordance with the Code of Conduct.
- 2.7. Nominal gifts that are gestures of appreciation or ceremonial gifts may be accepted, but must be recorded in Council's Gifts and Benefits Register.

### 3. Other situational factors

- 3.1. Certain elements of Council need to exercise greater care when considering accepting gifts or benefits, such as those involved in:
- (a) Regulatory functions;
  - (b) Procurement and disposal; and
  - (c) Approvals and orders.

### 4. Gifts and Benefits Register

- 4.1. The Gift and Benefits Register acts as a record of any gifts or benefits received by Council or its staff, and is available to the public. It includes details of the nature and value of the gift, who gave it, and what decision was made about the use or disposal of the gift. Therefore, if any issues arise later, there is a record proving that Council has been open and transparent in dealing with the gift.
- 4.2. Registering the acceptance of a gift on the Gift Register does not necessarily mean that it is ethical or appropriate to accept the gift in the first place. Anyone who is concerned about the offer of any gift/benefit should not be accepting the gift at all.



## References

- *Local Government Act 1993* (NSW)
- *Local Government (General) Regulation 2021* (NSW).
- *Code of Conduct*

## History

Minute Number	Meeting Date	Description of Change
602/2001	December 18, 2001	Adopted
292/2007	May 15, 2007	Adopted
316/2009	April 21, 2009	Reviewed
26/2012	February 21, 2012	Reviewed
210/2013	April 2, 2013	Reviewed
	2022	Reviewed



## LIBRARIES CHILDREN POLICY

**Responsible Department:** Planning and Sustainability  
**Responsible Section:** Library Services  
**Responsible Officer:** Manager Tourism and Cultural Services

### Objective

This policy aims to provide a framework to manage the provision of services to children and young people visiting Narrabri Shire Council's Libraries.

### Introduction

Narrabri Shire Libraries are committed to serving the information and recreation needs of young people and children in the community. The libraries strive to provide a welcoming environment, with targeted resources and programs to meet young people's needs.

### Policy

#### 1. Definitions

Term	Meaning
Children/Young Person	A person under the age of 18.
Child Related Employment	Engagement in work that is designated by relevant legislation as Child Related Employment
Electronic Resources	Any resource that is created, stored, processed, presented, or produced by electronic means.

#### 2. Child Safe Principles

- 2.1. Narrabri Shire Council is committed to being a child safe organisation in its contact with children and young people.
- 2.2. The General Manager will ensure that, where staff hold a reasonable suspicion of harm or neglect towards children, it is reported to the appropriate authority.
- 2.3. The General Manager will ensure that where a disclosure is made by a child or young person, it is:
  - (a) Treated seriously;
  - (b) Afforded all appropriate confidentiality, subject to the law.
- 2.4. Despite 2.3(b) above, in some circumstances disclosures are required to be reported to certain authorities and/or the child or young person's parents/guardians.
- 2.5. The General Manager will ensure that reportable conduct and reportable convictions are reported to the appropriate authority.
- 2.6. The General Manager will ensure that Council Staff who are identified as working in "child related employment" will hold a current Working with Children Check at all times.





### 3. Services

- 3.1. Narrabri Shire Council Libraries will supply the following services to young people:
- (a) Fiction, non-fiction, and recreational books;
  - (b) Magazines;
  - (c) Computer games for in-library use;
  - (d) CDs;
  - (e) DVDs;
  - (f) Computer and internet access;
  - (g) Assistance from staff in accessing collections and information;
  - (h) Homework help;
  - (i) eBooks and eResources including streaming services;
  - (j) Internet training;
  - (k) Literacy programs;
  - (l) Space for activities and/or study.

### 4. Access to Electronic Resources

- 4.1. Only children or young people authorised by their parents to access electronic resources will be permitted to access Library electronic resources.
- 4.2. Parents and guardians are solely responsible for their child's access to and use of the library's internet facilities, including access to sites, their subject matter, and content.
- 4.3. Parents and guardians must ensure that their children or young person's use of the internet facilities accords with Council's Library Internet Policy.

### 5. Conduct of Children and Young People

- 5.1. Children and young people are expected to comply with the provisions of Part 3 of the *Library Regulation 2018* (NSW).
- 5.2. Children and young people are not to eat or drink in any Shire Library except in areas designated for that purpose, if any.
- 5.3. Disruptive and anti-social behaviours are not permitted in Shire Libraries.
- 5.4. Library users, including children and young people, are expected to refrain from accessing inappropriate media and documents.

### 6. Removal from the Library

- 6.1. The *Library Regulation 2018* (NSW) permits Council staff to order children and young people from the library if they contravene this policy.
- 6.2. Children and young people who contravene this policy may be removed from the library.
- 6.3. Children and Young people who disturb other library users may be removed from the library.

### 7. Classification of Resources

- 7.1. Council Libraries' general collection may contain resources that have been classified:
  - (a) Unrestricted
  - (b) General (G);
  - (c) Parental Guidance (PG);
  - (d) Mature (M);
  - (e) Mature Audience (MA); and
  - (f) Restricted (R).
- 7.2. Music recordings classified as level 3 by the Australian Recording Industry Association will not be available to persons under 18 years of age.
- 7.3. Resources classified unrestricted, G, and PG are available to all persons.
- 7.4. Resources classified MA will only be available to persons aged fifteen (15) years or older.
- 7.5. Resources classified R will only be available to persons aged eighteen (18) years or older.

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- 7.6. Access to resources classified MA and R will be restricted in an appropriate manner.
- 7.7. MA classified material will not be screened or demonstrated in the library in the presence of the public.
- 7.8. Certain streaming services include material that is classified MA and R. Council Libraries will implement measures to restrict access to that material on those streaming services.
- 7.9. Some parents/guardians may wish to impose additional restrictions on the nature of material their child or young person has access to. Parents/guardians are responsible for ensuring that their child's selection and use of materials in the general collection accords with any family-led restrictions.

## 8. Unattended Children

- 8.1. Libraries are not to be used by parents, guardians, or carers as an alternative to children's care facilities.
- 8.2. Libraries do not provide supervision to unattended children.
- 8.3. Where a child under 18 is left unattended and Council has a concern about the child's welfare, Council may report the child as a child at risk of harm to the relevant government authority.

## 9. Review

- 9.1. This policy will be reviewed within twelve (12) months of an Ordinary Council Election.
- 9.2. This policy may be reviewed at any other time when required.

## References

- *Local Government Act 1993* (NSW).
- *Local Government (General) Regulation 2021* (NSW).
- *Library Regulation 2018* (NSW).

## History

Minute Number	Meeting Date	Description of Change
153/2020	September 22, 2020	Adopted



## LIQUID TRADE WASTE POLICY

<b>Responsible Department:</b>	Planning and Sustainability
<b>Responsible Section:</b>	Regulatory Compliance
<b>Responsible Officer:</b>	Manager Regulatory Compliance

### Objective

Key objectives of the regulation of liquid trade waste discharges to the sewerage system are to:

- protect public and workers health and safety and the environment;
- protect council's assets from damage;
- minimise adverse impacts on the sewage treatment processes;
- protect the environment from the discharge of waste that may have a detrimental effect;
- assist in meeting regulatory and licence compliance;
- promote water conservation, effluent recycling and biosolids reuse; and
- promote waste minimization.

### Introduction

Liquid trade waste is all liquid waste other than sewage of a domestic nature.

Liquid trade waste includes non-domestic liquid waste discharges to council's sewerage system from:

- industrial premises
- business/commercial premises (such as beautician, florist, hairdresser, hotel, motel, restaurant, butcher, supermarket, etc.)
- community/public premises (including clubs, schools, colleges, universities, hospitals, and nursing homes)
- any commercial activities carried out at a residential premises
- saleyards, racecourses, stables, and kennels that are not associated with domestic households
- tankered human waste, ship-to-shore waste from marina pump-out facilities, portable toilet waste and established sites for the discharge of pan contents from mobile homes/caravans
- any other waste tankered to the sewerage facilities, such as commercial or industrial waste from areas that are not sewered.

Liquid trade waste excludes:

- toilet, hand wash basin (used for personal hygiene only), shower and bath wastes derived from all the premises and activities mentioned above
- wastewater from residential toilets, kitchens, bathrooms, or laundries (that is domestic sewage)
- wastewater from common laundry facilities in caravan parks (discharges from common kitchen facilities in caravan parks are liquid trade waste)
- residential pool backwash



## Policy

### 1. Definitions

Term	Meaning
<b>Assumed Concurrence</b>	Council may apply to the relevant NSW Government Department for delegation to assume concurrence for Classification B or Classification S activities. If granted, Council will no longer need to forward such applications to DWE for concurrence.
<b>Automatic Assumed Concurrence</b>	Councils have been authorised to assume the relevant NSW Government Department concurrence for Classification A activities. Such applications may be approved by Council without forwarding the application to the relevant NSW Government Department for concurrence.
<b>Bilge Water</b>	minor amounts of water collecting in the bilge of a vessel from spray, rain, seepage, spillage, and boat movements. Bilge water may be contaminated with oil, grease, petroleum products and saltwater.
<b>Biochemical Oxygen Demand (BOD<sub>5</sub>)</b>	The amount of oxygen utilised by micro-organisms in the process of decomposition of organic material in wastewater over a period of five days at 20°C. In practical terms, BOD is a measure of biodegradable organic content of the waste.
<b>Bio solids</b>	Primarily organic solid product produced by sewage processing. Until such solids are suitable for beneficial use, they are defined as wastewater solids or sewage sludge.
<b>Bunding</b>	Secondary containment provided for storage areas, particularly for materials with the propensity to cause environmental damage.
<b>Chemical Oxygen Demand (COD)</b>	A measure of oxygen required to oxidise organic and inorganic matter in wastewater by a strong chemical oxidant. Wastewaters containing high levels of readily oxidised compounds have a high COD.
<b>Chemical Toilet</b>	Toilet in which wastes are deposited into a holding tank containing a deodorizing or other chemicals; wastes are stored and must be pumped out (and chemical recharged) periodically.
<b>Commercial Kitchen/Caterer</b>	For the purpose of these Guidelines, a commercial kitchen is a premises that is typically a stand-alone operation and prepares food for consumption off-site. These types of businesses typically cater to wedding functions, conferences, parties, etc. This definition would not apply to a food processing factory supplying pre-prepared meals to an airline company or similar.
<b>Contingency Plan</b>	A set of procedures for responding to an incident that will affect the quality of liquid trade waste discharged to the sewerage system. The plan also encompasses procedures to protect the environment from accidental and unauthorised discharges of liquid trade waste to the stormwater drainage system, and leaks and spillages from stored products and chemicals.
<b>Director-General</b>	Director-General means the Director-General of the relevant NSW Government Department
<b>Due Diligence Program</b>	A plan that identifies potential health and safety, environmental or other hazards (e.g. spills, accidents or leaks) and appropriate corrective actions aimed at minimising or preventing the hazards.
<b>Concurrence</b>	is required before a council may approve an application for the discharge of liquid trade waste (including septic tank and pan waste) to the sewerage system. It is a requirement under <i>Local Government Act 1993</i> (NSW) s 90(1) and <i>Local Government (General) Regulation 2021</i> (NSW) reg 28 that council obtain the written concurrence of the Director-General prior to approving such waste to be discharged to the council's sewerage system.
<b>Effluent</b>	The liquid discharged following a wastewater treatment process.



Term	Meaning
<b>Effluent Improvement Plan (EIP)</b>	The document required to be submitted by a discharger who is not meeting the acceptance limits for discharge waste quality set down in Council's approval conditions and/or liquid trade waste agreement. The document sets out how the discharger will meet the acceptance limits for the discharge of liquid trade waste to the sewerage system within the agreed timeframe.
<b>Galley Waste</b>	In this Policy, a liquid waste from a kitchen or a food preparation area of a vessel; solid wastes are excluded.
<b>Heavy Metals</b>	Metals of high atomic weight which in high concentrations can exert a toxic effect and may accumulate in the environment and the food chain. Examples include mercury, chromium, cadmium, arsenic, nickel, lead, and zinc.
<b>Housekeeping</b>	is a general term, which covers all waste minimisation activities connected with the way in which operations within the premises are carried out.
<b>Industrial Discharges</b>	Industrial liquid trade waste is defined as liquid waste generated by industrial or manufacturing processes.
<b>Local Government Regulation</b>	<i>Local Government (General) Regulation 2021</i> (NSW) under the <i>Local Government Act 1993</i> (NSW).
<b>Liquid Trade Waste</b>	Liquid trade waste means all liquid waste other than sewage of a domestic nature.
<b>Mandatory Concurrence</b>	For the liquid waste in Classification C, councils will need to obtain concurrence from DWE for each discharger.
<b>Methylene Blue Active Substances (MBAS)</b>	These are anionic surfactants (see Surfactants definition) and are called MBAS as their presence and concentration is detected by measuring the colour change in a standard solution of methylene blue dye.
<b>Minimal Pre-treatment</b>	For the purpose of this Policy includes sink strainers, basket arrestors for sink and floor waste, plaster arrestors and fixed or removable screens.
<b>Open Area</b>	Any unroofed process, storage, washing or transport area potentially contaminated with rainwater and substances which may adversely affect the sewerage system or the environment.
<b>Pan</b>	For the purpose of this Policy "pan" means any moveable receptacle kept in a closet and used for the reception of human waste.
<b>pH</b>	A measure of acidity or alkalinity of an aqueous solution, expressed as the logarithm of the reciprocal of the hydrogen ion (H <sup>+</sup> ) activity in moles per litre at a given temperature; pH 7 is neutral, below 7 is acidic and above 7 is alkaline.
<b>Premises</b>	Has the same meaning as defined in the <i>Local Government Act 1993</i> (NSW) and includes any of the following: a building of any description or any part of it and the appurtenances to it; land, whether built on or not; <ul style="list-style-type: none"> <li>• a shed or other structure;</li> <li>• a tent;</li> <li>• a swimming pool;</li> <li>• a ship or vessel of any description (including a houseboat); or</li> <li>• a van.</li> </ul>
<b>Prescribed Pre-treatment Equipment</b>	is defined as standard non-complex equipment used for pre-treatment of liquid trade waste, e.g. a grease arrestor, an oil arrestor/separator, solids arrestor, cooling pit (refer to the current <i>Liquid Trade Waste Management Guidelines</i> ).
<b>Primary Measurement Device</b>	A device such as a gauging pit, weir tank or flume installed in the liquid trade waste discharge line suitable for installation of instrumentation for flow measurement. In cases of commercial flows this can mean a removable section of pipe (in the fresh water supply to the trade waste area) and the installation of a check meter.





Term	Meaning
<b>Relevant NSW Government Department</b>	The specific department that is responsible for Liquid Trade Waste. This is currently the NSW Department of Planning and Environment.
<b>Septage</b>	Material pumped out from a septic tank during desludging; contains partly decomposed scum, sludge, and liquid.
<b>Septic Tank</b>	Wastewater treatment device that provides a preliminary form of treatment for wastewater, comprising sedimentation of settleable solids, flotation of oils and fats, and anaerobic digestion of sludge.
<b>Septic Tank Effluent</b>	The liquid discharged from a septic tank after treatment.
<b>Sewage Management Facility</b>	A human waste storage facility or a waste treatment device intended to process sewage and includes a drain connected to such a facility or device.
<b>Sewage of Domestic Nature</b>	Includes human faecal matter and urine and waste water associated with ordinary kitchen, laundry, and ablution activities of a household, but does not include waste in or from a sewage management facility.
<b>Sewerage System</b>	The network of sewage collection, transportation, treatment, and by-products (effluent and bio solids) management facilities.
<b>Ship-to-Shore Pump-out</b>	Liquid waste from a vessel that may be considered for disposal to the sewerage system. This includes on-board toilet wastes, galley wastes and dry dock cleaning wastes from maintenance activities.
<b>Sullage</b>	Domestic wastewater excluding toilet waste.
<b>Surfactants</b>	The key active ingredient of detergents, soaps, emulsifiers, wetting agents and penetrants. Anionic surfactants react with a chemical called methylene blue to form a blue-chloroform-soluble complex; the intensity of colour is proportional to concentration.
<b>Suspended Solids (SS)</b>	The insoluble solid matter suspended in wastewater that can be separated by laboratory filtration and is retained on a filter. Previously also referred to as non-filterable residue (NFR).
<b>Total Dissolved Solids (TDS)</b>	The total amount of dissolved material in the water.

## 2. Legislative Requirements

- 2.1. Pursuant to *Local Government Act 1993* (NSW) s 68, a person wishing to discharge liquid trade waste to the sewerage system must, obtain prior approval from Council.
- 2.2. Discharging liquid trade waste without an approval is an offence under *Local Government Act 1993* (NSW) s 626.
- 2.3. *Local Government Act 1993* (NSW) ch 7 governs the procedure for approving the discharge of liquid trade waste into the sewerage system.
- 2.4. Pursuant to the *Local Government (General) Regulation 2021* (NSW) reg 28 a council must not grant an approval under *Local Government Act 1993* (NSW) s 68 to discharge trade waste (whether treated or not) into a sewer of Council unless the relevant NSW Government department has concurred with the approval.

## Part 1 – Exemptions

### 3. Narrabri Shire Council Exemptions for Obtaining Approval of Liquid Trade Waste Discharge.



- 3.1. The following table lists commercial business activities that the NSW Government has consented to an exemption from the requirement to apply for approval for liquid trade waste discharge to the sewerage system.
- 3.2. Each such business must meet the standard requirements specified below.
- 3.3. An annual trade waste fee applies to each such discharger.

**Table 3: Exemptions**

Activity	Requirements
1. Beautician	1.1. Nil.
2. Bed and Breakfast (not more than 10 persons including the proprietor)	2.1. Sink strainers in food preparation areas. 2.2. Housekeeping practices (see Note 4).
3. Community hall (minimal hot food)	3.1. Sink strainers in food preparation areas. 3.2. Housekeeping practices (see Note 4).
4. Day care centre (no hot food prepared)	4.1. Sink strainers in food preparation areas. 4.2. Housekeeping practices (see Note 4).
5. Delicatessen – no hot food prepared	5.1. Sink strainers in food preparation areas. 5.2. Housekeeping practices (see Note 4).
6. Dental technician (no X-ray)	6.1. Plaster arrestor required.
7. Companion Animal Groomers	7.1. Floor waste basket and sink strainer required (see Note 3). 7.2. No organophosphorus pesticides may be discharged to sewer.
8. Florist	8.1. Floor waste basket and sink strainer required. 8.2. No herbicides or pesticides may be discharged into the sewer.
9. Fruit and vegetable – retail	9.1. Floor waste basket and sink strainer required (see Note 3).
10. Funeral parlour	10.1. Floor waste basket required. 10.2. Formaldehyde is not to be discharged to the sewer.
11. Hairdresser	11.1. Floor waste basket and sink strainer (where available).
12. Jewellery shop	<b>Miniplater:</b> 12.1. Miniplater vessel to contain no more than 1.5 litres of precious metal solution <b>Ultrasonic Washing:</b> 12.2. Nil <b>Precious Stone Cutting (if &lt; 1000 Litre per day):</b> 12.3. plaster arrestor required <b>Precious Stone Cutting (if &gt; 1000 Litre per day):</b> 12.4. general purpose pit required
13. Mixed business (minimal hot food)	13.1. Floor waste basket and sink strainer required (see Note 3). 13.2. Housekeeping practices (see Note 4).
14. Mobile cleaning units	<b>Carpet Cleaning:</b> 14.1. 20-micron filtration system fitted to a mobile unit. <b>Garbage Bin Washing:</b> 14.2. Floor waste basket required. 14.3. Discharge is via grease arrestor (if available).
15. Motel (no hot food prepared and no laundry facility)	15.1. Floor waste basket and sink strainer required (see Note 3). 15.2. Housekeeping practices (see Note 4).
16. Nut Shop	16.1. Floor waste basket and sink strainer required (see Note 3).
17. Optical service - retail	17.1. Solids settlement tank or pit required.
18. Pet shop – retail	18.1. Floor waste basket and sink strainer required (see Note 2).
19. Pizza reheating for home delivery	19.1. Housekeeping practices (see Note 4).





<b>20. Sandwich shop, salad bar, coffee shop (no hot food prepared)</b>	20.1.Floor waste basket & sink strainer required (see Note 3). 20.2.Housekeeping practices (see Note 4).
<b>21. Venetian blind cleaning</b>	21.1.Nil (see Note 2).

**Notes:**

1. Where "required" is used it means as required by Council.
2. If activity is conducted outdoors, the work area is to be roofed and bunded to prevent stormwater ingress into the sewerage system.
3. All drainage from floors in food preparation areas is required to pass through a floor waste basket.
4. Food preparation activities need to comply with sound housekeeping practices including:
  - a. Floor must be dry swept before washing.
  - b. Pre-wiping of all utensils, plates, bowls etc. to the scrap bin before washing up.
  - c. Use of a food waste disposal unit is not permitted

## **Part 2 – Criteria for Approval to Discharge Liquid Trade Waste into Council's Sewerage System**

### **4. Factors for Consideration:**

- 4.1. Council's decision to accept liquid trade waste into the sewerage system will be based on the discharge meeting Council's requirements.
- 4.2. When determining an application to discharge liquid trade waste into the sewerage system, Council will consider the following factors:
  - (a) The potential for the liquid trade waste discharge to impact on public health;
  - (b) The possible impacts the discharge may pose to the environment (land, water, air, noise, or nuisance factors);
  - (c) The potential impacts of the discharge on the health and safety of the Council's employees;
  - (d) The possible impact of the discharge on Council's sewerage infrastructure or sewage treatment process;
  - (e) The capability of the sewerage system (both transportation and treatment components) to accept the quality and quantity of the proposed liquid trade waste discharge;
  - (f) The impact the liquid trade waste will have on the ability of the sewerage scheme to meet Department of Environment and Climate Change (DECC) licence requirements;
  - (g) Compliance of the proposed liquid trade waste discharge with guideline limits in this policy;
  - (h) The potential impacts of the discharge on the quality of, and management practices for, effluent and bio solids produced from the sewage treatment process;
  - (i) The adequacy of the pre-treatment process(es) to treat the liquid trade waste to a level acceptable for discharge to the sewerage system, including proposed safeguards if the pre-treatment system fails; and
  - (j) Whether appropriate safeguards are proposed to avoid the discharge of other, non-approved wastes to the sewerage system.
- 4.3. The quality of trade waste from some low-risk commercial activities in Classification A will exceed guideline limits in Council's trade waste policy.
- 4.4. As a higher level of pre-treatment is not cost-effective, such waste is acceptable if the discharger installs and properly operates and maintains the required pre-treatment equipment (refer to current Liquid Trade Waste Management Guidelines).



- 4.5. Septic and pan waste may exceed some guideline limits in the following circumstances:
- (a) The adequacy of any chemical storage and handling facilities, and the proposed safeguards for preventing the discharge of chemicals to the sewerage system;
  - (b) Whether prohibited substances are proposed to be discharged;
  - (c) The potential for stormwater entering the sewerage system and adequacy of proposed stormwater controls;
  - (d) Waste minimisation and water conservation programs; and
  - (e) The adequacy of the proposed Due Diligence Program and Contingency Plan, where required.

## 5. Discharge Quality:

- 5.1. Council has guideline limits for the acceptance of discharges.
- 5.2. Council may vary the guideline limits for a particular sewage treatment works.
- 5.3. Where the guideline limits cannot be met, applicants are required to provide justification for exceeding the limits.
- 5.4. Based on the type and the proposed contaminant levels, Council may refuse the application, or may approve it subject to an effluent improvement program, or other conditions being implemented.

## 6. Prohibited Substances

- 6.1. Some substances are not suitable for discharge to the sewerage system.
- 6.2. This Policy sets out those substances which must not be discharged to the sewerage system.
- 6.3. Council may not grant approval for the discharge of these substances into the sewerage system unless it is specifically approved under the *Local Government Act 1993* (NSW) s 68.

## 7. Stormwater Discharges from Open Areas

- 7.1. Stormwater is a prohibited discharge under this policy.
- 7.2. The ingress of stormwater into the sewerage system can cause operational problems to the system and result in sewer overflows, as the sewerage system does not have the capacity for such flows. Therefore, Council does not generally accept the discharge of stormwater to the sewerage system.
- 7.3. It is, however, recognised that it may not always be possible or practical to prevent all stormwater entering the sewerage system at some liquid trade waste premises.
- 7.4. The discharge of limited quantities of first flush water from sealed areas will be considered where roofing cannot be provided because of safety or other important considerations.
- 7.5. The discharge from unsealed areas is not permitted.
- 7.6. Before the stormwater will be considered for discharge to the sewerage system, the applicant must provide the following information:
  - (a) reasons why the area cannot be fully or partially roofed and banded to exclude stormwater;
  - (b) the dimensions and a plan of the open area under consideration;
  - (c) whether the open area is sealed;
  - (d) the estimated volume of the stormwater discharge;
  - (e) information on rain gauging;
  - (f) where a first-flush system is proposed, details on how the stormwater will be diverted to the drainage system after the first flush is accepted (the first flush to be limited to first 10 mm of storm run-off);



- (g) measures proposed for diverting stormwater away from the liquid trade waste generating area; and
  - (h) report on other stormwater management options considered and why they are not feasible.
- 7.7. Trade waste charges for the acceptance of stormwater to the sewerage system are outlined at clause 4 of this Policy.

## 8. Food Waste Disposal Units

- 8.1. The use of food waste disposal units (also known as in-sinkerators, in-sink food waste disposers, or garbage grinders) is not permitted.
- 8.2. Existing installations in hospitals and nursing homes may be permitted, so long as wastewater is discharged through an adequately sized grease arrestor.
- 8.3. For existing premises, a food waste disposal charge will be levied based on the number of beds in the hospital or nursing home (refer to clause 18.13 of this Policy).
- 8.4. If the hospital or nursing home kitchen is refurbished, the food waste disposal unit must be removed.

## 9. Devices that Macerate or Pulverise Waste

- 9.1. Macerators and any other similar devices that are used for pulverising of solid waste are not authorised to connect to Council's sewerage system (Refer to the current NSW Code of Practice: Plumbing and Drainage).
- 9.2. Solid waste includes, but is not limited to, sanitary napkin, placenta, surgical waste, disposable nappy, mache bedpan and urine containers.
- 9.3. Council will not accept any discharges from such devices into its sewerage system.

## 10. Use of Additives in Pre-treatment Systems

- 10.1. Council does not allow solvents, enzymes, bio additives, and odour control agents to be used in pre-treatment systems (except neutralising chemicals designated for the pre-treatment) except by specific written application and subsequent approval.

## 11. Guideline Limits for Acceptance of Liquid Trade Wastes into Sewerage System

**Table 11(a) – Guideline Limits for Acceptance of Liquid Trade Wastes into Sewerage System**

Parameter	General Acceptance Guideline Limits
<b>1. Flow Rate</b>	<ul style="list-style-type: none"> <li>1.1. The maximum daily and instantaneous rate of discharge (1 kL/h) is set on the available capacity of the sewer.</li> <li>1.2. Large dischargers are required to provide a balancing tank to even out the load on the sewage treatment works.</li> </ul>
<b>2. BOD<sub>5</sub> and Suspended Solids</b>	<ul style="list-style-type: none"> <li>2.1. Normally, approved at 300 mg/L each. Concentration up to 600mg/L and in some cases higher concentration for low mass loadings may be acceptable if the treatment works has sufficient capacity and odour will not be a problem.</li> </ul>
<b>3. COD</b>	<ul style="list-style-type: none"> <li>3.1. Normally, not to exceed BOD<sub>5</sub> by more than three times.</li> <li>3.2. This ratio is given as a guide only to prevent the discharge of non-biodegradable waste.</li> </ul>



Parameter	General Acceptance Guideline Limits
<b>4. Total Dissolved Solids</b>	4.1. Between 1000 to 2000 mg/L ((inclusive) may be accepted. 4.2. The acceptance limit may be reduced depending on available effluent disposal options and will be subject to a mass load limit.
<b>5. Temperature</b>	5.1. Less than 38°C.
<b>6. pH</b>	6.1. Within the range 7.0 to 9.0.
<b>7. Oil and Grease</b>	7.1. 100 mg/L if the volume of the discharge does not exceed 10% of the design capacity of the treatment works, and 50 mg/L if the volume is greater than 10%.
<b>8. Detergents</b>	8.1. All industrial detergents are to be biodegradable. A limit on the concentration of 50 mg/L (as MBAS) may be imposed on large liquid trade wastes.
<b>9. Colour</b>	9.1. No visible colour when the waste is diluted to the equivalent dilution afforded by domestic sewage flow.
<b>10. Radioactive Substances</b>	10.1. The discharge must comply with the <i>Radiation Control Act 1990</i> (NSW)

**Table 11(b) – Inorganic Compounds: Guideline Limits for Acceptance of Liquid Trade Wastes into Sewerage System**

Parameter	Maximum Concentration (mg/L)
Ammonia (as N)	50
Boron	25
Bromine	5
Chlorine	10
Cyanide	5
Fluoride	20
Nitrogen (total Kjeldahl)	100
Phosphorus (total)	20
Sulphate (as SO <sub>4</sub> )	100
Sulphide (as S)	1
Sulphite (as SO <sub>3</sub> )	15

**Table 11(c) – Organic Compounds: Guideline Limits for Acceptance of Liquid Trade Wastes into Sewerage System**

Parameter	Maximum Concentration (mg/L)
Benzene	0.1
Benzene, Toluene, Ethyl benzene, Xylene (BTEX)	1
Formaldehyde	50
Phenolic compounds (except pentachlorophenol)	10



Parameter	Maximum Concentration (mg/L)
Petroleum hydrocarbons (non-flammable)*	30
Pesticides general (except organochlorine and organophosphorus)*	0.1
Polynuclear Aromatic Hydrocarbons (PAHs)	5

**Table 11(d) – Metals: Guideline Limits for Acceptance of Liquid Trade Wastes into Sewerage System**

Parameter	Maximum concentration (mg/L)	Allowed daily mass limit
Aluminium	100	-
Arsenic	1	2
Cadmium	2	6
Chromium (Note 1)	5	15
Cobalt	5	15
Copper	5	15
Iron	100	-
Lead	2	6
Manganese	10	30
Mercury	0.02	0.05
Molybdenum	10	30
Nickel	5	15
Selenium	5	15
Silver (Note 2)	2	6
Tin	5	15
Zinc	5	15
Total metals excluding aluminium, iron, manganese, and molybdenum	Less than 30 mg/L and subject to total mass loading requirements	Total metals excluding aluminium, iron, manganese, and molybdenum

**Notes:**

1. Where hexavalent chromium ( $\text{Cr}^{6+}$ ) is present in the process water, pre-treatment will be required to reduce it to the trivalent state ( $\text{Cr}^{3+}$ ), prior to discharge into the sewer. Discharge of hexavalent chromium ( $\text{Cr}^{6+}$ ) from chromate compounds used as corrosion inhibitors in cooling towers is not permitted.
2. This limit is applicable to large dischargers. The concentration of silver in photo processing waste where a balancing tank is provided is not to exceed 5 mg/L.



## 12. Substances Prohibited from being Discharged into the Sewerage System

- 12.1. Pursuant to the *Local Government Act* 1993 (NSW) s 638, the following substances are prohibited from being discharged into the sewerage system:
- (a) animal matter (including carcasses but not including human waste), wool, hair, grease outside acceptance guidelines (refer to clause 11 of this Policy), dust, ashes, cinders, soil, rubbish, filth, oil, salt, mud, sand, gravel, garbage, offal, vegetable or fruit parings, rags, house refuse, steam, or solid matter;
  - (b) any flammable or explosive substance;
  - (c) any substance assessed as not suitable to be discharged into the sewerage system;
  - (d) any substances liable to produce noxious or poisonous vapours in the sewerage system;
  - (e) chromate from cooling towers;
  - (f) discharges from 'Bulk Fuel Depots';
  - (g) natural or synthetic resins, plastic monomers, synthetic adhesives, rubber and plastic emulsions;
  - (h) organic solvents and mineral oil;
  - (i) organochlorine weedicides, fungicides, pesticides, herbicides, and substances of a similar nature and/or wastes arising from the preparation of these substances;
  - (j) organophosphorus pesticides and/or waste arising from the preparation of these substances;
  - (k) rain, surface, seepage, or subsoil water, unless specifically permitted;
  - (l) solid matter;
  - (m) waste liquids that contain pollutants at concentrations which inhibit the sewage treatment process – refer Guidelines for Sewerage Systems: Acceptance of Trade Waste (Industrial Waste) (ARMCANZ/ANZECC);
  - (n) waste liquids that contain a percentage of any substance, or is of a temperature, that Council considers is likely to:
    - (i) endanger public health, public safety or public amenity or the environment;
    - (ii) be damaging to Council's sewerage system or treatment works;
    - (iii) form compounds that may because damage to Council's sewerage system or treatment works; or
    - (iv) injure employees engaged in the operation or maintenance of the council's sewerage system or treatment works or the health of those employees;
  - (o) any other substances listed in a relevant regulation.

## Part 3 – Matters Relating To Liquid Trade Waste Approvals

### 13. Application Procedures

- 13.1. The relevant application forms (available from Council's website) must be completed to obtain Council's approval to discharge liquid trade waste to Council's sewerage system.
- 13.2. If a person wishes to discharge liquid trade waste to the sewerage system but is not the owner of the premises, the person must obtain the owner's consent to the application.
- 13.3. The applicant must provide the following information:
- (a) Site owner's full name, address, contact telephone number;
  - (b) Address of the business/industry where discharge to the sewerage system will occur;
  - (c) Name of contact person for the premises and telephone contact for the business/industry;
  - (d) Type of process/activity generating the liquid trade waste;
  - (e) Normal hours of business operation;
  - (f) Rate of discharge, including:





- (v) The average per day, maximum per day and per hour, and
  - (vi) Hours of the day during which discharge will take place;
  - (g) Characteristics of wastes, including:
    - (i) Nature of source, and
    - (ii) Expected maximum and average concentrations of pollutants;
  - (h) Chemicals to be used – must supply Material Safety Data Sheets;
  - (i) Details of any proposed pre-treatment facilities, location and site plan, details should include:
    - (i) Pre-treatment process details,
    - (ii) Internal wastewater drainage,
    - (iii) Pump size;
    - (iv) Rising main size, length, and profile;
    - (v) System operational characteristics,
    - (vi) Operational procedures,
    - (vii) Provisions for sampling and flow measurement, where required; and
    - (viii) Proposed connection point to the sewerage system;
  - (j) Flow diagram and hydraulic profile of proposed liquid trade waste pre-treatment facilities;
  - (k) Maintenance schedule for pre-treatment equipment, including contractor's details;
  - (l) Stormwater drainage plan;
  - (m) Measures for prevention of stormwater ingress into the sewerage system;
  - (n) Manifest showing the location, nature and chemical composition of all substances stored/used on site;
  - (o) Justification for disposing of the waste into the sewerage system over other possible options (if any);
  - (p) Methods of disposal for other wastes that are not discharged to the sewerage system;
  - (q) Any relevant environmental impact assessments; and
  - (r) Any additional information as requested by council.
- 13.4. Where sampling and testing are required to establish the quality of the liquid trade waste, the testing should be carried out in accordance with the procedures set out in the *Standard Methods for the Examination of Water and Wastewater* published by the American Public Health Association, American Water Works Association and Water Pollution Control Federation.
- 13.5. The following information needs to be provided regarding the discharge of septic tank and pan waste to the sewerage system:
- (a) Identification of the pump out service provider;
  - (b) Proposed method of discharge including plans and drawings if appropriate;
  - (c) Details of any proposed facilities for a disposal point, location and site plan (if applicable). Details should include the proposed connection point to the sewerage system;
  - (d) Security arrangements at the proposed disposal site (if applicable);
  - (e) The provision of freshwater for hosing down where needed;
  - (f) Bunding and measures to prevent the ingress of stormwater at the proposed dump point, if applicable
  - (g) The use of odour inhibiting or other chemicals, if any, and their dosage rates;
  - (h) Statement that septic effluent will not be mixed with septage, or grease trap pump out, ie. Dedicated tankers will be used for each type of waste;
  - (i) For boat marina facility – the type and number of vessels either moored at the marina and/or would utilise the pump-out facility on a regular basis:
    - (i) private
    - (ii) commercial.





#### 14. Approval of Applications

- 14.1. Council may request an applicant to provide more information to enable it to determine the application, pursuant to the *Local Government Act 1993* (NSW) s 86.
- 14.2. Where an application is approved, Council will notify the applicant as soon as practical of the approval and any conditions of the approval.
- 14.3. The duration of the approval will be as stated in the approval.
- 14.4. In cases where Council requires a discharger to enter into a Liquid Trade Waste Services Agreement (refer to clause 20 of this Policy) Council will issue a deferred commencement approval under *Local Government Act 1993* (NSW) s 95 requesting the discharger do so within the time specified in Council's letter.
- 14.5. In such cases, the approval will not be operative until the agreement has been executed by the discharger.
- 14.6. An applicant may make a minor amendment or withdraw an application before it is approved by Council. An applicant may also apply to Council to renew or extend an approval, pursuant to *Local Government Act 1993* (NSW) s 107.
- 14.7. If an application is refused, Council will notify the applicant of the grounds for refusal.
- 14.8. An approval to discharge liquid trade waste to Council's sewer is not transferable. A new application must be lodged, and a new approval obtained if there is a change of the approval holder or the activity.
- 14.9. Council must be notified of change of ownership and/or occupier in all cases as soon as reasonably practicable, whether a new approval is required or not, to allow updating of records.

#### 15. Concurrence of the Department of Water and Energy

- 15.1. If Council supports an application and has a notice stating that concurrence of relevant NSW Government department, can be assumed for the waste relevant to the application, Council will approve the application. Otherwise, Council will seek concurrence from the relevant NSW Government department in accordance with the requirements of *Local Government Act 1993* (NSW) s 90(1).
- 15.2. Liquid trade waste discharges are divided into four (4) classifications for the purpose of the concurrence process.
  - (a) **Concurrence Classification A:** liquid trade waste dischargers for which Council may automatically assume concurrence to the approval subject to certain requirements.
  - (b) **Concurrence Classification B:** liquid trade waste dischargers whereby Council may apply to the relevant NSW Government Department for assumed concurrence to the approval subject to certain requirements; and
  - (c) **Concurrence Classification S:** the acceptance of septic tank, pan waste and ship-to-shore pump-out. Council may apply to the NSW Government Department for assured concurrence to the approval subject to certain conditions.
  - (d) **Concurrence Classification C:** all other liquid trade waste dischargers that do not fall within Concurrence Classification A, B or S, and therefore require Council to apply to NSW Government Department for concurrence.
- 15.3. Councils have already been given notice of assumed concurrence for Concurrence Classification A liquid trade waste discharges. These are listed in clause 16 of this Policy and Council will not need to



seek concurrence from the relevant NSW Government department for approval of trade waste applications for these activities.

## 16. Liquid Trade Waste Discharges with Automatic Assumed Concurrence

### 16.1. Commercial retail food preparation activities with automatic assumed concurrence:

- (a) Bakery (retail);
- (b) Bed & Breakfast (<10 persons);
- (c) Bistro;
- (d) Boarding house/hostel kitchen;
- (e) Butcher shop (retail);
- (f) Café/coffee shop/coffee lounge;
- (g) Canteen;
- (h) Cafeteria;
- (i) Chicken/poultry shop (only fresh chickens/game sold);
- (j) Chicken/poultry shop (retail BBQ/charcoal chicken);
- (k) Club (kitchen wastes);
- (l) Commercial kitchen/caterer;
- (m) Community hall/civic centre;
- (n) Day care centre;
- (o) Delicatessen;
- (p) Doughnut shop;
- (q) Fast food outlet (McDonalds, KFC, Burger King, Pizza Hut, Red Rooster, etc.);
- (r) Fish shop (retail – fresh and/or cooked);
- (s) Food caravan;
- (t) Fruit and vegetable shop (retail);
- (u) Function centre;
- (v) Hotel;
- (w) Ice cream parlour;
- (x) Juice bar;
- (y) Mixed business;
- (z) Motel;
- (aa) Nightclub;
- (bb) Nursing home kitchen;
- (cc) Nut shop;
- (dd) Patisserie;
- (ee) Pie shop;
- (ff) Pizza shop;
- (gg) Restaurant;
- (hh) Salad bar;
- (ii) Sandwich shop;
- (jj) School canteen;
- (kk) Snack bar;
- (ll) Supermarket (with butcher/delicatessen/ seafood/or charcoal chickens); and
- (mm) Take-away food outlet;

### 16.2. Other commercial activities with automatic assumed concurrence:

- (a) Other commercial activities;
- (b) Animal wash (pound, stables, racecourse, kennels, mobile animal wash and veterinary with no X-ray);
- (c) Beautician;
- (d) Boiler blowdown;



- (e) Car detailing;
- (f) Cooling tower;
- (g) Craft activities (making of clay pottery, ceramics, cutting and polishing of gemstones or making of jewellery at clubs, cottage industries);
- (h) Dental surgery/dental specialist;
- (i) Dental technician;
- (j) Doctor's surgery-plaster casts (no X-rays, no laboratory);
- (k) Florist;
- (l) Funeral parlour, morgue;
- (m) Hairdressing (includes barbers);
- (n) Jewellery shop;
- (o) Laboratory (pathology/analytical);
- (p) Laundry or laundromat (coin operated);
- (q) Lawnmower repairs;
- (r) Mechanical repairs/workshop;
- (s) Mobile cleaning units;
- (t) Optical service;
- (u) Pet shop (retail);
- (v) School (Primary and Secondary);
- (w) Service station workshop;
- (x) Stone working;
- (y) Swimming pool/spa/hydrotherapy;
- (z) Vehicle washing (by hand/wand, automatic car wash, external truck wash or underbody/engine degrease only);
- (aa) Venetian blind cleaning;
- (bb) Veterinary /animal kennels with X-ray; and
- (cc) Waterless minilab.

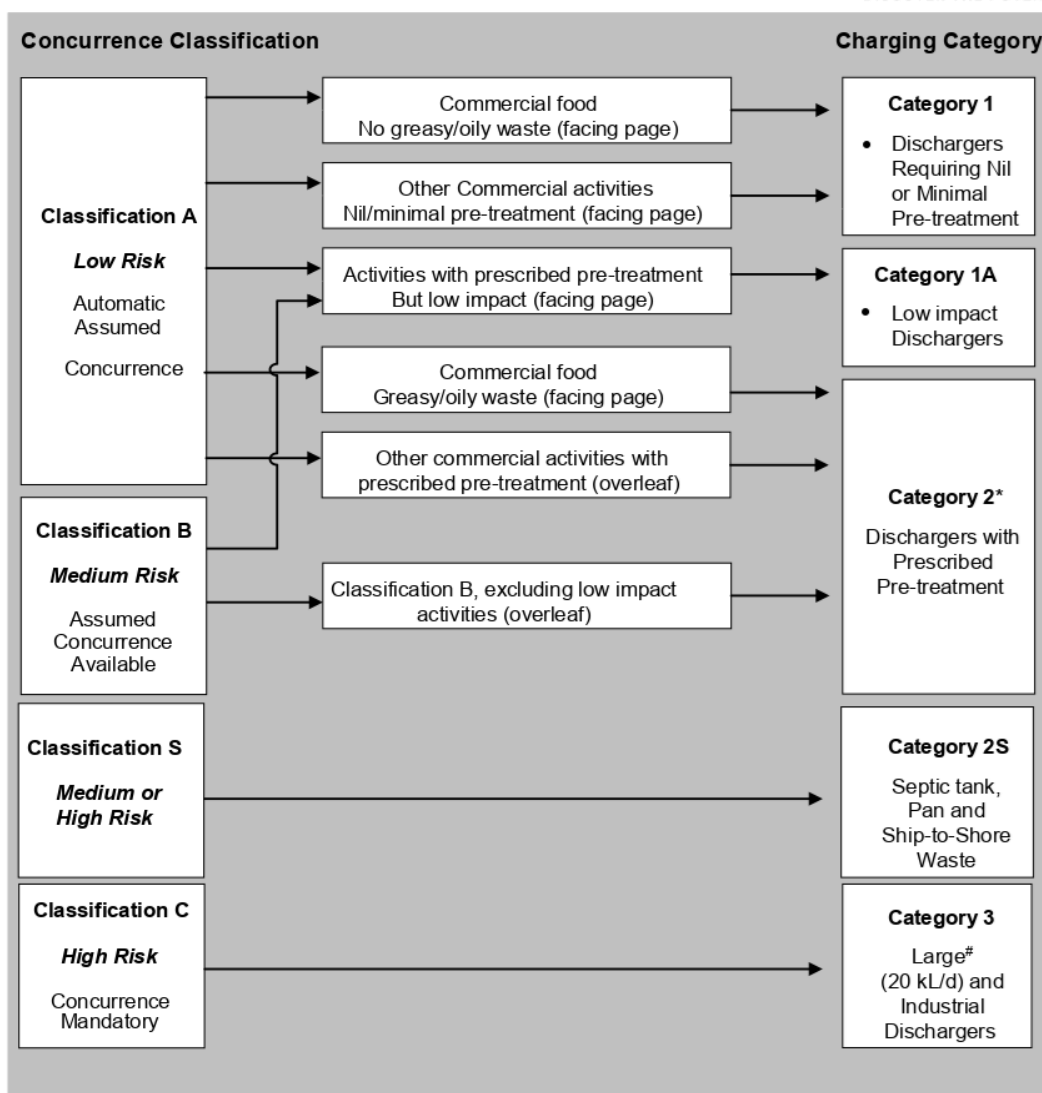
- 16.3. The volume of liquid trade waste must be less than 5 kL/d or 1000 kL/a except in the case of commercial retail food preparation activities, where up to 16 kL/d is included in this category.
- 16.4. If the waste discharged into the sewer exceeds these volumes, the application must be treated as Concurrence Classification B (Chapter 5 of Liquid Trade Waste Management Guidelines).
- 16.5. Discharges over 20 kL/d must be treated as Classification C.

### 17. Liquid Trade Waste Charging Categories

- 17.1. Four (4) classifications of liquid trade waste have been established for concurrence purposes, Classification A, B, C and S (refer clause 15.2 of this Policy).
- 17.2. For trade waste charging purposes liquid trade waste dischargers there are also four (4) Charging Categories: Category 1, 1A, 2, 2S and 3 (refer clause 17.3 of this Policy).
- 17.3. Figure 17: Liquid Trade Waste Classifications:



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- Classification A dischargers fall into Charging Category 1, 1A or Category 2.
- Classification B dischargers fall into Charging Category 2, except for a few dischargers with low impact on the sewerage system which fall into Category 1A.
- Classification S dischargers fall into Charging Category 2S.
- Classification C dischargers fall into Charging Category 3. Also includes fish shop (fresh fish for retail); Exceptions are: shopping complexes and institutions (hospital, educational facilities, correctional facilities, etc).

#### Category 1 Discharger

- Category 1 liquid trade waste dischargers are those conducting an activity deemed by Council as requiring nil or only minimal pre-treatment equipment and whose effluent is well defined and of a relatively low risk to the sewerage system.
- Trade waste dischargers requiring nil or minimal pre-treatment include:



(a) **Classification A activities – Retail food outlets with food preparation activities that do not generate an oily/greasy waste:**

- (i) Bakery (only bread baked on-site);
- (ii) Bistro (sandwiches, coffee only);
- (iii) Café/coffee shop/coffee lounge;
- (iv) Canteen, community hall (minimal food);
- (v) Day care centre;
- (vi) Delicatessen;
- (vii) Fruit and vegetable shop;
- (viii) Hotel;
- (ix) Ice cream parlour (take away only);
- (x) Juice bar;
- (xi) Mixed business;
- (xii) Motel;
- (xiii) Nightclub;
- (xiv) Nut shop;
- (xv) Pizza cooking/reheating (no preparation or washing up on-site, pizza heated and sold for consumption off-site);
- (xvi) Potato peeling (small operation);
- (xvii) Sandwich shop/salad bar; and
- (xviii) Take away food outlet.

(b) **Classification A activities – Other commercial activities:**

- (i) Animal wash;
- (ii) Beautician;
- (iii) Hairdresser;
- (iv) Crafts <200 l/d, dental surgery (plaster casts, no x-ray unless digital);
- (v) Doctor's surgery (plaster casts, no x-ray);
- (vi) Florist;
- (vii) Funeral parlour;
- (viii) Mobile cleaning units;
- (ix) Morgue;
- (x) Jewellery shop;
- (xi) Optical service (retail);
- (xii) Pet shop;
- (xiii) Public swimming pool;
- (xiv) Tray work/manual development;
- (xv) Venetian blind cleaning; and
- (xvi) Veterinary (no x-ray).

**Category 1A Discharger**

17.6. Category 1A liquid trade waste dischargers are those conducting an activity deemed by Council as requiring prescribed pre-treatment but having low impact on the sewerage system as their effluent is usually of low strength.

17.7. If Council's inspection reveals that the pre-treatment equipment for such a discharger had not been properly maintained, a trade waste usage charge per kL (as determined by Council's Fees and Charges established in the current Operational Plan) will be applied for the relevant billing period. This charge will also apply for any such dischargers who have not installed appropriate pre-treatment equipment.

(a) **Classification A or B activities - Trade waste dischargers with prescribed pre-treatment but low impact on the sewerage system include:**

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- (i) Boiler;
- (ii) Blowdown;
- (iii) Cooling tower;
- (iv) Educational facilities (primary and secondary school, tertiary institution laboratory);
- (v) Industrial boilers;
- (vi) Jewellery (stone cutting);
- (vii) Laboratory, laundry;
- (viii) Medical centre (no X-ray);
- (ix) Mobile garbage bin washing;
- (x) Optical services;
- (xi) Plants retail; and
- (xii) Vehicle washing.

17.8. If significant hot food preparation is carried out, Category 2 charges may be levied by Council.

#### Category 2 Discharger

17.9. Category 2 liquid trade waste dischargers are those conducting an activity deemed by Council as requiring a prescribed type of liquid trade waste pre-treatment equipment and whose effluent is well characterised.

(a) **Classification A activities - Trade Waste dischargers with prescribed pre-treatment<sup>1</sup> - Include premises that prepare and/or serve hot food or foods that generate an oily/greasy waste such as:**

- (i) Bakery (pies, sausage rolls, quiches, cakes, pastries with creams or custards);
- (ii) Bistro;
- (iii) Boarding house/hostel kitchen;
- (iv) Butcher;
- (v) Café/coffee shop/coffee lounge;
- (vi) Cafeteria;
- (vii) Canteen;
- (viii) Fast food outlet;
- (ix) Chicken/poultry shop;
- (x) Club;
- (xi) Community hall<sup>2</sup>;
- (xii) Commercial kitchen/caterer;
- (xiii) Nursing home;
- (xiv) Patisserie;
- (xv) Supermarket;
- (xvi) Doughnut shop;
- (xvii) Fish shop (cooking on-site);
- (xviii) Fish shop (fresh fish for retail);
- (xix) Function centre;
- (xx) Hotel;
- (xxi) Ice cream parlour;
- (xxii) Motel;
- (xxiii) Nightclub;

<sup>2</sup> Excludes low impact activities, listed under Category 1A.

<sup>2</sup> If the type and size of kitchen fixtures installed enable catering for large functions.



- (xxiv) Pizza cooking;
- (xxv) Restaurant;
- (xxvi) Sandwich shop/salad bar; and
- (xxvii) Take away food outlet.

(b) **Classification A activities - Trade Waste dischargers with prescribed pre-treatment other commercial:**

- (i) Car detailing;
- (ii) Craft activities (more than 200 litres per day);
- (iii) Dental surgery with x-ray;
- (iv) Lawnmower repairs;
- (v) Mechanical workshop;
- (vi) Stone working;
- (vii) Veterinary (with x-ray); and
- (viii) Waterless mini-lab.

(c) **Classification B activities:**

- (i) Auto dismantler;
- (ii) Bus/coach depot;
- (iii) Construction equipment maintenance and cleaning;
- (iv) Equipment hire;
- (v) Maintenance and cleaning;
- (vi) Glass cutting and grinding;
- (vii) Graphic arts;
- (viii) Hospital (with or without x-ray);
- (ix) Medical centre (with x-ray);
- (x) Optical services (at medical or educational facilities, workshops);
- (xi) Oyster processing – shucking;
- (xii) Panel beating;
- (xiii) Photographic lab;
- (xiv) Radiator repairer;
- (xv) Screen printing;
- (xvi) Service station forecourt;
- (xvii) Shopping complex;
- (xviii) Water wash mini-lab; and
- (xix) X-ray radiologist.

**Category 2S Discharger**

- 17.10. Category 2S dischargers are those conducting an activity of transporting and/or discharging septic tank or pan content waste into the sewerage system.

(a) **Classification 2S activities - Trade waste dischargers include the following activities:**

- (i) Bus/rail coaches/caravan/motor home/caravan park waste dump points;
- (ii) Mooring/marina dump points;
- (iii) Pan waste;
- (iv) Portable chemical toilet waste;
- (v) Septage;
- (vi) Septic tank effluent; and
- (vii) Ship-to-shore pump-outs (galley waste and toilet waste).

**Category 3 Discharger (Large Or Industrial Waste Dischargers)**





- 17.11. Category 3 liquid trade waste dischargers are those conducting an activity which is of an industrial nature and/or which results in the discharge of large volumes (over 20 kL/d) of liquid trade waste to the sewerage system.
- 17.12. Any Category 1 or 2 discharger whose volume exceeds 20 kL/d becomes a Category 3 discharger, except shopping complexes and institutions (such as hospitals, educational facilities, and correctional facilities).

(a) **Classification C activities - Large trade waste dischargers and other activities include:**

- (i) Abattoir;
- (ii) Bakery (wholesale);
- (iii) Brewery;
- (iv) Cooling towers;
- (v) Cosmetics/perfumes manufacture;
- (vi) Dairy processing (milk/cheese/yoghurt/ice cream and like matters.);
- (vii) Food processing (cereals, cannery, condiments, confectionary, edible oils, fats, essence, flavours, fish, fruit juice, gelatine, honey, meat, pickles, smallgoods, tea and coffee, vinegar, yeast manufacture etc.);
- (viii) Fruit and vegetable processing;
- (ix) Flour milling;
- (x) Glue manufacturer;
- (xi) Egg processing;
- (xii) Pet food processing;
- (xiii) Plants nursery (open areas);
- (xiv) Potato processing;
- (xv) Poultry processing;
- (xvi) Saleyards;
- (xvii) Seafood processing;
- (xviii) Soft drink/cordial manufacture;
- (xix) Starch manufacture;
- (xx) Sugar refinery;
- (xxi) Tanker washing;
- (xxii) Tip leachate;
- (xxiii) Transport depot/ terminal;
- (xxiv) Water treatment backwash;
- (xxv) Wholesale meat processing;
- (xxvi) Winery; and
- (xxvii) Wine/spirit bottling.

(b) **Dischargers of industrial waste include the following Classification C activities:**

- (i) Acid pickling;
- (ii) Adhesive or latex manufacture;
- (iii) Agricultural and veterinary pharmaceuticals;
- (iv) Anodising;
- (v) Bitumen and tar;
- (vi) Bottle washing;
- (vii) Cardboard and carton manufacture;
- (viii) Carpet manufacture;
- (ix) Caustic degreasing;
- (x) Chemicals manufacture and repackaging;
- (xi) Contaminated site treatment;
- (xii) Cyanide hardening;



- (xiii) Detergent and soaps manufacturing;
- (xiv) Drum washing;
- (xv) electroplating;
- (xvi) Engine gearbox reconditioning;
- (xvii) Extrusion and moulding (plastic/metal);
- (xviii) Feather washing;
- (xix) Fellmonger;
- (xx) Felt manufacture;
- (xxi) Fertilisers manufacture;
- (xxii) Fibreglass manufacture;
- (xxiii) Filter cleaning;
- (xxiv) Foundry;
- (xxv) Galvanising;
- (xxvi) Glass manufacture;
- (xxvii) Ink manufacture;
- (xxviii) Laboratories;
- (xxix) Liquid wastewater treatment facility (grease trap receival depot and other pump-out waste depot);
- (xxx) Metal finishing;
- (xxxi) Metal processing (refining, rumbling, non-cyanide heat treatment, phosphating, photo engraving, printed circuit etching, sheet metal fabrication etc.);
- (xxxii) Mirrors manufacture;
- (xxxiii) Oil recycling (petrochemical) and refinery;
- (xxxiv) Paint stripping;
- (xxxv) Paint manufacture;
- (xxxvi) Paper manufacture;
- (xxxvii) Pharmaceuticals manufacture;
- (xxxviii) Plaster manufacture;
- (xxxix) Powder coating;
- (xl) Printing (newspaper, lithographic);
- (xli) Sandblasting;
- (xlii) Slipway;
- (xliii) Tannery;
- (xliv) Timber processing (joinery and furniture/plywood/hardwood);
- (xlv) Textile manufacture (wool dyeing, spinning, scouring); and
- (xlv) Waxes and polishes.

### 18. Liquid Trade Waste Fees and Charges

- 18.1. Council provides sewerage and liquid trade waste services on a commercial basis, with cost recovery through sewerage and liquid trade waste fees and charges.
- 18.2. Council's proposed fees and charges are advertised annually for public comment whilst the annual Operational Plan is on public exhibition.
- 18.3. In addition to the trade waste fees and charges described below, Council may elect to include any trade waste charges shown in the current *Liquid Trade Waste Regulation Guidelines*.
- 18.4. Liquid trade waste discharged to the sewerage system from industrial, commercial, or other non-residential customers can impose significant costs on sewage transport and treatment facilities.
- 18.5. To recover these costs and to ensure removal of existing significant cross-subsidies from residential customers, in addition to a two-part tariff with an appropriate sewer usage charge/kL for non-residential sewerage, appropriate fees and charges are levied for liquid trade waste.



18.6. Council's liquid trade waste fees and charges may include:

- (a) Application fee;
- (b) Annual trade waste fee;
- (c) Re-inspection fee;
- (d) Trade waste usage charge;
- (e) Septic tank and pan waste disposal charge;
- (f) Excess mass charges;
- (g) Food waste disposal charge;
- (h) Non-compliance excess mass charge; and
- (i) Non-compliance penalty

18.7. **Application Fee:**

- (a) The application fee recovers the cost of administration and technical services provided by Council in processing applications for approval to discharge liquid trade waste to the sewerage system.
- (b) The application fee will be allocated on the basis of the category into which the discharger is classified and reflects the complexity of processing the application.
- (c) Application fees will be set annually by Council.

18.8. **Annual Trade Waste Fee:**

- (a) The purpose of this fee is to recover the cost incurred by Council for administration and the scheduled inspections each year to ensure a liquid trade waste discharger's ongoing compliance with the conditions of their approval.
- (b) As part of an inspection, Council or its agents may undertake monitoring of the liquid trade waste discharges from premises or business.
- (c) Such monitoring may include but is not limited to, flow measurement and the sampling of the liquid trade waste.
- (d) Where more than one instance of such monitoring is undertaken by Council, or its agents, in a financial year, the cost involved may be recovered from the discharger.
- (e) Annual liquid trade waste fees are determined on the basis of the category of the discharger and are proportionate to the complexity of their inspection and administration requirements. Annual trade waste fees will be set by Council.
- (f) Where the discharger is required to pay for monitoring this will be charged on the basis of full cost recovery.
- (g) In view of the adverse impact of wastes with a high concentration of oil and grease on Council's sewage transportation system, Council will carry out inspections of commercial premises preparing hot food at least four (4) times per annum.
- (h) The cost of these scheduled inspections is included in the annual trade waste fee for such premises.
- (i) Similarly, for Classification A or B activities with prescribed pre-treatment but low impact.

18.9. **Re-inspection Fee:**

- (a) Where non-compliance with the conditions of an approval has been detected and the discharger is required to address these issues, Council will undertake re-inspections to confirm that remedial action has been satisfactorily implemented.
- (b) Council will impose a fee for each re-inspection.
- (c) The re-inspection fee will be set annually by Council based on full cost recovery.
- (d) A re-inspection may include the monitoring of liquid trade waste discharges, the cost of which may be recovered from the discharger.

18.10. **Trade Waste Usage Charge:**



- (a) The trade waste usage charge is imposed to recover the additional cost of transporting and treating liquid trade waste from Category 2 dischargers.
- (b) Trade Waste Usage Charge (\$) =  $Q \times \$1.20/\text{kL}^*$
- (c) Where  $Q$  = Volume (kL) of liquid trade waste discharged to sewer.
- (d) Existing Category 2 dischargers who have **not** installed and maintained **appropriate**<sup>3</sup> pre-treatment facilities will be required to pay a trade waste usage charge per kL (as set by Council's Fees and Charges as established in the current Operational Plan).

#### 18.11. Excess Mass Charges:

- (a) Excess mass charges will apply for substances discharged in excess of the deemed concentrations in domestic sewage shown in the table below.

**Table 2118(a) – Deemed Concentration of Substances in Domestic Sewage**

SUBSTANCE	CONCENTRATION (mg/L)
Biochemical Oxygen Demand (BOD <sub>5</sub> )	300
Suspended Solids	300
Total Oil and Grease	50
Ammonia (as Nitrogen)	35
Total Kjeldahl Nitrogen	50
Total Phosphorus	10
Total Dissolved Solids	1000
Sulphate (SO <sub>4</sub> )	50 <sup>4</sup>

- (b) For excess mass charge calculation, the following equation will be applied:

$$\text{Equation 1: } (\$) = \frac{(S - D) \times Q \times U}{1,000}$$

Where:

- (i)  $S$  = Concentration (mg/L) of substance in sample.
- (ii)  $D$  = Concentration (mg/L) of substance deemed to be present in domestic sewage.
- (iii)  $Q$  = Volume (kL) of liquid trade waste discharged to the sewerage system.
- (iv)  $U$  = Charging rate (\$/kg) for disposal of substance to the sewerage system.
- (v) Charging rates ( $U$ ) used in Equation 1 are as shown in Council's Fees and Charges (as established in Council's current Operational Plan).

- (c) With regard to BOD, the Equation 1 applies for BOD<sub>5</sub> up to 600 mg/L.

#### 18.12. Excess mass charges for BOD exceeding 600mg/L

- (a) If Council approves the acceptance limits for BOD higher than 600mg/L, an exponential equation will be used for calculation of a charging rate (\$/kg) as shown in Equation 2 below.

<sup>3</sup> Effluent from some undersized grease arrestors could be improved by increasing the pump out frequency, improving housekeeping practices and/or installing another suitable device. Such devices and/or measures are deemed by Council to be appropriate pre-treatment (for that discharger only).

<sup>4</sup> The concentration in the potable water supply to be used if it is higher than 50mg/L. NB. Substances not listed above are deemed not to be present in domestic sewage



- (b) Equation 2 provides a strong incentive for dischargers to reduce the strength of waste.  
 (c) In addition, Equation 5 will be used where the discharger has failed to meet their approved BOD limit on 2 or more instances in a financial year.

$$\text{Equation 2: } (\$/\text{kg}) = 2C \times \frac{(\text{Actual BOD} - 300\text{mg/L})}{600\text{mg/L}} \times 1.05 \times \frac{(\text{Actual BOD} - 600\text{mg/L})}{(600\text{mg/L})}$$

**Where:**

- (i)  $C$  = the charging rate (\$/kg) for BOD<sub>5</sub> 600mg/L

**Example:** if  $C = \$0.623/\text{kg}$ , equation (2) would result in the following excess mass charging rates:

\$0.623/kg for BOD<sub>5</sub> 600mg/L  
 \$1.96/kg for BOD<sub>5</sub> 1200mg/L  
 \$5.05/kg for BOD<sub>5</sub> 2400mg/L

The excess mass charge for BOD is calculated using Equation 1.

- (d) The excess mass charge for BOD is calculated by using Equation 1.

$$\text{Equation 1: } (\$) = \frac{(S - D) \times Q \times U}{1,000}$$

**Where:**

- (i)  $U$  is the excess mass charging rate calculated by using Equation 2.

#### 18.13. Food Waste Disposal Charge:<sup>5</sup>

- (a) Where Council has approved installation of a food waste disposal unit for a hospital, nursing home or other eligible facility, the following additional food waste disposal charge will be payable annually.

$$\text{Equation 3: } (\$) = B \times U_F$$

**Where:**

- (i)  $B$  = Number of beds in hospital or nursing home.  
 (ii)  $U_F$  = Annual charging rate (\$/bed) for a food waste disposal unit at a hospital or nursing home.

#### 18.14. Non-compliance Charges (pH Charge):

<sup>5</sup> For existing installations only. New installations are not permitted.



- (a) Equation 4 is used for waste with pH being outside the approved range (charging rate for pH where it is outside the approved range for the discharger).
- (b) Equation 4 provides an incentive for dischargers to apply appropriate pH correction, so their waste remains within the approved pH limits.
- (c) Council may require industrial and large dischargers to install and permanently maintain a pH chart recorder or data logger as control of pH is critical to minimising odour and corrosion problems in the sewerage system.

**Equation 4:** (\$) =  $K \times (\text{actual pH} - \text{approved pH})^* \times 2^{(\text{actual pH} - \text{approved pH})^*}$

**Where:**

- (i) \* absolute value to be used.
- (ii) K = pH coefficient and needs to be adjusted in accordance with changes in the CPI.

**Example:** Council has approved the pH range 8.0 to 9.0 for a large discharger generating high strength trade waste in order to prevent corrosion and odour problems in the sewerage system.

Case 1: pH measured 7.0

Charging rate (\$/kL) =  $0.3 \times [7 - 8] \times 2^{[7 - 8]} = \$0.6/\text{kL}$

Case 2: pH measured 11.0

Charging rate (\$/kL) =  $0.3 \times [11 - 9] \times 2^{[11 - 9]} = \$2.4/\text{kL}$

#### 18.15. Non-compliance excess mass charges:

- (a) Where a discharge quality fails to comply with the approved concentration limits of substances specified in Council's approval conditions (or the acceptance criterion listed in Council's trade waste policy), Council incurs additional costs in accepting and treating that waste. Council may also face problems with the effluent and biosolids management.
- (b) To recover Council's costs, Equation 5 shall apply for non-compliant excess mass charges, except for BOD where Equation 6 overleaf shall apply.

**Equation 5:** (\$) =  $\frac{(S - A) \times Q \times 2U}{1,000} + \frac{(S - D) \times Q \times U}{1,000}$

**Where:**

- (i) S = Concentration (mg/L) of substance in sample.
- (ii) A = Maximum concentration (mg/L) of pollutant as specified in Council's approval (or liquid trade waste policy).
- (iii) Q = Volume (kL) of liquid trade waste discharged for the period of non-compliance.
- (iv) U = Excess mass charging rate (\$/kg) for disposal of pollutant to sewerage system, as per clause 18.11.
- (v) D = Concentration (mg/L) of substance deemed to be present in domestic sewage.

#### 18.16. Non-compliance Excess Mass Charges for BOD:

- (a) If the discharger has failed to meet the approved BOD limit on two (2) or more instances in a financial year, non-compliance excess mass charging rate for BOD will be calculated using Equation 6 below:





**Equation 6: (\$)** =

$$2C \times \frac{(A - 300\text{mg/L})}{600\text{mg/L}} \times 1.05 \frac{(A - 600\text{mg/L})}{600\text{mg/L}} + 4C \times \frac{(Actual\ BOD - A)}{600\text{mg/L}} \times 1.05 \frac{(Actual\ BOD - A)}{600\text{mg/L}}$$

**Example:** if C = \$0.54/kg, BOD5 measured level is 2400mg/L and the acceptance limit in Council's approval is 600mg/L, Equation 6 would result in a non-compliance excess mass charging rate of \$8.04/kg.

- (b) Non-compliance Excess Mass Charge for BOD is calculated using equation (1):

**Equation 1: (\$)** = 
$$\frac{(S - D) \times Q \times U}{1,000}$$

**Where:**

- (i) Where U is the non-compliance excess mass charging rate calculated using Equation 5.
- (c) Council will continue applying the above non-compliance excess mass charge until the quality of discharge complies with Council's approved quality (or the trade waste policy) limits, within the time frame determined by Council for remedying the problem.
- (d) If the discharger fails to rectify the problem within this time frame, the discharger may be required to cease discharging liquid trade waste into Council's sewerage system and may also be required to pay a 'non-compliance penalty' as indicated in the following section.

**18.17. Non-compliance Penalty:**

- (a) The non-compliance penalty covers instances where Council may seek compensation for its costs relating to legal action, damage to infrastructure, incurred fines and other matters resulting from illegal, prohibited or unapproved liquid trade waste discharged to the sewerage system. Also included are fines under:
  - (i) *Protection of the Environment Operations Act 1997* (NSW) s 120(1) Pollution of any waters by a discharger who fails to comply with the conditions of approval for discharge of liquid trade waste to sewer;
  - (ii) *Local Government Act 1993* (NSW) s 627 Failure to comply with an approval), section 628 (Failure to comply with an order.
- (b) Non-compliance penalties will be pursued by legal action.

**18.18. Discharge of stormwater to the sewerage system:**

- (a) The discharge of storm water, surface and subsoil waters to the sewerage system is prohibited under this policy.
- (b) As indicated in clause 7, the acceptance of first flush stormwater runoff may be permitted.
- (c) A charge (pursuant to Council's Fees and Charges in the current Operational Plan) will be applied to Category 3 dischargers in accordance with the non-compliance trade waste usage charge, if approval is granted to accept the above waters.
- (d) Excess mass charges will be also applied in accordance with clause 18.11

**18.19. Septic and Pan Waste Disposal Charge:**

- (a) This charge is imposed to recover the cost of accepting and treating septic tank and pan waste.

**Equation 7: (\$)** = Q x S



**Where:**

- (i)  $Q$  = Volume (kL) of waste discharged to sewer  
(ii)  $S$  = Charging rate in \$/kL for septic tank effluent, septage or chemical toilet waste as indicated in Council's Fees and Charges (as established in the current Operational Plan).

**18.20. Responsibility for Payment of Fees and Charges:**

- Property (land) owners are responsible for the payment of fees and charges for water supply, sewerage and liquid trade services provided by Council. This includes property owners of marina, caravan park, if a dump point located at their premises is connected to the sewerage system.
- Where another party (lessee) leases premises any reimbursement of the lessor (property owner) for such fees and charges is a matter for the lessor and the lessee.
- Council will charge a septic tank and pan waste disposal charge for services it provides to transporters of septic tank and pan waste tankered and discharged to the sewerage system.
- All dischargers of liquid trade waste to Council's sewerage system should be aware that they are subject to prosecution and imposition of fines under the *Local Government Act 1993* (NSW) and the *Protection of the Environment (Operations) Act 1997* (NSW) and Regulations.
- In addition to fines, Council may recover costs of damages and fines incurred by Council as a result of an illegal liquid trade waste discharge.

**Table 18(b) - Summary of Trade Waste Fees and Charges<sup>6</sup>**

Charging Category	1	1A	2	2S	3
<b>Application Fee</b>	Yes <sup>7</sup>	Yes	Yes	Yes	Yes
<b>Annual Non-Residential Sewerage Bill WITH Appropriate Sewer Usage Charge/Kl</b>	Yes	Yes	Yes <sup>9</sup>	Yes <sup>9</sup>	Yes
<b>Annual Trade Waste Fee</b>	Yes	Yes	Yes <sup>9</sup>	Yes <sup>9</sup>	Yes
<b>Re-Inspection Fee (When required)</b>	Yes	Yes	Yes <sup>9</sup>	Yes <sup>9</sup>	Yes
<b>Trade Waste Usage Charge/Kl</b>	No	Yes <sup>8</sup>	No	No	No
<b>Septic Waste Disposal Charge</b>	No	No	Yes	Yes	No
<b>Excess Mass Charges/Kg</b>	No	No	No	No	Yes
<b>Non-Compliance Excess Mass &amp; pH Charges (If required)</b>	No	No	No	No	Yes
<b>Non-Compliance Penalty (If required)</b>	Yes	Yes	Yes	Yes	Yes

<sup>6</sup> In addition, a Food Waste Disposal Charge will apply where Council has approved the use of an existing food waste disposal unit for a hospital, nursing home or other eligible facility.

<sup>7</sup>Not applicable for dischargers exempted in Table 3.

<sup>8</sup> A trade waste usage charge will be applied for Category 1A dischargers and for Category 2 dischargers who have not installed or properly maintained appropriate pre-treatment equipment.

<sup>9</sup> Only applicable if the discharger has a dump point located at their premises which is connected to the sewerage systems.



## 19. Monitoring

- 19.1. Council will carry out inspections of the premises of all liquid trade waste dischargers and their treatment facilities at least once per annum.
- 19.2. Inspections of commercial premises preparing hot food may be carried out at least four (4) times per annum (refer to clause 17.9).
- 19.3. Monitoring of the large and industrial dischargers is to be carried out as specified in the approval conditions.
- 19.4. The Applicant may be required to:
  - (a) Monitor the liquid trade waste discharge as a condition of an approval or agreement; and
  - (b) Pay for any sampling and testing of liquid trade waste undertaken by Council.
- 19.5. An inspection/sampling point, where the waste can be inspected and sampled, will be specified in the approval or Trade Waste Agreement (whichever applies).
- 19.6. An inspection/sampling point will normally be located after the pre-treatment facility.
- 19.7. The discharger may need to install a suitable method of flow measurement.
- 19.8. Council may require the discharger to:
  - (a) install a permanent primary measurement device;
  - (b) measure the volume and flow rate using the permanently installed flow measurement system (such as a flow metering system); OR
  - (c) install a flow measurement device on a temporary basis and obtain enough data to determine a basis for assessing the flow rate and volume; and
  - (d) provide a system which allows obtaining a flow weighted composite sample.
- 19.9. Testing of samples is to be undertaken by a NATA-registered or other laboratory recognised by the relevant NSW Government department to ensure reliable and accurate results.
- 19.10. Where the discharger is sampling the effluent, Council may randomly take duplicates to confirm the waste characteristics.

## 20. Liquid Trade Waste Services Agreement

- 20.1. In addition to its approval under the *Local Government Act 1993* (NSW), Council may require certain dischargers to execute a Liquid Trade Waste Services Agreement (refer to Attachment 1). These dischargers include those who discharge:
  - (a) liquid trade waste in large volumes (discharge of more than 20 kL/d); or
  - (b) industrial waste (Concurrence Classification C discharges or Classification S).
- 20.2. A Liquid Trade Waste Services Agreement will set out the conditions associated with the discharge and execution of the Agreement will be a condition of the approval issued by Council (refer to clause 14 of this Policy).
- 20.3. The Liquid Trade Waste Services Agreement conditions will be binding on the applicant and the Council.
- 20.4. The Liquid Trade Waste Services Agreement will be for a period of up to five (5) years.
- 20.5. No discharge is to be made to Council's sewerage system until an Liquid Trade Waste Services Agreement or an Interim Liquid Trade Waste Services Agreement has been executed.



- 20.6. The following provision can be made in the Liquid Trade Waste Services Agreement for (in addition to Council's approval conditions):
- (a) Additional conditions for discharge of liquid trade waste;
  - (b) Cancellation of the agreement and/or order to cease the discharge if the discharger is found to be in breach of the agreement or the liquid trade waste approval or, in the opinion of council, the waste is adversely affecting the sewerage system or the environment;
  - (c) Entry by council officers to inspect the liquid trade waste collection, treatment, monitoring, and disposal systems;
  - (d) The applicant to notify council in advance of any changes that may affect the quality and quantity of the liquid trade waste; and
  - (e) The amount of bond/security to be lodged with council prior to discharging to the sewerage system.

## 21. Enforcement of Approvals and Agreements

- 21.1. Refer to Attachment 1 - Liquid Trade Waste Services Agreement.
- 21.2. Any person who fails to obtain Council's approval to discharge liquid trade waste into the sewerage system or fails to comply with the conditions of the approval, may be liable to a penalty as provided under the *Local Government Act 1993* (NSW) ss 626-628, 634-639.
- 21.3. Polluting of any waters by a discharger of liquid trade waste who does not have a Council approval or who fails to comply with the conditions of the approval is an offence under *Protection of the Environment Operations Act 1997* (NSW) s 120(1) and consequently Council may issue a Penalty Infringement Notice for the offence, pursuant to *Protection of the Environment Operations Act 1997* (NSW) s 222.
- 21.4. Any person who fails to comply with the terms or conditions of a Liquid Trade Waste Services Agreement will be required to indemnify the Council against any resulting claims, losses, or expenses in accordance with section 9 of the Liquid Trade Waste Services Agreement.
- 21.5. Council may also suspend a Liquid Trade Waste Services Agreement via a Notice to Cease the Discharge in circumstances where a breach of the agreement has occurred.

## 22. Modification and Revocation of Approvals

- 22.1. Council reserves the right to modify or revoke an approval to discharge liquid trade waste to the sewerage system in any of the following circumstances:
  - (a) If the approval was obtained by fraud, misrepresentation, or concealment of facts;
  - (b) For any cause arising after the granting of the approval which, had it arisen before the approval was granted, would have caused the council not to have granted the approval;
  - (c) For failure to comply with a requirement made by or under the *Local Government Act 1993* (NSW) relating to a condition of the approval; or
  - (d) For failure to comply with a condition of the approval.

## 23. Prevention of Waste of Water

- 23.1. Water must be used efficiently and must be recycled where practicable.
- 23.2. It is an offence under the *Local Government Act 1993* (NSW) s 637 and related Regulation to waste or misuse water.
- 23.3. Dilution of trade waste with water from any non-process source including Council's water supply, bore water, groundwater, or stormwater as a means of reducing pollutant concentration is therefore strictly prohibited.



## 24. Effluent Improvement Plans

- 24.1. Where the existing liquid trade waste discharged does not meet Council's requirements, the applicant may be required to submit an 'Effluent Improvement Plan' to outline how Council's requirements will be met.
- 24.2. An Effluent Improvement Plan must detail the methods and actions proposed to achieve the discharge limits and a timetable for implementation of the proposed actions.
- 24.3. Actions proposed in an Effluent Improvement Plan may include any of the following:
  - (a) More intensive monitoring;
  - (b) Improvements to work practices; or
  - (c) Pre-treatment facilities to improve the effluent quality and reliability.

## 25. Due Diligence Programs and Contingency Plans

- 25.1. Due Diligence Programs and Contingency Plans must be drafted in accordance with the current *Liquid Trade Waste Guidelines* and ISO14001.
- 25.2. For **Concurrence Classification A**, a discharger is not required to submit either a Due Diligence Program or a Contingency Plan.
- 25.3. For **Concurrence Classification B or Classification S**, where it is considered that the discharge may pose a potential threat to the sewerage system, a discharger is required to submit a Due Diligence Program and a Contingency.
- 25.4. For **Concurrence Classification C**, a discharger is required to submit a Due Diligence Program and a Contingency.
- 25.5. If required, a Due Diligence Program and a Contingency Plan must be submitted to Council within the following timeframes:
  - (a) A Due Diligence Program - Within six (6) months of receiving a liquid trade waste approval; and
  - (b) A Contingency Plan - Within three (3) months of receiving a liquid trade waste approval.
- 25.6. A Due Diligence Program and a Contingency Plan are not required where the Discharger has an accredited Environmental Management System.
- 25.7. Where Council considers there is potential risk to the sewerage system from a discharge, it may request a Due Diligence Program and a Contingency Plan to be submitted prior to commencing the discharge.



Attachment 1

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**LIQUID TRADE WASTE SERVICE AGREEMENT**

TRADE WASTE SERVICE CONTRACT

BETWEEN

**Narrabri Shire Council**

---

AND

**Applicant**

---



**TRADE WASTE SERVICE AGREEMENT** made this    day of 20\_\_

**BETWEEN**

1. Narrabri Shire Council ("the Council")

**AND**

2. ("the Applicant")

**RECITALS**

- A. The Council is the owner and operator of a sewerage system within the Narrabri area.
- B. The Applicant has made application to the Council to discharge trade wastes into the Council's sewerage system which has been approved by the Council on the terms and conditions set out in this Service Agreement.
- C. The Director-General of the Department of Water and Energy has concurred in the approval in accordance with clause 28 of the Local Government (General) Regulation 2005
- D. The Council has issued this Service Agreement to the Applicant as a condition of approval pursuant to the provisions of the Local Government Act 1993 ("the Act") and the Local Government (General) Regulations 2005 (or as amended) and in consideration of the conditions contained herein.
- E. The Approval does not operate until this Agreement has been executed by both parties
- F. The parties enter this Agreement in consideration of the mutual promises contained herein

**OPERATIVE PART**

**1. Definitions and Interpretation**

1.1. In this Agreement, unless the context otherwise requires:

**"Act"** means the *Local Government Act 1993* (NSW).

**"Annexure"** means the annexure to this Agreement.

**"Annual Management Plan"** means the annual management plan of the Council, as adopted by the Council from time to time.

1.2. Unless the context otherwise requires:

- (a) A reference to this Agreement is a reference to this Agreement, including the Annexure, as amended from time to time in accordance with its terms.
- (b) A reference to the discharge of liquid trade waste means the discharge of liquid trade waste by the Applicant from the Premises to the Council's sewerage system.
- (c) A reference to any legislation is a reference to such legislation as amended from time to time.
- (d) Where the Applicant is comprised of more than one person, each obligation of the Applicant will bind those persons jointly and severally and will be enforceable against them jointly and severally.



**2. Liquid Trade Waste Services**

- 2.1. The Council will provide the Liquid Trade Waste Services to the Applicant on the terms of this Agreement.

**3. Additional Conditions for discharge of liquid trade waste**

- 3.1. The Applicant may discharge liquid trade waste to the Council's sewerage system in accordance with the Approval and subject to this Agreement.
- 3.2. The Applicant must comply with all applicable Acts, regulations, by laws, proclamations, and orders and with any lawful direction or order given by or for the Council or any other competent authority.
- 3.3. The Applicant must not discharge liquid trade waste contrary to this Agreement or the Approval or in any manner which may have an adverse effect on any person or property (including the sewerage system and the ecological system in the waters, land or area receiving sewage treatment works effluent or biosolids), or which may cause the Council to be in breach of any applicable Act, regulation, by law, proclamation or order or of any lawful direction given by or for any competent authority.
- 3.4. The Applicant must at its own cost monitor its discharges in accordance with the requirements set out in the Approval and must maintain records of such monitoring for inspection by the Council for such period as may be specified in the Approval.
- 3.5. The Council will carry out routine sampling and testing of the waste stream.
- 3.6. Where any flow-metering device is installed, the Applicant must at its own cost cause the device to be calibrated at least annually by a person or company approved by the Council. The Applicant must obtain a calibration certificate and provide a copy of the certificate to the Council within one month of receiving it.
- 3.7. If the Applicant is required to cease discharging liquid trade waste for any period, then the Applicant must cease discharging such waste for the period specified.
- 3.8. Where the Applicant ceases to discharge waste in the circumstances prescribed in clause 3.7, the Council may, at its discretion, elect to refund part of the annual trade waste fee on a pro rata basis, calculated according to the period of suspension.
- 3.9. If this Agreement is terminated, the Applicant must immediately cease to discharge liquid trade waste.

**4. Fees and Charges**

- 4.1. In accordance with the section 560 of the Local Government Act 1993 (NSW), Council will levy all water supply, sewerage and liquid trade waste fees and charges on the owner of the property.
- 4.2. In consideration of provision of the Liquid Trade Waste Services, the fees and charges as specified in the Council's Annual Management Plan and notified by Council to the owner and the Applicant must be paid to the Council, including fees for sampling and testing by Council in accordance with the Approval.
- 4.3. Fees and charges payable will include both non-residential sewerage charges and liquid trade waste fees and charges.
- 4.4. All monies payable to the Council must be paid within the time specified in the notice of charge.

**5. GST**

- 5.1. To the extent that a party to this Agreement ("GST Supplier") is or becomes liable to pay GST in connection with any Supply made under this Agreement and the amount of any such GST is not included in the amount payable under this Agreement:





- (a) the GST Supplier may add to the price of the Supply an amount equal to the GST payable on the Supply ("GST Amount").
  - (b) the other party will pay the GST Supplier the price for the Supply in accordance with this Agreement plus the GST Amount.
- 5.2. If, for any reason, the GST Supplier's GST liability in respect of a particular Supply is different from the amount of GST paid by the other party:
  - (a) the GST Supplier must immediately repay to the other party the amount of any excess paid by the other party above the GST Supplier's GST liability; or
  - (b) the other party must pay the deficiency in the amount previously paid by the other party to the GST Supplier for that Supply, as appropriate
- 5.3. The Applicant warrants that it is registered for GST purposes as at the date of this Agreement and will continue to be so for the term of this Agreement.

#### **6. Term**

- 6.1. This Agreement will commence from the date it is signed on behalf of the Council, and will continue until the Applicant's Approval is revoked or the Applicant permanently ceases to discharge liquid trade waste pursuant to the Approval, whichever is the earlier. Upon such revocation or permanent cessation of the approved activity this Agreement shall automatically terminate by operation of this clause.
- 6.2. Termination of this Agreement is without prejudice to any accrued rights or obligations of either Party.

#### **7. Powers of the Council**

- 7.1. The Council may enter the Premises at a reasonable hour in the daytime or at any hour during which business is in progress or is usually carried on at the Premises for the purpose of conducting any inspection, examination, testing, monitoring or sampling to determine whether the Applicant is complying with the conditions of this Agreement.
- 7.2. The Applicant acknowledges that the Council has statutory powers available to it under the Act and other Acts to issue orders and directions to the Applicant in relation to the discharge of liquid trade waste. The Applicant undertakes to comply with each such order or direction that may be notified by the Council to the Applicant within the time specified for compliance in that order or direction.
- 7.3. The Applicant releases the Council from any liability to the Applicant for any loss or damage due to the disruption of the Applicant's business arising out of the exercise of Council's rights pursuant to this clause.

#### **8. Information supplied by the Applicant**

- 8.1. The Applicant warrants that all information in its application for approval is true, complete and accurate to the best of its knowledge.
- 8.2. The Applicant must immediately notify the Council in writing of any error or omission in that information or any change to the information of which the Applicant becomes aware.
- 8.3. The Applicant must not provide any false or misleading information to the Council.

#### **9. Indemnity**

- 9.1. The Applicant indemnifies the Council from and against any claims, losses or expense (including legal costs on a solicitor and client basis) which the Council pays, suffers, incurs or is liable for as a result of:



- (a) any unlawful, negligent, reckless or deliberately wrongful act or omission of the Applicant or its personnel or agents in connection with the discharge of liquid trade waste, including (without limitation) such acts or omissions which cause damage to property, personal injury or death; and
- (b) a breach of this Agreement by the Applicant.

9.2. The Applicant's liability to indemnify the Council shall be reduced proportionally to the extent that any unlawful, negligent, reckless, or deliberately wrongful act or omission of the Council caused or contributed to the liability or loss.

#### **10. Insurance**

10.1. The Applicant must effect and maintain for the term of this Agreement a public risk policy of insurance in the minimum of the sum specified in the Annexure and must, upon request by the Council, produce evidence of such insurance to the Council.

#### **11. Bond**

- 11.1. The Applicant must pay to the Council a bond in the sum specified in the Annexure.
- 11.2. The Council may at any time and without prior notice to the Applicant have recourse to the bond for the recovery of any sum due and owing by the Applicant to the Council.
- 11.3. Where the applicant fails to cease discharging trade waste as prescribed in clause 3.7, the Council may require the applicant to forfeit 50% of the bond.
- 11.4. The Council must return the bond to the Applicant, less any amount deducted by the Council under this clause, upon termination of this Agreement.

#### **12. No Assignment**

12.1. The Applicant may not assign or otherwise transfer its rights and/or obligations under this Agreement.

#### **13. Notices**

13.1. A notice under this Agreement must be:

- (a) in writing, directed to the representative of the other party as specified in the Annexure; and
- (b) forwarded to the address, facsimile number or the email address of that representative as specified in the Annexure or the address last notified by the intended recipient to the sender.

13.2. A notice under this Agreement will be deemed to be served:

- (a) in the case of delivery in person - when delivered to the recipient's address for service and a signature received as evidence of delivery.
- (b) in the case of delivery by post - within three business days of posting.
- (c) in the case of delivery by facsimile - at the time of dispatch if the sender receives a transmission report which confirms that the facsimile was sent in its entirety to the facsimile number of the recipient.
- (d) in the case of delivery by email, on receipt of confirmation by the recipient that the recipient has received the email.



13.3. Notwithstanding the preceding clause 13.2, if delivery or receipt of a communication is on a day which is not a business day in the place to which the communication is sent or is later than 5 pm (local time in that place) it will be deemed to have been duly given or made at 9 am (local time at that place) on the next business day in that place.

#### **14. Variation**

14.1. If the Applicant's Approval to discharge liquid trade waste from the Premises is varied, this Agreement shall be deemed to be varied in accordance with the variation made to that approval or to the fees, by operation of this clause

14.2. In addition to automatic variation under clause 14.1, this Agreement may be varied by written agreement of the parties, provided that a variation to this Agreement that is inconsistent with:

- (a) the Approval, including rights granted under, and conditions attached to, the Approval;
- (b) any applicable legislation; or
- (c) Council's Annual Management Plan in respect of applicable fees and charges,

shall have no force or effect.

#### **15. Severability**

15.1. If any part of this Agreement is prohibited, void, voidable, illegal or unenforceable, then that part is severed from this Agreement but without affecting the continued operation, so far as possible, of the remainder of this Agreement.

#### **16. Applicable Law**

16.1. This Agreement is governed by, and must be construed in accordance with, the laws in force in the State of New South Wales.

16.2. Each party submits to the exclusive jurisdiction of the courts exercising jurisdiction in the State of New South Wales and the courts of appeal there from.

#### **17. Rights Cumulative**

17.1. The rights and remedies provided under this Agreement are in addition to, and not exclusive of, any other rights or remedies provided by law.

**Executed as an agreement****Execution by the Council:****THE COMMON SEAL OF**

(Corporate Seal)

..... was affixed this

.....day of ..... 20.....

in the presence of:

.....  
General Manager

And

.....  
[print name of witness]**Executed by the Applicant (corporate entity):**...  
[signature of witness]The **COMMON SEAL** of.....

.....PTY LIMITED

was affixed this .....day of

.....20..... in the

presence of:

.....  
[name of Director].....  
[name of Director/Secretary]**Executed by the Applicant (individual):**

Signed by: .....

[name of Applicant]

This.....day of.....20.....

in the presence of:

.....  
[print name of witness]

**A. THE COUNCIL**

1. FULL NAME OF COUNCIL \_\_\_\_\_
2. ABN: \_\_\_\_\_
3. ADDRESS \_\_\_\_\_  
\_\_\_\_\_
4. TELEPHONE \_\_\_\_\_
5. EMERGENCY CONTACT \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

**B. THE APPLICANT**

1. FULL NAME OF APPLICANT \_\_\_\_\_
2. ABN: \_\_\_\_\_
3. BUSINESS OR TRADING NAME \_\_\_\_\_
4. ADDRESS \_\_\_\_\_  
\_\_\_\_\_
5. TELEPHONE \_\_\_\_\_
6. EMERGENCY CONTACT \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

**C. THE PREMISES**

1. LOT & DP NUMBER: Lot(s) \_\_\_\_\_ DP \_\_\_\_\_
2. LOCATION \_\_\_\_\_  
\_\_\_\_\_
3. DESCRIPTION \_\_\_\_\_
4. NATURE OF BUSINESS \_\_\_\_\_

**D. NOTICES**

Applicant's Representative:



Postal address:

Facsimile:

Email:

Council's Representative:

Postal address:

Facsimile:

Email address:

**E. PUBLIC LIABILITY INSURANCE**

Minimum cover: \$ 20 000 000

**F. BOND**

\$

**General Condition of Approval**

Name and business address of Applicant

Type of Business

*List here the general Conditions of Approval from Appendix E from Liquid Trade Waste Management Guidelines*



## LOCAL APPROVALS POLICY

<b>Responsible Department:</b>	Planning and Sustainability
<b>Responsible Section:</b>	Planning and Development
<b>Responsible Officer:</b>	Manager Planning and Development

### Objective

The purpose of a Local Approvals Policy is to list activities that do not need a separate approval from Council and to outline the criteria for those activities where approval is required.

The objective of this Policy is to:

- Specify the circumstances (if any) in which a person would be exempt from the necessity to obtain a particular approval from Council.
- Specify the criteria that Council staff will take into consideration in determining applications for approval under the Local Government Act 1993 (NSW); and
- Specify any other matters relating to the approvals process under the *Local Government Act 1993* (NSW).

The *Narrabri Local Environmental Plan* (LEP) outlines those activities which require approval under the *Environmental Planning and Assessment Act 1979* (NSW).

### Introduction

The Policy is divided into three parts:

#### Part 1: Exempt Activities

- Part 1 specifies activities for which a person is exempt from requiring an approval from the Council.
- If the activity you wish to undertake is listed in Part 1, please consult the relevant exemption provisions.
- Listed activities that are conducted in accordance with these provisions do not require Council Approval.
- If you cannot meet these provisions, approval will be required.

#### Part 2: Considerations

- Part 2 lists the matters that Council will consider when determining applications under the Policy.
- This section is intended to provide general information to applicants on the considerations that will be made by Council when assessing applications.

#### Part 3: Application Process

- Part 3 contains information regarding the application process, including any information that is required to be submitted with applications.
- Please consult this section for information on how to lodge an application and any supplementary documentation that may be required.
- Part 3 also lists any conditions associated with approvals.
- Upon determination, approved activities are required to be consistent with these conditions.





## Policy

### 1. Definitions

Expressions used in this policy which are defined in the dictionary in the *Local Government Act 1993* (NSW) have the meanings set out in the dictionary.

Term	Meaning
<b>Section 68 Activities</b>	Those activities outlined in section 68 of the <i>Local Government Act 1993</i> (NSW), which require approval under the <i>Local Government Act 1993</i> . Also available at <b>Appendix A</b> .
<b>LEP</b>	Local Environmental Plan
<b>The Regulation</b>	<i>Local Government (General) Regulation 2021</i> (NSW)
<b>The Relevant Council</b>	The Local Government Organisation that oversees the Local Government Area to which the applicable business based

### 2. The Approval Process

- 2.1. Development activity often requires approval under both the *Local Government Act 1993* (NSW) and the *Environmental Planning and Assessment Act 1979* (NSW).
- 2.2. Applications for development consent must be lodged through the NSW Planning Portal.

### 3. Part 1: Exemptions from the necessity to obtain an approval (Section 158(3) of the Local Government Act 1993)

- 3.1. Part 1 refers to Section 68 Activities that may be undertaken without obtaining the separate approval of Council under Section 68 of the *Local Government Act 1993* (NSW).
- 3.2. Exemptions apply to those activities which are of a minor or common nature, and which have comparatively minimal impact.
- 3.3. Section 68 Activities must be conducted in accordance with the provisions outlined in the Policy.
- 3.4. Approval from Council is required where not exempt under:
  - (a) *Local Government Act 1993* (NSW);
  - (b) *Local Government (General) Regulation 2021* (NSW);
  - (c) *Environmental Planning and Assessment Act 1979* (NSW);
  - (d) Relevant State Environmental Planning Policies;
  - (e) Narrabri Shire Council's Local Approvals Policy; and
  - (f) Narrabri Shire Council's LEP.
- 3.5. Table 3 lists all Section 68 Activities and provides locations of relevant exemptions.

Table 3: Section 68 Activities and Exemptions -

Section 68 Activity	Exemptions
<b>Part A: Structures or Places of Public Entertainment</b>	
A1 - Install a manufactured home, moveable dwelling, or associated structure on land.	<p>Exemptions Under the Regulation:</p> <p><b>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) reg 74:</b> Installation of moveable dwellings and associated structures in caravan parks and camping grounds, provided the structure is designed, constructed, and installed in accordance with the relevant provisions of the Regulations, the site is not liable to flooding and the installation occurs with the consent of the holder of the approval to operate the caravan park or camping ground concerned.</p> <p><b>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) reg 77(a):</b> Installation of not more than 2 caravans, campervans, or tents on any land, so long as they are not occupied for more than 2 days at a time and are not occupied for more than 60 days (in total) in any single period of 12 months.</p> <p><b>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) reg 77(b):</b> Installation of not more than one caravan or campervan on land occupied by the owner of the caravan or campervan in connection with that owner's dwelling house, so long as it is used for habitation only by the owner or by members of the owner's household and is maintained in a safe and healthy condition.</p> <p><b>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) reg 77(c):</b> Installation of a caravan or campervan on pastoral or agricultural land, so long as it is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land.</p> <p><b>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) reg 78:</b> Installation of a caravan, campervan, or tent on Crown reserves or on land that is reserved or dedicated under the <i>Forestry Act 1916</i>. (NSW)</p> <p><i>NIL Exemptions Provided Under this Policy.</i></p>
A2 - (Repealed)	N/A
A3 - (Repealed)	N/A
<b>Part B: Water Supply, Sewerage and Stormwater Drainage Work</b>	
B1 - Carry out a water supply work.	<p><i>NIL Exemptions Under Provided the Regulation.</i></p> <p>Exemptions Under this Policy:</p> <p>B1.1. All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and the National Construction Code (Plumbing Code of Australia).</p> <p>B1.2. Prior to the commencement of plumbing and drainage works the responsible plumbing contractor is to submit to Council a "Notice of Works" pursuant to the <i>Plumbing and Drainage Act 2011</i> (NSW).</p>



Section 68 Activity	Exemptions	
		B1.3. Upon completion of works the responsible plumbing contractor is to submit to Council a copy of the Certificate of Compliance issued for the works.
B2 - Draw water from a council water supply or a standpipe or sell water so drawn.	Exemptions Under the Regulation:	<b>Local Government (General) Regulation 2021 (NSW) reg 24:</b> An employee of a council acting in the course of their employment may draw water from a water supply system or standpipe without the prior approval of the council.
	<i>NIL Exemptions Provided Under this Policy.</i>	
B3 - Install, alter, disconnect, or remove a meter connected to a service pipe.	<i>NIL Exemptions</i>	
B4 - Carry out sewerage work.	<i>NIL Exemptions Under Provided the Regulation.</i>	
	Exemptions Under this Policy:	<p>B4.1. All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and the National Construction Code (Plumbing Code of Australia).</p> <p>B4.2. Prior to the commencement of plumbing and drainage works the responsible plumbing contractor is to submit to Council a "Notice of Works" under the <i>Plumbing and Drainage Act 2011</i>.</p> <p>B4.3. Upon completion of works the responsible plumbing contractor is to submit to Council a copy of the:</p> <ul style="list-style-type: none"> <li>(a) Certificate of Compliance issued for the works; and</li> <li>(b) Sewer Service Diagram for the works in accordance with the requirements of NSW Fair Trading.</li> </ul>
B5 - Carry out stormwater drainage work	<i>NIL Exemptions Under Provided the Regulation.</i>	
	Exemptions Under this Policy:	<p>B5.1. All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and the National Construction Code (Plumbing Code of Australia).</p> <p>B5.2. Prior to the commencement of plumbing and drainage works the responsible plumbing contractor is to submit to Council a "Notice of Works" under the <i>Plumbing and Drainage Act 2011</i>.</p> <p>B5.3. Upon completion of works the responsible plumbing contractor is to submit to Council a copy of the Certificate of Compliance issued for the works.</p>
B6 - Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain which connects with such a public drain or sewer.	<i>NIL Exemptions Under Provided the Regulation.</i>	
	Exemptions Under this Policy:	<p>B6.1. All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and the National Construction Code (Plumbing Code of Australia).</p> <p>B6.2. Prior to the commencement of plumbing and drainage works the responsible plumbing contractor is to submit to Council a "Notice of Works" under the <i>Plumbing and Drainage Act 2011</i>.</p> <p>B6.3. Upon completion of works the responsible plumbing contractor is to submit to Council a copy of the:</p>



Section 68 Activity	Exemptions	
		(a) Certificate of Compliance issued for the works; and (b) Sewer Service Diagram for the works in accordance with the requirements of NSW Fair Trading.
<b>Part C: Management of Waste</b>		
C1 - For fee or reward, transport waste over or under a public place.	Exemptions Under the Regulation:	<p><b>Local Government (General) Regulation 2021 (NSW) reg 48(a):</b> The transporting of waste over or under a public place for fee or reward if—</p> <ul style="list-style-type: none"> <li>(i) the activity is licensed under the <i>Protection of the Environment Operations Act 1997</i>, or</li> <li>(ii) the activity is being carried out in the Sydney metropolitan area as defined in Part 3 (Interpretative provisions) of Schedule 1 to that Act, or</li> <li>(iii) the waste is being transported through the area of the council and is not being collected or deposited in that area.</li> </ul> <p>Note— A person who transports waste for fee or reward in circumstances that do not require a pollution control licence issued by the Environment Protection Authority must comply with the relevant requirements of the regulations made under the <i>Protection of the Environment Operations Act 1997</i> (NSW).</p>
		<i>NIL Exemptions Under Provided this Policy.</i>
C2 - Place waste in a public place.	Exemptions Under the Regulation:	<p><b>Local Government (General) Regulation 2021 (NSW) reg 48(b):</b> The placing of waste in a public place, if it is done in accordance with arrangements instituted by the council.</p>
	Exemptions Under this Policy:	<p>C2.1. The placing of waste or recyclable materials in a public place may be carried out by:</p> <ul style="list-style-type: none"> <li>(a) Residents placing mobile garbage bins or recycling bins on the footpath for collection by Council's solid waste and recycling collection service; and</li> <li>(b) Council providing street litter bins into which the public may deposit litter.</li> </ul>
C3 - Place a waste storage container in a public place.	<i>NIL Exemptions Under Provided the Regulation.</i>	
	Exemptions Under this Policy:	<p>C3.1. The placing of waste or recyclable materials in a public place may be carried out by:</p> <ul style="list-style-type: none"> <li>(a) Residents placing mobile garbage bins or recycling bins on the footpath for collection by Council's solid waste and recycling collection service; and</li> <li>(b) Council providing street litter bins into which the public may deposit litter.</li> </ul>
C4 - Dispose of waste into a sewer of the council.	Exemptions Under the Regulation:	<p><b>Local Government (General) Regulation 2021 (NSW) reg 48(c):</b> The discharge of sewage of a domestic nature into a sewer of the council, if it is done in accordance with arrangements instituted by the council.</p> <p><b>Local Government (General) Regulation 2021 (NSW) reg 48(d):</b> The disposal of septic tank effluent into a sewer of the council, if the premises are within a Common Effluent Drainage District declared by the council.</p>
		<i>NIL Exemptions Under Provided this Policy.</i>
C5 - Install, construct, or alter a waste treatment device or a human waste storage facility or a drain	Exemptions Under the Regulation:	<p><b>Local Government (General) Regulation 2021 (NSW) reg 48(e):</b> The installation, construction or alteration of a waste treatment device, if that installation, construction or alteration is done—</p> <ul style="list-style-type: none"> <li>(i) under the authority of a licence in force under the <i>Protection of the Environment Operations Act 1997</i> (NSW), or</li> <li>(ii) in a vessel used for navigation, or</li> </ul>



Section 68 Activity	Exemptions	
connected to any such device or facility.		in a motor vehicle that is registered within the meaning of the <i>Road Transport Act 2013</i> (NSW) and is used primarily for road transport.
		<i>NIL Exemptions Under Provided this Policy.</i>
C6 - Operate a system of sewerage management (within the meaning of Section 68A)	Exemptions Under the Regulation:	<p><b>Local Government (General) Regulation 2021 (NSW) reg 48(f):</b> So much of the operation of a system of sewerage management as is limited to an action carried out—</p> <ul style="list-style-type: none"> <li>(i) under the authority of a licence in force under the <i>Protection of the Environment Operations Act 1997</i> (NSW), or</li> <li>(ii) in a vessel used for navigation, or</li> <li>(iii) in a motor vehicle that is registered within the meaning of the <i>Road Transport Act 2013</i> (NSW) and is used primarily for road transport.</li> </ul> <p><b>Local Government (General) Regulation 2021 (NSW) reg 47:</b> (1) Despite the other provisions of this Regulation, a person who purchases (or otherwise acquires) land on which any sewerage management facilities are installed or constructed may operate a system of sewerage management without the approval required under section 68 of the Act for the period of 3 months after the date on which the land is transferred or otherwise conveyed to the person (whether or not an approval is in force, as at that date, in relation to the operation of a system of sewerage management on that land). (2) Further, if the person duly applies, within the period of 2 months after the date on which the land is transferred or otherwise conveyed to the person, for approval to operate the system of sewerage management concerned, the person may continue to operate that system of sewerage management without approval until the application is finally determined.</p>
		<i>NIL Exemptions Under Provided this Policy.</i>
<b>Part D: Community Land</b>		
D1 - Engage in a trade or business		<i>NIL Exemptions Under Provided the Regulation.</i>
	Exemptions Under this Policy:	<p>D1.1. Sporting event spectator fees - sports clubs with prior approval from council for the use of the associated sporting facility may charge a spectator fee to cover its commitments to a sporting association.</p> <p>D1.2. Street stalls for political purposes - the prior approval of council is not required for street stalls for political purposes that comply with the following conditions:</p> <ul style="list-style-type: none"> <li>(a) Not within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.</li> <li>(b) Only one table, dimensions not to exceed 2 metres x 1 metre, to be used.</li> <li>(c) No more than three representatives to attend any one time.</li> <li>(d) No fund-raising activities are to be carried out.</li> <li>(e) If located outside any shop must have the permission of the shop owner.</li> <li>(f) Not to include a public address system or the like nor cause offensive noise.</li> <li>(g) The organisation conducting the stall must display a sign on the stall, not on the footpath, indicating its name. No other signage will be permitted.</li> <li>(h) The stall must not obstruct or inconvenience pedestrian or vehicular traffic by maintaining a minimum accessible path of travel of 2.5 metres.</li> </ul>





Section 68 Activity	Exemptions
D2 - Direct or procure a theatrical, musical, or other entertainment for the public.	<p><i>NIL Exemptions Under Provided the Regulation.</i></p> <p>Exemptions Under this Policy:</p> <p>D2.1. Busking and street theatre - the prior approval of council is not required for busking or street theatre that complies with the following conditions:</p> <ul style="list-style-type: none"> <li>(a) Performers must not be within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.</li> <li>(b) Must not occur in any area adjacent to an educational establishment or place of public worship</li> <li>(c) Must be located within 2 metres from a building's façade and no closer than 600mm to the back of kerb, or in accordance with Narrabri Shire Council's Footpath Trading Zones (<b>Appendix B</b>).</li> <li>(d) The activity must not obstruct or hinder the passage of pedestrians or vehicles nor create any nuisance or offensive noise.</li> <li>(e) The performance must not involve the use of dangerous materials and implements nor include drawing or marking the footpath or affixing any matter or structure to the footpath paving.</li> <li>(f) If located outside any shop must have the permission of the shop owner and adjacent shop owners.</li> <li>(g) Must not use a public address, sound system or amplified equipment.</li> <li>(h) Performers may receive voluntary donations from the audience but may not solicit funds.</li> <li>(i) Performers may only perform in one location for a maximum of 2 hours. Performers may subsequently relocate to another location that is at least 50 metres away.</li> <li>(j) Performers are not permitted when special events are in progress (unless approval given as part of the event).</li> <li>(k) Performers must not advertise goods for sale or associate themselves with such advertising in conjunction with their performance, other than recordings consisting of the performers own work.</li> <li>(l) Performers may only operate between the hours of 8am and 8pm</li> <li>(m) The activity shall incorporate appropriate risk management practices so as to avoid injury or loss.</li> <li>(n) No more than 1 performer within 50m of another performer</li> <li>(o) Circle Acts and acts involving the use of dangerous materials or implements (as defined in section 8) are not to be included in exemptions</li> </ul> <p>Note - Council and Police have the right to remove people if they are causing a nuisance to the public (including shop owners). This includes excessively repetitive performances.</p>
D3 - Construct a temporary enclosure for the purpose of entertainment.	<i>NIL Exemptions</i>
D4 - For fee or reward, play a musical instrument or sing.	<p><i>NIL Exemptions Under Provided the Regulation.</i></p> <p>Exemptions Under this Policy:</p> <p>D4.1. Busking and street theatre - the prior approval of council is not required for performing music for fee or reward that complies with the following conditions:</p> <ul style="list-style-type: none"> <li>(a) Performers must not be within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.</li> </ul>



Section 68 Activity	Exemptions	
		<ul style="list-style-type: none"> <li>(b) Must not occur in any area adjacent to an educational establishment or place of public worship</li> <li>(c) Must be located within 2 metres from a building's façade and no closer than 600mm to the back of kerb, or in accordance with Narrabri Shire Council's Footpath Trading Zones (<b>Appendix B</b>).</li> <li>(a) The activity must not obstruct or hinder the passage of pedestrians or vehicles nor create any nuisance or offensive noise.</li> <li>(b) The performance must not involve the use of dangerous materials and implements nor include drawing or marking the footpath or affixing any matter or structure to the footpath paving.</li> <li>(c) If located outside any shop must have the permission of the shop owner and adjacent shop owners.</li> <li>(d) Must not use a public address, sound system or amplified equipment.</li> <li>(e) Performers may receive voluntary donations from the audience but may not solicit funds.</li> <li>(f) Performers may only perform in one location for a maximum of 2 hours. Performers may subsequently relocate to another location that is at least 50 metres away.</li> <li>(g) Performers are not permitted when special events are in progress (unless approval given as part of the event).</li> <li>(h) Performers must not advertise goods for sale or associate themselves with such advertising in conjunction with their performance, other than recordings consisting of the performers own work.</li> <li>(i) Performers may only operate between the hours of 8am and 8pm</li> <li>(j) The activity shall incorporate appropriate risk management practices so as to avoid injury or loss.</li> <li>(k) No more than 1 performer within 50m of another performer</li> <li>(l) Circle Acts and acts involving the use of dangerous materials or implements (as defined in section 8) are not to be included in exemptions</li> </ul> <p>Note - Council and Police have the right to remove people if they are causing a nuisance to the public (including shop owners). This includes excessively repetitive performances.</p>
D5 - Set up, operate, or use a loudspeaker or sound amplifying device.	Exemptions Under the Regulation:	<b>Local Government (General) Regulation 2021 (NSW) reg 49:</b> A loudspeaker or sound amplifying device may be set up, operated or used on community land without the prior approval of the council if it is done in accordance with a notice erected on the land by the council or if it is done in the circumstances specified, in relation to the setting up, operation or use (as the case may be), in Part 1 of the local approvals policy applying to the land.
	Exemptions Under this Policy:	D5.1. The loudspeaker or sound amplifying device is set up, operated, or used on community land if it is in accordance with a Notice on that land permitting the activity.
D6 - Deliver a public address or hold a religious service or public meeting.	<b>NIL Exemptions Under Provided the Regulation.</b>	
	Exemptions Under this Policy:	D6.1. Preaching and Religious Services - The prior approval of council is not required for preaching and religious services that complies with the following conditions: <ul style="list-style-type: none"> <li>(a) Not within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.</li> </ul>





Section 68 Activity	Exemptions
	<ul style="list-style-type: none"> <li>(b) Must not occur in any park or reserve, tourist location or any area adjacent to residential premise.</li> <li>(c) Must not occur in any area adjacent to an educational establishment or place of public worship (unless permission given from the occupant).</li> <li>(d) Must retain a minimum of 1.8 metres of footpath for public movement.</li> <li>(e) The activity must not cause nuisance, offense, or obstruction.</li> <li>(f) If located outside any shop must have the permission of the shop owner.</li> <li>(g) Not to include a public address system or the like nor cause offensive noise.</li> </ul>
<b>Part E: Public Roads</b>	
E1 - Swing or hoist goods across or over any part of a public road by means of a lift, hoist, or tackle projecting over the footway.	<i>NIL Exemptions</i>
E2 - Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road or hang an article beneath an awning over the road.	<p><i>NIL Exemptions Under Provided the Regulation.</i></p> <p>Exemptions Under this Policy:</p> <p>E2.1. Under Awning Advertising Sign – the sign must:</p> <ul style="list-style-type: none"> <li>(a) Be attached below the awning of a building within Business or Industrial zones under the LEP;</li> <li>(b) Be erected approximately horizontal to the ground and at no point less than 3.0 metres from the ground/footpath level;</li> <li>(c) Not project beyond the edge of the awning; and</li> <li>(d) Be attached to an awning which is structurally adequate to maintain the additional load placed upon it.</li> </ul> <p>E2.2. Information Display Stands – the stand must:</p> <ul style="list-style-type: none"> <li>(a) Only be displayed in Town Centres;</li> <li>(b) Be limited to 'A3' size and only for information (for example, booklets or menu stands);</li> <li>(c) Must be located immediately adjacent to and extending no further than 700mm from the front of the shop or business;</li> <li>(d) Be securely fixed to prevent vandalism and expected wind forces;</li> <li>(e) Be a minimum of 2.5 metres of unobstructed footpath is to be maintained between the information display stand and any other articles, dining area or display otherwise permitted;</li> <li>(f) Be removed from the footpath when the premises are closed; and</li> <li>(g) Only be displayed if the proprietor of the related business holds appropriate public liability insurance specifically indemnifying and listing Narrabri Shire Council on the insurance policy as an interested party.</li> </ul> <p>E2.3. Signage on footpaths – Applies to commercial premises as defined under LEP. Signage is limited to one (1) sign per commercial premises. The sign must:</p> <ul style="list-style-type: none"> <li>(a) Be A-frame or self-standing single- or double-sided sign;</li> <li>(b) Be located immediately adjacent to the premise to which the sign is advertising;</li> </ul>



Section 68 Activity	Exemptions	
		(c) Relate to an existing approved and lawful use; (d) Not contravene any development consent applying to the property; (e) Not permitted within 5 metres of a bus stop, taxi stand or intersection; (f) Not display offensive, violent, obscene or include discriminatory text or graphics; (g) Relate to the business conducted on the premises or goods or services sold at the premises; (h) Not be illuminated or incorporate any moving components; (i) Not exceed a height of 1 metre with each advertising panel being maximum 900mm high by 600mm wide; (j) Leave a minimum of unobstructed footpath width of 1.8 metres is to be maintained between the A-frame sign and any other articles, dining area or display otherwise permitted; (k) Be safely constructed and secured to prevent a public hazard; (l) Be removed during inclement or windy weather or when the related business is not open for trading; (m) Not obstruct or pose a risk to pedestrian or vehicular traffic; and (n) Only be displayed if the proprietor of the related business holds appropriate public liability insurance specifically indemnifying and listing Narrabri Shire Council on the insurance policy as an interested party.
E3 - (Repealed)	N/A	
<b>Part F: Other Activities</b>		
F1 - Operate a public car park.	Exemptions Under the Regulation:	<b>Local Government (General) Regulation 2021 (NSW) reg 66:</b> (1) A public car park may be operated without the prior approval of the council if approval for its erection or operation has already been given by the council in connection with another approval or development consent and the car park complies with any applicable conditions of that approval or development consent. (2) In this section, development consent has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i> (NSW).
		<i>NIL Exemptions Under Provided this Policy.</i>
F2 - Operate a caravan park or camping ground.		<i>NIL Exemptions</i>
F3 - Operate a manufactured home estate.		<i>NIL Exemptions</i>
F4 - Install a domestic oil or solid fuel heating appliance, other than a portable appliance.	Exemptions Under the Regulation:	<b>Local Government (General) Regulation 2021 (NSW) reg70:</b> A domestic oil or solid fuel heating appliance (other than a portable appliance) may be installed without the prior approval of the council if details of the appliance are included in plans and specifications for the relevant building approved under Part 6 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW).
	Exemptions Under this Policy:	F4.1. The flue or chimney height is to be 1 metre above any other building within a 15-metre radius. The flue height is to be at least 4.6 metres above floor level. F4.2. Installation is to be in accordance with: (a) The National Construction Code (Building Code of Australia).



Section 68 Activity	Exemptions
	<p>(b) AS 2918: Domestic Solid Fuel Burning Appliances and Installation.</p> <p>(c) NSW Department of Environment and Conservation's publication Environmental Guidelines for Selecting, Installing and Operating Domestic Solid Fuel Heaters.</p> <p>F4.3. The heater must comply with the emission controls stated in AS 4013: Domestic Solid Fuel Burning Appliances - Methods for determination of flue gas emission.</p> <p>F4.4. Must not cause a smoke or odour nuisance to adjoining or nearby properties.</p>
F5 - Install or operate amusement devices.	<p>Exemptions Under the Regulation:</p> <p><b>Local Government (General) Regulation 2021 (NSW) reg 71:</b> Amusement devices not required to be registered under the <i>Work Health and Safety Regulation 2017</i> may be installed or operated without the prior approval of the council. Note—See the <i>Work Health and Safety Regulation 2017</i>, Schedule 5, Part 2 for items of plant that are required to be registered.</p> <p><b>Local Government (General) Regulation 2021 (NSW) reg 75:</b> (1) In this section, small amusement device means an amusement device that is designed primarily for the use of children 12 years of age or under and includes such amusement devices as mini-Ferris wheels, battery operated cars and miniature railways but, in the case of rotating amusement devices, includes only those devices that have a maximum rotation of 14 revolutions per minute. (2) A small amusement device may be installed or operated without the prior approval of the council if— (a) the ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason, and (b) the device is registered under the <i>Work Health and Safety Regulation 2017</i>, and (c) the device— (i) is to be or has been erected, and (ii) it to be or is being operated, in accordance with all conditions (if any) relating to its erection or operation set out in the current certificate of registration issued for the device under that Regulation, and (d) there exists for the device a current log book as referred to in that Regulation, Chapter 5, Part 5.2, Division 4, Subdivision 2, and (e) in the case of a device that is to be or is installed in a building, fire egress is not obstructed, and (f) there is in force a contract of insurance or indemnity for the device that complies with section 74.</p> <p><i>NIL Exemptions Provided Under this Policy.</i></p>
F6 - (Repealed)	N/A
F7 - Use a standing vehicle or any article for the purpose of selling	<p><i>NIL Exemptions Provided Under the Regulation.</i></p> <p>Exemptions Under this Policy:</p> <p>F7.1. Street collections and information distribution – the standing vehicle must:</p> <p>(a) Only be located within Towns Centres;</p> <p>(b) Not occur within 5 metres of a bus stop, taxi stand or intersection;</p>



Section 68 Activity	Exemptions
any article in a public place.	<ul style="list-style-type: none"> <li>(c) Not occur in any area adjacent to an educational establishment or place of public worship or in any park or reserve;</li> <li>(d) Retain a minimum of 1.8 metres of footpath for public movement;</li> <li>(e) Not cause nuisance, offence, or obstruction;</li> <li>(f) Have permission of the business to which it is standing in front of (if applicable);</li> <li>(g) Not include a public address system (or the like);</li> <li>(h) Not collect monies unless it is being operated by a registered charity and the monies collected are channeled directly to the charity.</li> </ul>
F8 - (Repealed)	N/A
F9 - (Repealed)	N/A
F10 - Carry out an activity prescribed by the regulations, or an activity of a class or description prescribed by the regulations.	<i>NIL Exemptions</i>



**4. Part 2: Criteria the council must take into consideration in determining an approval (Section 158 (4) of the *Local Government Act 1993* (NSW))**

- 4.1. Section 89 of the *Local Government Act 1993* (NSW) will be taken into consideration in the assessment of all applications.
- 4.2. In determining an application, Council:
  - (a) will not approve the application if the activity or the carrying out of the activity for which approval is sought would not comply with the requirements of any relevant regulation;
  - (b) will take into consideration any criteria in a local policy adopted by the council which are relevant to the subject-matter of the application; and
  - (c) will take into consideration the principles of Ecologically Sustainable Development.
- 4.3. If no requirements are prescribed and no criteria are adopted, the council in determining an application:
  - (a) is to take into consideration, in addition to the principles of ecologically sustainable development, all matters relevant to the application; and
  - (b) is to seek to give effect to the applicant's objectives to the extent to which they are compatible with the public interest.
- 4.4. In considering the public interest, the matters the council is to consider include:
  - (a) protection of the environment;
  - (b) protection of public health, safety, and convenience; and
  - (c) any items of cultural and heritage significance which might be affected.
- 4.5. Table 4 outlines a complete list of Section 68 Activities and the criteria that Council must take into consideration when determining an approval for a Section 68 Activity.



Table 4: Section 68 Activities and Considerations

Section 68 Activity	Considerations
<b>Part A: Structures or Places of Public Entertainment</b>	
A1 - Install a manufactured home, moveable dwelling, or associated structure on land.	<p>Considerations under the Regulation:</p> <p><b>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) reg 75:</b></p> <p>(1) In deciding whether to approve the installation of a relocatable home, rigid annexe or associated structure on flood liable land in a caravan park or camping ground, the council must consider the principles set out in the Floodplain Development Manual.</p> <p>(2) It is a condition of an approval to install a relocatable home or associated structure on flood liable land that the relocatable home and associated structure is designed, constructed and installed in accordance with Division 4.</p> <p>(3) It is a condition of an approval to install a rigid annexe on flood liable land that the rigid annexe is designed, constructed and installed in accordance with Division 5.</p> <p><b>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) reg 76:</b></p> <p>In deciding whether to approve the installation in a caravan park or camping ground of a relocatable home, rigid annexe or associated structure with more than 1 storey, the council must consider the likely impact on the amenity of the occupiers of—</p> <p>(a) an adjoining relocatable home, if any, and</p> <p>(b) land adjoining the caravan park or camping ground.</p>
	<p>Considerations under this Policy:</p> <p>A1.1 When determining an application to install a manufactured home, moveable dwelling or associated structure Council will take into consideration:</p> <p>(a) Whether all information required (as requested by Council) has been submitted;</p> <p>(b) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</p> <p>(c) The provisions of the <i>Local Government Act 1993</i> (NSW) as amended, and those matters prescribed in Section 89 of <i>Local Government Act 1993</i> (NSW);</p> <p>(d) The provisions of any other relevant Statute or Regulation;</p> <p>(e) Any applicable standards that are specified in the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i> (NSW);</p> <p>(f) Whether adequate provision has been made to ensure the health, safety, and convenience of the occupants of any moveable dwelling or associated structure;</p> <p>(g) Whether Development Consent pursuant to the provisions of the <i>Environmental Planning and Assessment Act 1979</i> (NSW), as amended, is required prior to an approval being granted pursuant to Chapter 7 of the <i>Local Government Act 1993</i> (NSW), as amended, and if so, whether such Development Consent has been granted; and</p> <p>(h) Any other matter that Council considers relevant.</p>





Section 68 Activity	Considerations		
A2 - (Repealed)	N/A		
A3 - (Repealed)	N/A		
<b>Part B: Water Supply, Sewerage and Stormwater Drainage Work</b>			
B1 - Carry out a water supply work.	<i>NIL Considerations</i>		
B2 - Draw water from a council water supply or a standpipe or sell water so drawn.	<i>NIL Considerations</i>		
B3 - Install, alter, disconnect, or remove a meter connected to a service pipe.	<i>NIL Considerations</i>		
B4 - Carry out sewerage work.	<i>NIL Considerations</i>		
B5 - Carry out stormwater drainage work	<i>NIL Considerations</i>		
B6 - Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain which connects with such a public drain or sewer.	<p><b>Local Government (General) Regulation 2021 (NSW) reg 15:</b></p> <p>(1) This section applies to the following activities—</p> <ul style="list-style-type: none"> <li>(a) carrying out water supply work,</li> <li>(b) drawing water from the council water supply or a standpipe,</li> <li>(c) installing, altering, disconnecting or removing a water meter connected to a service pipe,</li> <li>(d) carrying out sewerage work,</li> <li>(e) carrying out stormwater drainage work.</li> </ul> <p>(2) In determining an application for the purposes of section 68 of the Act for an approval to do any of the activities to which this section applies, the council must have regard to the following considerations—</p> <ul style="list-style-type: none"> <li>(a) the protection and promotion of public health,</li> <li>(b) the protection of the environment,</li> <li>(c) the safety of its employees,</li> <li>(d) the safeguarding of its assets,</li> <li>(e) any other matter that it considers to be relevant in the circumstances.</li> </ul> <p><i>NIL Considerations Provided Under this Policy:</i></p>		
<b>Part C: Management of Waste</b>			
C1 - For fee or reward, transport waste over or under a public place.	<i>NIL Considerations</i>		
C2 - Place waste in a public place.	<p><i>NIL Considerations Provided Under the Regulation.</i></p> <table border="1"> <tr> <td>Considerations under this Policy:</td><td> <p>C2.1. When determining an application to place waste in a public place Council will take into consideration:</p> <ul style="list-style-type: none"> <li>(a) Whether all information required (as requested by Council) has been submitted;</li> <li>(b) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</li> <li>(c) The provisions of any relevant Statute or Regulation;</li> </ul> </td></tr> </table>	Considerations under this Policy:	<p>C2.1. When determining an application to place waste in a public place Council will take into consideration:</p> <ul style="list-style-type: none"> <li>(a) Whether all information required (as requested by Council) has been submitted;</li> <li>(b) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</li> <li>(c) The provisions of any relevant Statute or Regulation;</li> </ul>
Considerations under this Policy:	<p>C2.1. When determining an application to place waste in a public place Council will take into consideration:</p> <ul style="list-style-type: none"> <li>(a) Whether all information required (as requested by Council) has been submitted;</li> <li>(b) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</li> <li>(c) The provisions of any relevant Statute or Regulation;</li> </ul>		





Section 68 Activity	Considerations	
		(d) The safety of the public and the protection of property; and (e) Any other matter that Council considers relevant.
C3 - Place a waste storage container in a public place.	Considerations under the Regulation:	<b>Local Government (General) Regulation 2021 (NSW) reg 27:</b> In determining an application for approval to place on a road a building waste storage container, the council is to take into consideration any requirements or guidelines relating to the location, size and visibility of building waste storage containers that are notified to the council from time to time by Transport for NSW.
	Considerations under this Policy:	C3.1. When determining an application to place waste in a public place Council will take into consideration: (a) Whether all information required (as requested by Council) has been submitted; (b) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (c) The provisions of any relevant Statute or Regulation; (d) The safety of the public and the protection of property; and (e) Any other matter that Council considers relevant.
C4 - Dispose of waste into a sewer of the council.	<i>NIL Considerations Provided Under the Regulation.</i>	
	Considerations under this Policy:	C4.1. When determining an application to dispose of waste into a sewer of the Council, Council will take into consideration: (a) The provisions of Council's Trade Waste Policy; (b) The provisions of any relevant Statute or Regulation; (c) The Requirements of the relevant departments of the NSW Government; (d) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (e) Whether all information required (as requested by Council) has been submitted.
C5 - Install, construct, or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.	Considerations under the Regulation:	<b>Local Government (General) Regulation 2021 (NSW) reg 29:</b> (1) In determining an application for approval to install, construct or alter a sewage management facility, the council must take into consideration the matters specified in this section. (2) Environment and health protection matters The council must consider whether the proposed sewage management facility (or the proposed sewage management facility as altered) and any related effluent application area will make appropriate provision for the following— (a) preventing the spread of disease by micro-organisms, (b) preventing the spread of foul odours, (c) preventing contamination of water, (d) preventing degradation of soil and vegetation, (e) discouraging insects and vermin, (f) ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned, (g) the re-use of resources (including nutrients, organic matter and water), (h) the minimisation of any adverse impacts on the amenity of the land on which it is installed or constructed and other land in the vicinity of that land.



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	<p>(3) Guidelines and directions The council must consider any matter specified in guidelines or directions issued by the Secretary in relation to the matters referred to in subsection (2).</p> <p>Considerations under this Policy:</p> <p>C5.1. When determining an application to install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to such device or facility, Council will take into consideration:</p> <ul style="list-style-type: none"> <li>(a) The provisions of any relevant legislation;</li> <li>(b) The provisions of AS/NZ 3500 Parts 1 to 4 published by the Standards Association of Australia;</li> <li>(c) The provisions of the National Construction Code (Plumbing Code of Australia);</li> <li>(d) Whether approval to erect a building (if applicable) is required prior to the waste treatment device or human waste storage facility being installed, constructed, or altered pursuant to Section 68 of the <i>Local Government Act 1993</i> (NSW), and if so whether such approval has been issued by Council;</li> <li>(e) Whether the land is suitable for the installation of a device for the treatment of human waste, or for a human waste storage facility, and whether any effluent from such devices can be disposed of in a satisfactory manner;</li> <li>(f) The protection and promotion of public health;</li> <li>(g) The protection of the environment;</li> <li>(h) Whether all information required (as requested by Council) has been submitted;</li> <li>(i) Whether all fees, charges and security deposits required to be paid by Council's Revenue Policy have been paid; and</li> <li>(j) Any other matter that Council considers relevant.</li> </ul>
C6 - Operate a system of sewerage management (within the meaning of Section 68A)	<p>Considerations under the Regulation:</p> <p><b>Local Government (General) Regulation 2021 (NSW) reg 43:</b> In determining an application for approval to operate a system of sewerage management, the council must consider any matter specified in guidelines or directions issued by the Secretary in relation to the environment and health protection matters referred to in section 29(2).</p> <p><b>Local Government (General) Regulation 2021 (NSW) reg 44:</b></p> <p>(1) A system of sewerage management must be operated in a manner that achieves the following performance standards—</p> <ul style="list-style-type: none"> <li>(a) the prevention of the spread of disease by micro-organisms,</li> <li>(b) the prevention of the spread of foul odours,</li> <li>(c) the prevention of contamination of water,</li> <li>(d) the prevention of degradation of soil and vegetation,</li> <li>(e) the discouragement of insects and vermin,</li> <li>(f) ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,</li> <li>(g) the minimisation of any adverse impacts on the amenity of the premises and surrounding lands,</li> <li>(h) if appropriate, provision for the re-use of resources (including nutrients, organic matter and water).</li> </ul> <p>(2) Failure to comply with subsection (1) is not a breach of that performance standard if the failure was due to circumstances beyond the control of the person operating the system of sewerage management (such as a fire, flood, storm, earthquake, explosion, accident, epidemic or warlike action).</p>



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		(3) A system of sewage management must be operated— (a) in accordance with the relevant operating specifications and procedures (if any) for the sewage management facilities used for the purpose, and (b) so as to allow the removal of any treated sewage (and any by-product of any sewage) in a safe and sanitary manner.
	NIL Considerations Provided Under this Policy.	
Part D: Community Land		
D1 - Engage in a trade or business	NIL Considerations Provided Under the Regulation.	
	Considerations under this Policy:	D1.1. Generally – When determining an application to engage in a trade or business on community land Council will take into consideration the following: (a) The provisions of any relevant legislation; (b) Whether all information required (as requested by Council) has been submitted; (c) Whether all relevant fees, charges and security deposits incorporated in Council's Revenue Policy have been paid; (d) Whether, if the trade or business involves selling food to the public, the provisions of the NSW Food Authority– Guidelines for Mobile Food Vending Vehicles and the NSW Food Authority – Guidelines for Food Businesses at Temporary Events, will be complied with; (e) The effect that the proposed trade or business will have on the enjoyment of the community land by members of the public; (f) The safety of the public and the protection of property; (g) Any Management Plan that Council has adopted in respect to the management of Community Land; (h) Whether any public liability insurance taken out in respect to the proposed trade or business is adequate to protect Council against claims for injuries to persons and damage to property; and (i) Any other matter that Council considers relevant.
		D1.2. Fundraising on Public Land or Public Roads - In determining applications for fundraising, Council shall consider the following: (a) Fundraising may only be conducted by organisations which have been authorised by the Office of Liquor, Gaming & Racing; (b) Council reserves the right to refuse bookings for fundraising where multiple applications exist for a similar area and time; and (c) The intended location, extent and duration of any fundraising activities will be assessed to minimize adverse public and commercial impacts.
		D1.3. Street Stalls on Public Land or Public Roads - In determining applications for street stalls, Council shall consider the following: (a) Council will assess street stall and stationary vehicle applications with reference to the <i>Local Government Act 1993</i> (NSW), <i>Roads Act 1993</i> (NSW) and associated regulations; (b) Council will ensure that commercial businesses are not disadvantaged by the occupation of street stalls or stationary vehicle vendors; (c) Council will ensure equitable allocation of available sites between requesting organisations;



Section 68 Activity	Considerations	
		<ul style="list-style-type: none"> <li>(d) Council will ensure the safety and preservation of the amenity for all users of malls, roadways and commercial areas used for street stalls and will provide reasonable access in these areas to maintain public safety and an aesthetic appearance;</li> <li>(e) Street stalls and mall occupation is limited to temporary use at designated sites and attracting pedestrian traffic only;</li> <li>(f) This Policy will not deal with requests for permanent street stalls or larger scale markets that attract vehicle traffic and have a greater public safety risk;</li> <li>(g) Street stalls in malls or on footpaths, except as permitted within Council's designated mall areas, may only be conducted by community based or not for profit organisations;</li> <li>(h) No site is booked exclusively by any group where there are other requests;</li> <li>(i) Stalls that intend to operate in vehicle rest areas require concurrent approval from the relevant department of the NSW Government;</li> <li>(j) Evidence of approval from the relevant NSW Government approval body needs to be presented before Council can determine any applications of this nature. Please consult the relevant NSW Government approval body for Mobile Vending in Rest Areas for more information; and</li> <li>(k) For stalls that intend to distribute food and / or beverages, the food-vending stall must have had a satisfactory food safety inspection carried out by the relevant council within the current financial year.</li> </ul> <p>D1.4. Hiring of community land (park bookings) - Council will assess applications for park bookings in accordance with:</p> <ul style="list-style-type: none"> <li>(a) The nature and scale of the activity or function being undertaken;</li> <li>(b) Whether any amusement devices or marquees will be erected as part of the activity; and</li> <li>(c) Any other matter that Council considers relevant.</li> </ul>
D2 - Direct or procure a theatrical, musical, or other entertainment for the public.	<p><i>NIL Considerations Provided Under the Regulation.</i></p> <p>Considerations under this Policy:</p>	<p>D2.1. When determining an application for approval to direct or procure a theatrical, musical, or other entertainment for the public on community land, Council will take into consideration the following criteria:</p> <ul style="list-style-type: none"> <li>(a) Whether development consent under the <i>Environmental Planning and Assessment Act 1979</i> (NSW) as amended, is required prior to an approval being granted pursuant to Section 68 of the <i>Local Government Act 1993</i> (NSW) as amended, to a person to direct or provide a theatrical, musical, or other entertainment for the public on community land, and if so, whether such consent has been issued by Council;</li> <li>(b) Whether all information required (as requested by Council) has been submitted;</li> <li>(c) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</li> <li>(d) The provisions of any relevant legislation;</li> <li>(e) The safety of the public and the protection of property;</li> </ul>



Section 68 Activity	Considerations	
		<ul style="list-style-type: none"> <li>(f) The adequacy of the available public liability insurance regarding the protection of the Council and the applicant against claims for injuries to persons and damage to property;</li> <li>(g) Any management plan adopted by Council in respect to the management of Community Land;</li> <li>(h) Whether alcohol will be available on the site, and if so, whether a liquor licence has been issued and any conditions attached thereto;</li> <li>(i) Whether adequate toilet facilities will be available on the site; and</li> <li>(j) Any other matter that Council considers relevant.</li> </ul>
D3 - Construct a temporary enclosure for the purpose of entertainment.	<p><i>NIL Considerations Provided Under the Regulation.</i></p> <p>Considerations under this Policy:</p>	<p>D3.1. When determining an application to construct temporary enclosures on community land for the purpose of entertainment, Council will take the following criteria into consideration:</p> <ul style="list-style-type: none"> <li>(a) Whether all information required (as requested by Council) has been submitted;</li> <li>(b) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</li> <li>(c) The provisions of any relevant legislation;</li> <li>(d) The effect that the enclosure will have on the enjoyment of the community land by members of the public;</li> <li>(e) The provisions of any relevant Statute or Regulation, and any relevant standards and policies of public authorities applying to the use of the road;</li> <li>(f) The safety of the public and the protection of property;</li> <li>(g) The period during which it is proposed to enclose the section of community land;</li> <li>(h) Whether any public liability insurances taken out in respect to the enclosure of the community land is adequate to protect Council against claims for injury to persons and damage to property;</li> <li>(i) Any management plan which Council has adopted in respect to the management of Community Land;</li> <li>(j) Whether development consent pursuant to the provisions of the Environmental Planning and Assessment Act, 1979 as amended is required for the activity, and if so, whether such consent has been issued;</li> <li>(k) Whether adequate toilet facilities will be available on the site;</li> <li>(l) Whether alcohol will be available on the site, and if so, whether a liquor licence has been issued and any conditions attached thereto; and</li> <li>(m) Any other matter that Council considers relevant.</li> </ul>
D4 - For fee or reward, play a musical instrument or sing.	<p><i>NIL Considerations Provided Under the Regulation.</i></p> <p>Considerations under this Policy:</p>	<p>D4.1. When determining an application for approval to play a musical instrument or sing for a fee or reward on community land, Council will take the following criteria into consideration:</p> <ul style="list-style-type: none"> <li>(a) Whether all information required (as requested by Council) has been submitted;</li> </ul>





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		(b) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (c) The provisions of any relevant legislation; (d) The safety of the public and the protection of property; and (e) Any other matter that Council considers relevant.
D5 - Set up, operate, or use a loudspeaker or sound amplifying device.	<i>NIL Considerations</i>	
D6 - Deliver a public address or hold a religious service or public meeting.	<i>NIL Considerations Provided Under the Regulation.</i>  Considerations under this Policy:	D5.1. When determining an application for approval to deliver a public address or hold a religious service or public meetings on community land Council will take into consideration the following criteria: (a) Whether development consent under the <i>Environmental Planning and Assessment Act 1979</i> (NSW) as amended is required prior to an approval being granted pursuant to Section 68 of the <i>Local Government Act 1993</i> (NSW) as amended, for the proposed activity and if so, whether such consent has been issued by Council; (b) Whether all information required (as requested by Council) has been submitted; (c) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (d) The provisions of any relevant legislation; (e) The safety of the public and the protection of property; (f) The adequacy of the available public risk insurance regarding the protection of Council and the public; and (g) Any other matter that Council considers relevant.
<b>Part E: Public Roads</b>		
E1 - Swing or hoist goods across or over any part of a public road by means of a lift, hoist, or tackle projecting over the footway.	Considerations under the Regulation:	<b><i>Local Government (General) Regulation 2021 (NSW) reg 50:</i></b> In determining an application for an approval under Part E of the Table to section 68 of the Act the council must take into account— (a) the provisions of the <i>Roads Act 1993</i> , and (b) any relevant standards and policies of public authorities applying to the use of the road.
	Considerations under this Policy:	E1.1. When determining an application for approval to swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway, Council will take into consideration: (a) Whether all information required (as requested by Council) has been submitted; (b) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (c) The provisions of any relevant legislation; (d) The effect that the enclosure of the portion of the road over which the goods will be lifted will have on pedestrian movements in the vicinity of the proposed enclosure, and



Section 68 Activity	Considerations	
		<p>whether adequate provision has been made for pedestrian access to nearby premises;</p> <p>(e) The safety of the public and the protection of property;</p> <p>(f) The effect that the enclosure of the portion of the road over which the goods will be lifted will have on vehicular parking in the vicinity of the proposed enclosure;</p> <p>(g) The period during which it is proposed to keep the public place enclosed; and</p> <p>(h) Any other matter that Council considers relevant.</p>
E2 - Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road or hang an article beneath an awning over the road.	Considerations under the Regulation:	<p><b>Local Government (General) Regulation 2021 (NSW) reg 50:</b></p> <p>In determining an application for an approval under Part E of the Table to section 68 of the Act the council must take into account—</p> <p>(a) the provisions of the <i>Roads Act 1993</i>, and</p> <p>(b) any relevant standards and policies of public authorities applying to the use of the road.</p>
	Considerations under this Policy:	<p>E2.1. When determining an application to erect an advertising structure over a public road, or expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of a road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road, Council will take into consideration:</p> <p>(a) The provisions of any relevant legislation;</p> <p>(b) Whether development consent under the <i>Environmental Planning and Assessment Act 1979</i> (NSW) as amended is required prior to an approval for the proposed activity being issued under the <i>Local Government Act 1993</i> (NSW) as amended, and if so, whether such development consent has been issued by Council;</p> <p>(c) The safety of the public and the protection of property;</p> <p>(d) Whether adequate access to utility services will be maintained, and</p> <p>(e) Any other matter that Council considers relevant.</p>
E3 - (Repealed)	N/A	
<b>Part F: Other Activities</b>		
F1 - Operate a public car park.	Considerations under the Regulation:	<p><b>Local Government (General) Regulation 2021 (NSW) reg 53:</b></p> <p>In determining an application for approval to operate a public car park the council is to take the following matters into consideration—</p> <p>(a) the views of Transport for NSW about the application,</p> <p>(b) the effect of the car park on the movement of vehicular traffic and pedestrian traffic,</p> <p>(c) whether the number of vehicles proposed to be accommodated is appropriate having regard to the size of the car park and the need to provide off-street parking facilities within the car park for the temporary accommodation of vehicles,</p> <p>(d) whether the means of ingress and egress and means of movement provided or to be provided within the car park are satisfactory,</p> <p>(e) whether there will be adequate provision for pedestrian safety and access for people with disabilities,</p> <p>(f) whether the internal design of parking facilities and system of traffic management are satisfactory,</p> <p>(g) whether, in the case of a car park that is a building, adequate ventilation is provided or to be provided,</p>





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		<p>(h) the <i>Work Health and Safety Act 2011</i>, and the regulations made under that Act, as regards the safety of persons who will be employed at the proposed car park or of persons who will go there,</p> <p>(i) whether there will be adequate provision for the management of stormwater and the minimisation of stormwater pollution.</p>
	<i>NIL Considerations provided under this Policy.</i>	
F2 - Operate a caravan park or camping ground.	Considerations under the Regulation:	<p><b>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) reg 71:</b></p> <p>(1) The council must not grant an approval unless satisfied it will be designed, constructed, maintained and operated—</p> <p>(a) in accordance with Division 3, Subdivisions 1–8, or</p> <p>(b) for a primitive camping ground—in accordance with Division 3, Subdivision 9.</p> <p>(2) In deciding whether or not the approval allows the installation of a relocatable home, rigid annexe or associated structure on flood liable land, the council must consider the principles contained in the <i>Floodplain Development Manual</i>.</p> <p><b>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) reg 73:</b></p> <p>(1) An approval is subject to the following conditions—</p> <p>(a) the caravan park or camping ground must be designed, constructed, maintained and operated—</p> <p>(i) in accordance with Division 3, Subdivisions 1–8, or</p> <p>(ii) for a primitive camping ground—in accordance with Division 3, Subdivision 9,</p> <p>(b) a visitor must not be permitted to stay in a moveable dwelling occupying a short-term site or camp site for more than 150 days in a 12 month period, unless—</p> <p>(i) the moveable dwelling is a holiday van, and</p> <p>(ii) the visitor is the owner of the holiday van,</p> <p>(c) a visitor who is the owner of a holiday van occupying a short-term site or camp site must not be permitted to stay in the holiday van for more than 180 days in a 12 month period,</p> <p>(d) a visitor must not be permitted to stay in a moveable dwelling in a primitive camping ground for more than 50 days in a 12 month period.</p> <p>(2) In calculating the number of days a visitor stays in a moveable dwelling, only overnight stays must be counted.</p> <p>(3) This section does not apply to the operation of a caravan park or camping ground if the caravan park or camping ground is being operated—</p> <p>(a) solely in connection with the use of the land for a sporting, recreational or cultural event, and</p> <p>(b) for a period of no more than 6 weeks.</p> <p>(4) The manager of a caravan park or camping ground may authorise a person to stay in the caravan park or camping ground for a period not exceeding 2 years if the manager is reasonably satisfied that the person has been displaced as a result of—</p> <p>(a) a natural disaster, or</p>



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		<p>(b) a pandemic.</p> <p>(5) In this section— manager of a caravan park or camping ground includes the owner, operator or caretaker of the caravan park or camping ground. visitor does not include—</p> <p>(a) a displaced person, or (b) a resident manager of the caravan park or camping ground.</p>
	Considerations under this Policy:	<p>F2.1. When determining an application to erect an advertising structure over a public road, or expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of a road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road, Council will consider the following:</p> <p>(a) The provisions of any relevant legislation;</p> <p>(b) Whether development consent under the <i>Environmental Planning and Assessment Act 1979</i> (NSW) as amended is required prior to an approval for the proposed activity being issued under the <i>Local Government Act 1993</i> (NSW) as amended, and if so, whether such development consent has been issued by Council;</p> <p>(c) The safety of the public and the protection of property;</p> <p>(d) Whether adequate access to utility services will be maintained, and</p> <p>(e) Any other matter that Council considers relevant.</p>
F3 - Operate a manufactured home estate.	Considerations under the Regulation:	<p><b><i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) reg 6:</i></b></p> <p>(1) The council must not grant an approval unless satisfied the manufactured home estate will be designed, constructed, maintained and operated in accordance with Division 3.</p> <p>(2) Before approving the operation of a manufactured home estate on flood liable land, the council must consider the principles in the Floodplain Development Manual.</p>
	Considerations under this Policy:	<p>F3.1. When determining an application to operate a manufactured home estate Council will consider the following:</p> <p>(a) Whether all information required (as requested by Council) has been submitted;</p> <p>(b) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</p> <p>(c) The provisions of any relevant legislation;</p> <p>(d) Any applicable standards that are specified in the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i> (NSW);</p> <p>(e) Whether adequate provision has been made to ensure the health, safety, and convenience of the occupants of any moveable dwelling or associated structure or campsite;</p> <p>(f) Whether development consent under the <i>Environmental Planning and Assessment Act 1979</i> (NSW) as amended is required prior to an approval for the proposed activity being issued under the <i>Local Government Act 1993</i> (NSW) as</p>



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		amended, and if so, whether such development consent has been issued by Council; (g) Any other matter that Council considers relevant.
F4 - Install a domestic oil or solid fuel heating appliance, other than a portable appliance.	<i>NIL Considerations (other than ensuring compliance with the applicable Regulation)</i>	
F5 - Install or operate amusement devices.	Considerations under the Regulation:	<b>Local Government (General) Regulation 2021 (NSW) reg 72:</b> The council must not grant an application for an approval to install or operate an amusement device unless it is satisfied— <ul style="list-style-type: none"> <li>(a) that the ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason, and</li> <li>(b) that the device is registered under the <i>Work Health and Safety Regulation 2017</i>, and</li> <li>(c) that the device is to be or has been erected in accordance with all conditions (if any) relating to its erection set out in the current certificate of registration issued for the device under that Regulation, and</li> <li>(d) that there exists for the device a current log book as referred to in that Regulation, Chapter 5, Part 5.2, Division 4, Subdivision 2, and</li> <li>(e) that there is in force a contract of insurance or indemnity for the device that complies with section 74.</li> </ul>
	Considerations under this Policy:	F5.1. In its assessment and determination of an application to install or operate amusement devices (within the meaning of the <i>Work Health and Safety Regulation 2011</i> (NSW)), Council will consider the following: <ul style="list-style-type: none"> <li>(a) The provisions of any relevant legislation;</li> <li>(b) Whether all information required (as requested by Council) has been submitted;</li> <li>(c) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; and</li> <li>(d) Any other matter that Council considers relevant.</li> </ul>
F6 - (Repealed)	N/A	
F7 - Use a standing vehicle or any article for the purpose of selling any article in a public place.	Considerations under the Regulation:	<b>Roads Act 1993 (NSW) s 125 – Approval to use road for food and drink premises:</b> <ul style="list-style-type: none"> <li>(1) A roads authority may grant an approval that allows a person who operates food or drink premises adjacent to a public road to use part of the public road for the purposes of the food or drink premises.</li> <li>(2) However, a roads authority may not grant an approval in relation to the use of a classified road without the agreement of Transport for NSW.</li> <li>(3) A roads authority may grant an approval on the conditions, including conditions about payments in the nature of rent, decided by the roads authority.</li> <li>(4) A roads authority may grant an approval for the term decided by the roads authority, but not more than—</li> </ul>



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	<p>(a) for an approval for the use of a footway of a public road—7 years, or</p> <p>(b) for an approval for the use of any other part of a public road—12 months.</p> <p>(5) A roads authority may terminate, or temporarily suspend, an approval granted by the roads authority under this section—</p> <p>(a) immediately, if in the roads authority's opinion, it is necessary for safety reasons, or</p> <p>(b) otherwise—if the roads authority has given the holder of the approval at least 7 days written notice.</p> <p>(6) Unless sooner terminated, an approval lapses on the earlier of the following—</p> <p>(a) the end of its term,</p> <p>(b) if the part of the public road the subject of the approval ceases to be used for the purposes of food or drink premises, when the use for that purpose ceases.</p> <p><b>Roads Act 1993 (NSW) s 126 - Authority to erect structures:</b></p> <p>(1) A roads authority that grants an approval under section 125 may—</p> <p>(a) authorise the holder of the approval to erect, place or maintain structures, furniture or other things in, on or over any part of the road the subject of the approval, or</p> <p>(b) at the request and cost of the holder of the approval, erect, place or maintain structures, furniture or other things in, on or over any part of the road the subject of the approval.</p> <p>(2) The roads authority may erect and maintain structures in, on or over any part of the public road the subject of an approval for the protection of public health and safety.</p> <p><b>Roads Act 1993 (NSW) s 127 - Effect of Approval:</b></p> <p>While an approval is in force—</p> <p>(a) the use of the public road for the purposes of food or drink premises, and</p> <p>(b) the erection, placement or maintenance of structures, furniture or other things on the public road authorised by the roads authority under section 126(1),</p> <p>are taken not to constitute a public nuisance and do not give rise to an offence against this or any other Act.</p>
Considerations under this Policy:	<p>F7.1. In its assessment and determination of an application to use a standing vehicle or any article for the purpose of selling any article in a public place, Council will consider the following:</p> <p>(a) The provisions of any relevant legislation;</p> <p>(b) If the trade or business involves selling food in a public place, whether the provisions of the NSW Food Authority's current Guidelines for Mobile Food Vending Vehicles and the NSW Food Authority's current Guidelines for Food Businesses at Temporary Events will be complied with;</p> <p>(c) The safety of the public and the protection of property;</p> <p>(d) The effect that the standing vehicle or article used for the purpose of selling articles will have on pedestrian movement, and whether adequate provisions have been made for pedestrian access to nearby premises;</p>



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		<ul style="list-style-type: none"> <li>(e) The effect that the standing vehicle or articles used for the purposes of selling articles will have on a vehicular movements and vehicular parking;</li> <li>(f) Whether the application has made provision for public liability insurance to a level considered adequate by Council;</li> <li>(g) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; and</li> <li>(h) Any other matter that Council considers relevant.</li> </ul>
F8 - (Repealed)	N/A	
F9 - (Repealed)	N/A	
F10 - Carry out an activity prescribed by the regulations, or an activity of a class or description prescribed by the regulations.	<i>NIL Considerations provided under the Regulation</i>	
	Considerations under this Policy:	<p>F10.1. When determining an application to carry out an activity prescribed by the regulations or an activity of a clause or description prescribed by the regulations, Council will consider the following:</p> <ul style="list-style-type: none"> <li>(a) The provisions of any relevant legislation;</li> <li>(b) Whether all information required (as requested by Council) has been submitted;</li> <li>(c) Whether development consent under the <i>Environmental Planning and Assessment Act 1979</i> (NSW) as amended is required prior to an approval for the proposed activity being issued under the <i>Local Government Act 1993</i> (NSW) as amended, and if so, whether such development consent has been issued by Council;</li> <li>(d) Any other matter that Council considers relevant.</li> </ul>

### 5. Part 3: Other matters relating to approvals (Section 158(5) of the *Local Government Act 1993* (NSW))

- 5.1. Part 3 outlines what information is required to be submitted to Council when lodging an application to Council for a Section 68 Activity. Standard conditions of approval are also listed in this part, which will be attached to any issued approvals.
- 5.2. It is a requirement that approved activities are conducted in accordance with all conditions associated with the activity in question, should approval be issued.

**Table 5: Section 68 Activities and the Information that must Accompany Applications**

Section 68 Activity	Information to Accompany Application
<b>Part A: Structures or Places of Public Entertainment</b>	
A1 - Install a manufactured home, moveable dwelling, or associated structure on land.	<p>A1.1 Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>A1.2. Applications to install a manufactured home, moveable dwelling or associated structure must be accompanied by:</p> <ul style="list-style-type: none"> <li>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</li> <li>(b) Owner's consent;</li> <li>(c) Legible plans and specifications of the land, where the structure is proposed, that show the following: <ul style="list-style-type: none"> <li>(i) Site plan, indicating site number, area of site in square metres and boundaries of the property;</li> <li>(ii) Location, size and area of existing and proposed structures, caravans and annexes in square metres;</li> <li>(iii) Distance of structure from adjoining installations;</li> <li>(iv) Any roads or footways on the land;</li> <li>(v) Other manufactured homes, moveable dwellings or associated structures on the land; and</li> <li>(vi) Any permanent or temporary structure on the land.</li> </ul> </li> <li>(d) Legible plans and specifications of the proposed structure that show the following: <ul style="list-style-type: none"> <li>(i) All details of construction methods, material sizes and types shall be stated (including awnings);</li> <li>(ii) Floor plan of the manufactured home, moveable dwelling or associated structure showing dimensions; and</li> <li>(iii) Details of amenities such as water supply, gas supply, electricity supply, waste disposal, laundry facilities, toilet facilities, shower facilities and cooking facilities.</li> </ul> </li> <li>(e) Details of how the manufactured home, moveable dwelling or associated structure is to be secured on the proposed site; and</li> <li>(f) A Practising Structural Engineers Certificate (if deemed applicable) stating: <ul style="list-style-type: none"> <li>(i) The design is structurally sound;</li> <li>(ii) The relocatable home, rigid annexe and/or associated structures comply with any standards, codes and specifications required by the Regulation or by Ministerial specifications;</li> <li>(iii) Specifications as to the manner in which the relocatable home, rigid annexe and/or associated structure must be transported/installed and as to the nature of the footings (if any) on which it must be installed;</li> </ul> </li> </ul>





Section 68 Activity	Information to Accompany Application
	<p>(iv) Any specifications with respect to footings or tie-down systems must have regard to the design gust wind speed, soil type and other design considerations applicable to the various locations in which the annexe may be installed; and</p> <p>(v) The relocatable home, rigid annexe and/or associated structure is designed and constructed in accordance with Parts 1 and 2 of AS1170.</p> <p>(g) Any additional information required to be submitted with the Development Application under the <i>Environmental Planning and Assessment Act 1979</i>. (NSW).</p> <p>A1.3. If the manufactured home, moveable dwelling or associated structure is proposed to be installed in a Flood Planning Area (as defined in the LEP), applications must be accompanied by:</p> <p>(a) a Practising Structural Engineers Certificate stating</p> <p>(i) The materials being used to build the structure are flood compatible;</p> <p>(ii) That the building or structure can withstand the force of flowing floodwaters, including debris and buoyancy forces as appropriate or that permanent fail-safe measures are incorporated in the development, to ensure the timely, orderly, and safe removal of the structure; and</p> <p>(iii) That the development will not increase the flood hazard or flood damage to other properties or adversely affect flood behaviour.</p> <p>A1.4. Conditions of Approval – the Site must:</p> <p>(a) Be serviced in accordance with <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i> (NSW) pt 3 (includes fire hose reels and fire hydrants);</p> <p>(b) Have an adequate sewage disposal system (a separate Section 68 Application will be required);</p> <p>(c) Be designed accordingly for the possible flood depths and velocities of the site (information must be based on the relevant flood study); and</p> <p>(d) Not be occupied prior to a final inspection being carried out by Council.</p>
A2 - (Repealed)	N/A
A3 - (Repealed)	N/A
<b>Part B: Water Supply, Sewerage and Stormwater Drainage Work</b>	
B1 - Carry out a water supply work.	<p>B1.1 Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>B1.2. Applications must be accompanied by:</p> <p>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</p> <p>(b) Owner's consent;</p> <p>(c) A site plan showing:</p> <p>(i) The proposed development and point of connection;</p> <p>(ii) Easement pipe size (information available from Council); and</p> <p>(iii) The proposed connection pipe size.</p>
B2 - Draw water from a council water supply or a standpipe or sell water so drawn.	B2.1 Application to be made via the NSW Planning Portal and include all relevant documentation.
B3 - Install, alter, disconnect, or remove a meter	B3.1 Application to be made via the NSW Planning Portal and include all relevant documentation.





Section 68 Activity	Information to Accompany Application
connected to a service pipe.	
B4 - Carry out sewerage work.	B4.1 Application to be made via the NSW Planning Portal and include all relevant documentation.
B5 - Carry out stormwater drainage work	B5.1 Application to be made via the NSW Planning Portal and include all relevant documentation.
B6 - Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain which connects with such a public drain or sewer.	<p>B6.1 Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>B6.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> <li>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</li> <li>(b) Owner's consent;</li> <li>(c) Legible plans and specifications of the land, where the structure is proposed, that show the following: <ul style="list-style-type: none"> <li>(i) Site plan, indicating site number, area of site in square metres and boundaries of the property;</li> <li>(ii) Location, size and area of existing and proposed structures, caravans, and annexes in square metres; and</li> <li>(iii) Any roads, footways, or other easements on the land.</li> </ul> </li> <li>(d) A site plan showing: <ul style="list-style-type: none"> <li>(i) The proposed development and point of connection;</li> <li>(ii) Easement pipe size (information available from Council); and</li> <li>(iii) The proposed connection pipe size.</li> </ul> </li> </ul> <p>B6.3. If access is required from an adjoining landowner, applications must be accompanied by:</p> <ul style="list-style-type: none"> <li>(a) A copy of the relevant Section 88B Instrument, pursuant to the <i>Conveyancing Act 1919</i> (NSW); or</li> <li>(b) The Title for the subject land, pursuant to the <i>Real Property Act 1900</i> (NSW).</li> </ul> <p>B6.4. Conditions of Approval – The Connection must:</p> <ul style="list-style-type: none"> <li>(a) Be a neatly drilled or saw cut into the existing pipe;</li> <li>(b) Finish flush with the inside of the existing pipe, with no intrusion;</li> <li>(c) Be seated with cement or epoxy resin;</li> <li>(d) Be made above the spring line of the existing pipe, that is the top half of the pipe;</li> <li>(e) Be installed so that the new pipe flows run with the downstream flow of the existing pipe and at an angle no greater than 60 degrees;</li> <li>(f) Incorporate the construction of a pit or junction chamber if the connecting pipe is greater than 1/3 the diameter of the existing pipe;</li> <li>(g) Be inspected by Council on completion of works.</li> </ul> <p>NOTE: For applications that require the establishment of private easements, independent legal advice should be obtained by the applicant prior to lodgment.</p>
<b>Part C: Management of Waste</b>	
C1 - For fee or reward, transport waste over or under a public place.	C1.1 Application to be made via the NSW Planning Portal and include all relevant documentation.



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C2 - Place waste in a public place.	<p>C2.1 Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>C2.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> <li>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</li> <li>(b) Legible plans and specifications of the land location where it is proposed to place waste in a public place that show the following: <ul style="list-style-type: none"> <li>(i) Site plan, indicating site number, area of site in square metres and boundaries of the property;</li> <li>(ii) Location, size and area of existing and proposed structures, caravans, and annexes in square metres; and</li> <li>(iii) Any roads, footways, or other easements.</li> </ul> </li> <li>(c) Certificate of currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage; and</li> <li>(d) Any other matter that Council considers relevant.</li> </ul> <p>C2.3. If services are likely to be affected by the placement of waste in a public area, evidence of approval from the affected service providers must accompany the application.</p>
C3 - Place a waste storage container in a public place.	<p>C3.1 Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>C3.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> <li>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</li> <li>(b) Legible plans and specifications of the location where it is proposed to place the waste storage container in a public place that show the following: <ul style="list-style-type: none"> <li>(i) Site plan, indicating site number, area of site in square metres and boundaries of the property;</li> <li>(ii) Location, size and area of existing and proposed structures, caravans, and annexes in square metres; and</li> <li>(iii) Any roads, footways, or other easements.</li> </ul> </li> <li>(c) Specifications of the waste storage container outlining the following: <ul style="list-style-type: none"> <li>(i) The type and design of the container;</li> <li>(ii) The location of any proposed signs, warning lights or other safety equipment;</li> </ul> </li> <li>(d) The timeframe for when it is proposed to have the waste container in a public place and the schedule for collection of waste from the container;</li> <li>(e) Certificate of currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage; and</li> <li>(f) Any other matter that Council considers relevant.</li> </ul>
C4 - Dispose of waste into a sewer of the council.	<p>C4.1 Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>C4.2. If the waste is to be delivered by tanker to sewerage treatment plant (STP), applications to must be accompanied by:</p> <ul style="list-style-type: none"> <li>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</li> <li>(b) The quantity of waste to be disposed of into the sewer;</li> <li>(c) The origin and type of waste proposed to be disposed of into the sewer;</li> <li>(d) The date and time upon which it is proposed to deliver the waste to Council's STP for disposal into the sewer;</li> <li>(e) Any other matter that Council considers relevant.</li> </ul>



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	<p>C4.3. If the waste is to be disposed of directly into a sewer main, applications must be accompanied by:</p> <ul style="list-style-type: none"> <li>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</li> <li>(b) Any other matter that Council considers relevant.</li> </ul>
C5 - Install, construct, or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.	<p>C5.1 Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>C5.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> <li>(a) Two separate set of plans and specifications of the proposed installation or alteration which clearly indicate: <ul style="list-style-type: none"> <li>(i) The fittings or appliances proposed to be connected to the Waste Treatment Device or Human Waste Storage Facility;</li> <li>(ii) The size and type of the various components of the Waste Treatment Device or Human Waste Storage Facility, including septic tanks, collection or storage tanks, effluent disposal areas, pipes, fittings, pits, valves and other components, and the materials from which the aforementioned components will be constructed or made;</li> <li>(iii) The proposed location of the Waste Treatment Device or Human Waste Storage Facility, the effluent disposal area, and all pipes, fittings, pits, valves and components; and</li> <li>(iv) Any other matter which the Council, in the case, deems necessary to enable Council to properly consider the application.</li> </ul> </li> <li>(b) A Certificate of Accreditation from the NSW Department of Health;</li> <li>(c) Be accompanied by a geo-technical study prepared by an experienced Geo-technical Engineering Consultant certifying that any proposed effluent disposal area is located in position and is of sufficient design and capacity to ensure that all effluent arising from the buildings on the land can be disposed of on the site without causing nuisances and/or pollution, both in the short and long term.</li> </ul>
C6 - Operate a system of sewerage management (within the meaning of Section 68A)	<p>C6.1 Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>C6.2. Application complies with all relevant requirements pursuant to:</p> <ul style="list-style-type: none"> <li>(a) Narrabri Shire Council's Onsite Wastewater Management System Policy;</li> <li>(b) The <i>Plumbing and Drainage Act 2011</i> (NSW);</li> <li>(c) Any other relevant legislation; and</li> <li>(d) Any other matter that Council considers relevant.</li> </ul>
<b>Part D: Community Land</b>	
D1 - Engage in a trade or business	D1.1. Application to be made via the NSW Planning Portal and include all relevant documentation.



Section 68 Activity	Information to Accompany Application
	<p>D1.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> <li>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</li> <li>(b) The proposed trading days and times;</li> <li>(c) Details of public liability insurance designed to indemnify the applicant and Council against claims for injury to persons and damage to property while the business is trading;</li> <li>(d) Certificate of currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage;</li> <li>(e) Legible plans and specifications of the location that detail the design, type and location of any structures, barricades, tables, or articles proposed to be placed (temporarily) on community lands for the purpose of engaging in a trade or business; and</li> <li>(f) Any other matter that Council considers relevant.</li> </ul> <p>D1.3. If the activity involves selling food, applications must be accompanied by evidence of compliance with the provisions of:</p> <ul style="list-style-type: none"> <li>(a) The NSW Food Authority's current Guidelines for Mobile Food Vending Vehicles; and</li> <li>(b) The NSW Food Authority's current Guidelines for Food Businesses at Temporary Events.</li> </ul> <p>D1.4. If the activity involves the selling of alcohol, evidence of a current Liquor Licence issued by the Liquor &amp; Gaming NSW permitting the sale of alcohol in the proposed conditions.</p> <p>D1.4. Conditions of Approval – Fundraising on Public Land or Public Roads:</p> <ul style="list-style-type: none"> <li>(a) Fundraising activities must not be within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection;</li> <li>(b) Must not occur in any area adjacent to an educational establishment or place of public worship or in any park or reserve;</li> <li>(c) A 1.8 metre wide unobstructed section of footpath is to be maintained at all times from the building façade, adjacent shops or buildings;</li> <li>(d) Must be located no closer than 600mm to the back of the kerb;</li> <li>(e) The activity must not obstruct or hinder the passage of pedestrians or vehicles;</li> <li>(f) The activity must not involve marking the footpath or affixing any matter or structure to the footpath paving;</li> <li>(g) Collectors may receive voluntary donations from the audience but may not solicit funds;</li> <li>(h) The activity must not cause nuisance, offence, or obstruction;</li> <li>(i) If located for any period outside any shop must have the permission of the shop owner and adjacent shop owners; otherwise, must be roaming;</li> <li>(j) Must not include a public address system or the like;</li> <li>(k) Surrounding area is to be maintained in a clean and tidy condition and free of hazard and rubbish;</li> <li>(l) Evidence of current Liquor &amp; Gaming NSW Fundraising Liquor License; and</li> <li>(m) Fundraising activities must be conducted in accordance with the <i>Charitable Fundraising Act 1991</i> (NSW) and <i>Charitable Fundraising Regulation 2021</i> (NSW).</li> </ul> <p>D1.5. Conditions of Approval – Street Stalls on Public Land or Public Roads:</p> <ul style="list-style-type: none"> <li>(a) Limited to no more than 2 street stalls on any one day on the same footpath street frontage;</li> </ul>



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	<p>(b) The stall shall not exceed 1.8m x 0.9m in horizontal surface measurements and should be placed in position so as not to cause obstruction to pedestrian or vehicular traffic and shall be placed as near as possible to the property boundary;</p> <p>(c) An adequate number of receptacles should be provided for the disposal of litter;</p> <p>(d) Ensure all litter arising from the stand or stall is removed and that the footpath is kept free of litter during the period of operating the street stall or stand;</p> <p>(e) The name of the organisation must be prominently displayed on the stall, not on the footpath. No other signage is permitted;</p> <p>(f) Must have the consent of the business or organisation outside which the stall is to be situated and adjacent businesses;</p> <p>(g) Must be located no closer than 600mm to the back of kerb;</p> <p>(h) A 1.8-metre-wide unobstructed section of footpath is to be maintained at all times from the building façade, adjacent shops or buildings;</p> <p>(i) Stalls shall only operate between the hours of 8:00am and 8:00pm;</p> <p>(j) A minimum of 1.8 metres is required between each stall;</p> <p>(k) Must not hinder the passage of pedestrians or vehicles or create a nuisance or objectionable noise; and</p> <p>(l) The immediate surrounding area is to be left in a clean and tidy condition and kept clear of hazards.</p> <p>D1.6. Stalls distributing food or drink, or both:</p> <p>(a) The stall and its operation shall comply with the Food Act and Regulations (as amended), Food Standards Code and the NSW Food Authority's Mobile Food Vending Vehicles Guideline (where applicable); and</p> <p>(b) Evidence of current registration and a satisfactory food safety inspection of the food business within the current financial year must be kept on-site at all times (operators must be able to present their license approval to an authorised Council officer or delegated authority of Council on request).</p>
D2 - Direct or procure a theatrical, musical, or other entertainment for the public.	<p>D2.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>D2.2. Applications must be accompanied by:</p> <p>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</p> <p>(b) The proposed trading days and times;</p> <p>(c) Details of public liability insurance designed to indemnify the applicant and Council against claims for injury to persons and damage to property while the business is trading;</p> <p>(d) Details of the proposed:</p> <ul style="list-style-type: none"> <li>(i) Days and time for the event;</li> <li>(ii) Number of anticipated attendees (or limits thereof);</li> <li>(iii) Methods for crowd control;</li> <li>(iv) Post-event cleaning arrangements;</li> <li>(v) Facilities (including toilets) to be provided;</li> <li>(vi) Location, design, and type of all amplification equipment for the function and the expected noise levels (in dB(A)) at the boundaries of the community land;</li> <li>(vii) Location, type, and design of all food outlets to be operated at the event;</li> <li>(viii) Location and type of any seating to be provided; and</li> <li>(ix) Location of barricades or structures, or both, to be erected for the event; and</li> </ul>





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	<p>(e) Certificate of currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage; and</p> <p>(f) Any other matter that Council considers relevant.</p>
D3 - Construct a temporary enclosure for the purpose of entertainment.	<p>D3.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>D3.2. Applications must be accompanied by:</p> <p>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</p> <p>(b) Plans and specifications showing:</p> <p>(i) The design, type and location of the structure or structures proposed to enclose the section of community land; and</p> <p>(ii) The type, design and location of any proposed signs, warning lights or other safety equipment; and</p> <p>(c) Certificate of currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage; and</p> <p>(d) Any other matter that Council considers relevant.</p>
D4 - For fee or reward, play a musical instrument or sing.	<p>D4.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>D4.2. Applications must be accompanied by:</p> <p>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</p> <p>(b) Plans and specifications showing:</p> <p>(i) The days and times during which it is proposed to play the musical instrument or sing;</p> <p>(ii) The location where it is proposed to play the musical instrument or sing; and</p> <p>(c) The name, address and telephone number of the persons accepting responsibility for the activities.</p>
D5 - Set up, operate, or use a loudspeaker or sound amplifying device.	<p>D5.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p>
D6 - Deliver a public address or hold a religious service or public meeting.	<p>D6.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>D6.2. Applications must be accompanied by:</p> <p>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</p> <p>(b) Details of the proposed:</p> <p>(i) Days and time for the event;</p> <p>(ii) Number of anticipated attendees (or limits thereof);</p> <p>(iii) Methods for crowd control;</p> <p>(iv) Post-event cleaning arrangements;</p> <p>(v) Facilities (including toilets) to be provided;</p> <p>(vi) Location, design, and type of all amplification equipment for the function and the expected noise levels (in dB(A)) at the boundaries of the community land;</p> <p>(vii) Location, type, and design of all food outlets to be operated at the event;</p> <p>(viii) Location and type of any seating to be provided; and</p>



Section 68 Activity	Information to Accompany Application
	<ul style="list-style-type: none"> <li>(ix) Location of barricades or structures, or both, to be erected for the event; and</li> <li>(c) Certificate of currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage; and</li> <li>(d) Any other matter that Council considers relevant.</li> </ul>
<b>Part E: Public Roads</b>	
E1 - Swing or hoist goods across or over any part of a public road by means of a lift, hoist, or tackle projecting over the footway.	<p>E1.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>E1.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> <li>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</li> <li>(b) Plans and specifications showing the design, type and location of: <ul style="list-style-type: none"> <li>(i) The machinery or structure proposed to be used to swing or hoist goods across the roadway;</li> <li>(ii) The structure or structures proposed to be used to enclose the area over which the goods will be lifted; and</li> <li>(iii) Any proposed signs, warning lights or other safety equipment; and</li> </ul> </li> <li>(c) Be accompanied by any current approval or licence issued by SafeWork NSW;</li> <li>(d) Certificate of currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage; and</li> <li>(e) Any other matter that Council considers relevant.</li> </ul>
E2 - Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road or hang an article beneath an awning over the road.	<p>E2.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>E2.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> <li>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</li> <li>(b) Plans and specifications showing: <ul style="list-style-type: none"> <li>(i) The dimensions of the proposed advertising structure or article;</li> <li>(ii) The location of the proposed advertising structure or article; and</li> <li>(iii) The minimum distance between the footpath and the lowest part of the advertising structure or article.</li> </ul> </li> <li>(c) Any other matter that Council considers relevant.</li> </ul> <p>NOTE: The minimum clearance between the footpath and the lowest part of the advertising structure or article is 3 metres.</p>
E3 - (Repealed)	N/A
<b>Part F: Other Activities</b>	
F1 - Operate a public car park.	<p>F1.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>F1.2. Applications must be accompanied by</p> <ul style="list-style-type: none"> <li>(a) Detailed plans, management-in-use plans and other information as determined by the assessing officer.</li> </ul>
F2 - Operate a caravan park or camping ground.	<p>F2.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>F2.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> <li>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</li> <li>(b) Plans and specifications showing:</li> </ul>





Section 68 Activity	Information to Accompany Application
	<ul style="list-style-type: none"> <li>(i) The boundaries of the property;</li> <li>(ii) Any roads or footways on the land;</li> <li>(iii) All manufactured homes, moveable dwellings or associated structures on the land;</li> <li>(iv) Any permanent or temporary structure on the land;</li> <li>(v) The location and layout of all caravans and camping sites designated as either short term or long term residence;</li> <li>(vi) The location and layout of caravan and campsites;</li> <li>(vii) Details of amenities such as electricity supply, waste disposal, laundry, toilet, and shower facilities;</li> <li>(viii) The location of all firefighting services within the property.</li> </ul> <p>(c) Any other matter that Council considers relevant.</p>
F3 - Operate a manufactured home estate.	<p>F3.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>F3.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> <li>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</li> <li>(b) Plans and specifications showing the proposed location and layout of the manufactured home estate and its relationship to: <ul style="list-style-type: none"> <li>(i) The boundaries of the property;</li> <li>(ii) Any roads or footways on the land;</li> <li>(iii) All manufactured homes, moveable dwellings or associated structures on the land;</li> <li>(iv) All those services and facilities required by the <i>Local Government (Manufactured Homes Estates, Caravan Parks, camping Grounds and Moveable Dwellings) Regulation 2021</i> (NSW);</li> <li>(v) Any permanent or temporary structure on the land;</li> <li>(vi) The area and dimensions of residential sites;</li> <li>(vii) The location and layout of all parking spaces for vehicles;</li> <li>(viii) Details of amenities such as electricity supply, waste disposal, laundry, toilet, and shower facilities; and</li> <li>(ix) The location of all firefighting services within the property.</li> </ul> </li> </ul> <p>(c) Any other matter that Council considers relevant.</p>
F4 - Install a domestic oil or solid fuel heating appliance, other than a portable appliance.	<p>F4.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>F4.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> <li>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</li> <li>(b) Detailed floor plans and specifications of appliance including weatherproofing of any penetrations of the building envelope.</li> </ul>
F5 - Install or operate amusement devices.	<p>F5.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>F5.2. Applications to install or operate amusement devices (within the meaning of the <i>Work Health and Safety Regulation 2017</i> (NSW)) must be accompanied by:</p> <ul style="list-style-type: none"> <li>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</li> <li>(b) Documentary evidence that the amusement device is registered with SafeWork NSW and deemed safe to proceed by SafeWork NSW;</li> </ul>



Section 68 Activity	Information to Accompany Application
	<p>(c) Be accompanied by documentary evidence that there is in force a contract of insurance or indemnity which indemnifies to an unlimited extent (or up to an amount of not less than \$5,000,000 in respect of each accident (\$10,000,000 on Council land) each person who would be liable for damages for death or personal injury arising out of the operation or use of the amusement device and any total or partial failure or collapse of the device against that liability;</p> <p>(d) Proposed dates and times for:</p> <ul style="list-style-type: none"> <li>(i) Completion of installation of the amusement device and when an inspection can be carried out for the purpose of issuing an approval prior to operation; and</li> <li>(ii) Operation of the amusement device.</li> </ul> <p>(e) Certificate of currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage; and</p> <p>(f) Any other matter that Council considers relevant.</p> <p>F5.3. Conditions of Approval – The approved activity and any building works associated with the activity complies with the following:</p> <ul style="list-style-type: none"> <li>(a) the ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason;</li> <li>(b) the device is registered under the Occupational Health and Safety Regulation 2001;</li> <li>(c) all conditions (if any) subject to which the device is so registered, and all relevant requirements of that Regulation are complied with;</li> <li>(d) the device is installed (including erected) and operated in a safe manner.</li> </ul>
F6 - (Repealed)	N/A
F7 - Use a standing vehicle or any article for the purpose of selling any article in a public place.	<p>F7.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>F7.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> <li>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</li> <li>(b) Details of the proposed: <ul style="list-style-type: none"> <li>(i) Location of the article for sale;</li> <li>(ii) Articles to be sold; and</li> <li>(iii) Dates and times for the sale of the article.</li> </ul> </li> <li>(c) Details of public risk insurance to indemnify the applicant and Council against claims for damages;</li> <li>(d) Certificate of currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage; and</li> <li>(e) Any other matter that Council considers relevant.</li> </ul> <p>F7.3. If the Activity involves the sale of food, applications must be accompanied by:</p> <ul style="list-style-type: none"> <li>(a) Details as to how the provisions of the NSW Food Authority's current Guidelines for Mobile Food Vending Vehicles and the NSW Food Authority's current Guidelines for Food Businesses at Temporary Events will be complied with.</li> </ul> <p>F7.4. Conditions of Approval – Mobile Vendors (and their vehicles) must:</p> <ul style="list-style-type: none"> <li>(a) Keep approval documentation with the vehicle (that details with the area(s) and time(s) in which the vendor is operating);</li> <li>(b) Not have any additional flashing or rotating lights, with the exception of those required under the <i>Roads Act 1993</i> (NSW) and related Regulation;</li> <li>(c) Not operate within 100 meters of any retail outlet or of any premises selling a similar product if that outlet is open;</li> </ul>



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	<p>(d) Not 'set up stand' nor remain at any one selling point for more than 15 minutes without a customer.</p> <p>(e) Must move a minimum of 500 metres between each selling point;</p> <p>(f) The owner or person in charge of the vehicle shall not allow any "noise device" to be used or operated in any public place for informing members of the public that articles are on sale from that vehicle:</p> <ul style="list-style-type: none"> <li>(i) before 8.00am and after 7.00pm on any day;</li> <li>(ii) whilst the vehicle is stationary;</li> <li>(iii) for longer than 30 seconds in any period of three minutes: within 50 metres of schools (during school hours), hospitals and places of worship (during use on any day);</li> <li>(iv) more often than once every two hours in the same length of street; and</li> <li>(v) louder than 75dB(A) for a distance of 10 metres.</li> </ul> <p>(g) Not trade on main roads and through streets with a speed limit of greater than 50 kilometres per hour or 80 kilometres per hour where the carriageway has wide shoulders;</p> <p>(h) Not stop on a hill or bend where sight distance is limited nor located in front of driveways or entrances to properties unless the permission of the property owner has been obtained;</p> <p>(i) Not to create a traffic hazard, obstruction or dangerous situation;</p> <p>(j) Only operate between the hours of 6:00am and 8:00pm;</p> <p>(k) Provided litter bins for the convenience of customers.</p> <p>(l) Contain wastewater within the vehicle for later disposal to the sewerage system;</p> <p>(m) Be removed from its location within 15 minutes of closure and the area around the vending vehicle must be left in a clean and litter free state; and</p> <p>(n) Not operate within 1 kilometre of any public park or reserve where permission has been granted by the council to any person, club, sporting body or association or business to sell similar or the same type of articles or goods, unless the council grants specific exemption from this requirement (that is, for a specific community event).</p> <p>F7.5. Conditions of Approval – Mobile Food Vendors (and their vehicles) must:</p> <ul style="list-style-type: none"> <li>(a) Comply with the conditions established in Part 3, Table 5 – F7.4 of this Policy;</li> <li>(b) Not operate unless approved by Council;</li> <li>(c) Comply with the provisions of the NSW Food Authority's current Guidelines for Mobile Food Vending Vehicles and the NSW Food Authority's current Guidelines for Food Businesses at Temporary Events;</li> <li>(d) Undergo an annual food safety inspection by the relevant Local Government Authority; and</li> <li>(e) Maintain evidence of current registration and a satisfactory food safety inspection of the mobile food vending vehicle within the current financial year must be always kept with the mobile food van.</li> </ul> <p>F7.6. Conditions of Approval – Mobile Vendors (and their vehicles) Vending in Rest Areas must:</p> <ul style="list-style-type: none"> <li>(a) Comply with the conditions established in Part 3, Table 5 – F7.4 of this Policy; and</li> <li>(b) Operate in accordance with any conditions of approval from the relevant NSW Government Department (Transport for NSW).</li> </ul> <p>F7.7. Conditions of Approval – Footway Dining (within the meaning of the <i>Roads Act 1993</i> (NSW)) applicants must:</p>



Section 68 Activity	Information to Accompany Application
	<ul style="list-style-type: none"> <li>(a) Not exceed a 5 year term;</li> <li>(b) Pay an annual fee (as listed in the current Fees and Charges within Council's Operational Plan);</li> <li>(c) Always maintain a clear path for pedestrians of at least 1.8 metres in width;</li> <li>(d) Not exceed the maximum number of tables as permitted by Council within the approval (if tables are exceeded, any excess will be deemed as unauthorised and will be required to be removed in accordance with <i>Roads Act 1993</i> (NSW) s 107);</li> <li>(e) Shall supply and maintain all outdoor furniture (incurring all costs required to do so);</li> <li>(f) Not operate outside of the hours permitted by Council in the approval;</li> <li>(g) Observe and comply with the reasonable requirements of the law and Council in respect of such tables, chairs or equipment, or use of the footway;</li> <li>(h) Not sell or serve or permit to be sold or served any alcoholic or intoxicating liquor in or from the approved area except where an appropriate liquor licence has been obtained from the relevant Licensing Authority and is current in respect of the adjoining premises;</li> <li>(i) Not prepare or store food on the footway (without prior Council approval);</li> <li>(j) Only operate the footway dining area in conjunction with the adjoining restaurant and shall remove all chattel (objects not fixed to the footway) upon completion of the trading day;</li> <li>(k) Always keep the approved area clean and tidy;</li> <li>(l) Install suitable wheel stops, at their expense, where the footway is located near parking, to inhibit vehicle inadvertently mounting the footpath while entering the car space;</li> <li>(m) Grant statutory authorities access to the approved area whenever required.</li> <li>(n) Provide Council, within 14 days of approval, a current public liability insurance policy with an insurer approved by the Council, covering the respective rights of the applicant and the Council in respect of liability to the public for the minimum amount of \$20 million in respect of the approved area;</li> </ul> <p>F7.8. Conditions of Approval – Footway Dining (within the meaning of the <i>Roads Act 1993</i> (NSW)) applicants who permit companion animals (within the meaning of the <i>Companion Animals Act 1998</i> (NSW)) to enter the approved area:</p> <ul style="list-style-type: none"> <li>(a) Must comply with the conditions established in Part 3, Table 5 – F7.7 of this Policy;</li> <li>(b) Must not enclose the approved area;</li> <li>(c) Must ensure all companion animals are always kept on a lease;</li> <li>(d) Must not allow any companion animal to be on a table;</li> <li>(e) May provide food and water to the companion animal so long as it is served on the ground and not with apparatus that is used for human food consumption; and</li> <li>(f) May allow a companion animal to sit on a person's lap.</li> </ul> <p>F7.8. Conditions of Approval – Footway Dining (within the meaning of the <i>Roads Act 1993</i> (NSW)) where the approved area is within a Council designated Off-Leash area, applicants:</p> <ul style="list-style-type: none"> <li>(a) Must comply with the conditions established in Part 3, Table 5 – F7.8 of this Policy;</li> <li>(b) Must not allow any companion animal to be on a table;</li> <li>(c) Must ensure that dog owners continue to be responsible for properly controlling their dogs in these off-leash areas;</li> <li>(d) Must ensure companion animal owners are aware that they are responsible for their animals' behaviour and for ensuring that it does not impact the welfare of other people;</li> </ul>



Section 68 Activity	Information to Accompany Application
	<ul style="list-style-type: none"> <li>(e) Must inform patrons of the conditions for having companion animals in food consumption areas and should monitor compliance with these requirements or they will risk complaints being made;</li> <li>(f) Must not make any alterations to the approved area or erect any structures including advertising structures, signs and awnings without the prior approval of Council;</li> <li>(g) Must ensure that the use of the approved area shall not give rise to offensive noise as defined in the <i>Noise Control Act 1975</i> (NSW);</li> <li>(h) Must not provide entertainment without prior Council approval;</li> <li>(i) May provide food and water to the companion animal so long as it is served on the ground and not with apparatus that is used for human food consumption;</li> <li>(j) May allow companion animals to be off-leash so long as they are under effective control; and</li> <li>(k) May allow a companion animal to sit on a person's lap.</li> </ul> <p>F7.9. Conditions of Approval – Footway Dining (within the meaning of the <i>Roads Act 1993</i> (NSW) may be revoked by Council where:</p> <ul style="list-style-type: none"> <li>(a) The applicant has breached a term or provision of the approval;</li> <li>(b) The conduct of the restaurant on the approved area causes undue inconvenience or disruption to pedestrian or vehicular traffic or to the occupiers of adjoining or adjacent premises;</li> <li>(c) The approval term has concluded and an application to renew or extend the term has not been made;</li> <li>(d) Legislated provisions change, preventing the approved activity to continue;</li> <li>(e) Any applicant requests revocation; and</li> <li>(f) The adjacent business ceases to be operated by the applicant.</li> </ul> <p>F7.10. Conditions of Approval – Footway Dining (within the meaning of the <i>Roads Act 1993</i> (NSW) Notice of Revocation of Approval, Council:</p> <ul style="list-style-type: none"> <li>(a) Must issue the Notice of Revocation in writing and forwarded to the applicant at the nominated address within the application; and</li> <li>(b) Will not be liable for compensation or damages to any person or entity if revocation of the approval occurs.</li> </ul>
F8 - (Repealed)	N/A
F9 - (Repealed)	N/A
F10 - Carry out an activity prescribed by the regulations, or an activity of a class or description prescribed by the regulations.	<p>F10.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>F10.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> <li>(c) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</li> <li>(d) Details of public risk insurance to indemnify the applicant and Council against claims for damages (if applicable);</li> <li>(e) Certificate of currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage (if applicable); and</li> <li>(f) Any other matter that Council considers relevant.</li> </ul>



## References

- *Local Government Act 1993* (NSW) ch 7 pt 1 div 1.
- *Local Government (General) Regulation 2021* (NSW).

## History

Minute Number	Meeting Date	Description of Change
147/96	February 20, 1996	Adopted
26/2012	February 21, 2012	Reviewed
607/2013	September 3, 2013	Reviewed
204/2017	September 26, 2017	Reviewed
	September 1, 2021	Rebranded
	2022	Reviewed





**Appendix A: List of Section 68 Activities**  
**(pursuant to the *Local Government Act 1993* (NSW))**

<b>Part A: Structures or Places of Public Entertainment</b>	A1 - Install a manufactured home, moveable dwelling or associated structure on land.
	A2 - (Repealed)
	A3 - (Repealed)
<b>Part B: Water Supply, Sewerage and Stormwater Drainage Work</b>	B1 - Carry out a water supply work.
	B2 - Draw water from a council water supply or a standpipe or sell water so drawn.
	B3 - Install, alter, disconnect, or remove a meter connected to a service pipe.
	B4 - Carry out sewerage work.
	B5 - Carry out stormwater drainage work.
	B6 - Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain which connects with such a public drain or sewer.
<b>Part C: Management of Waste</b>	C1 - For fee or reward, transport waste over or under a public place.
	C2 - Place waste in a public place.
	C3 - Place a waste storage container in a public place.
	C4 - Dispose of waste into a sewer of the council.
	C5 - Install, construct, or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.
	C6 - Operate a system of sewerage management (within the meaning of Section 68A)
<b>Part D: Community Land</b>	D1 - Engage in a trade or business
	D2 - Direct or procure a theatrical, musical, or other entertainment for the public.
	D3 - Construct a temporary enclosure for the purpose of entertainment.
	D4 - For fee or reward, play a musical instrument or sing.
	D5 - Set up, operate, or use a loudspeaker or sound amplifying device.
	D6 - Deliver a public address or hold a religious service or public meeting.
<b>Part E: Public Roads</b>	E1 - Swing or hoist goods across or over any part of a public road by means of a lift, hoist, or tackle projecting over the footway.
	E2 - Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road or hang an article beneath an awning over the road.
	E3 - (Repealed)
<b>Part F: Other Activities</b>	F1 - Operate a public car park.
	F2 - Operate a caravan park or camping ground.
	F3 - Operate a manufactured home estate.
	F4 - Install a domestic oil or solid fuel heating appliance, other than a portable appliance.
	F5 - Install or operate amusement devices.
	F6 - (Repealed)
	F7 - Use a standing vehicle or any article for the purpose of selling any article in a public place.
	F8 - (Repealed)
	F9 - (Repealed)
	F10 - Carry out an activity prescribed by the regulations, or an activity of a class or description prescribed by the regulations.





Appendix B: Narrabri Shire Council Footpath Trading Zones (as per the LEP)

COMMERCIAL USE OF PUBLIC FOOTWAYS

3.1 Commercial use of public footways.

PERFORMANCE REQUIREMENTS

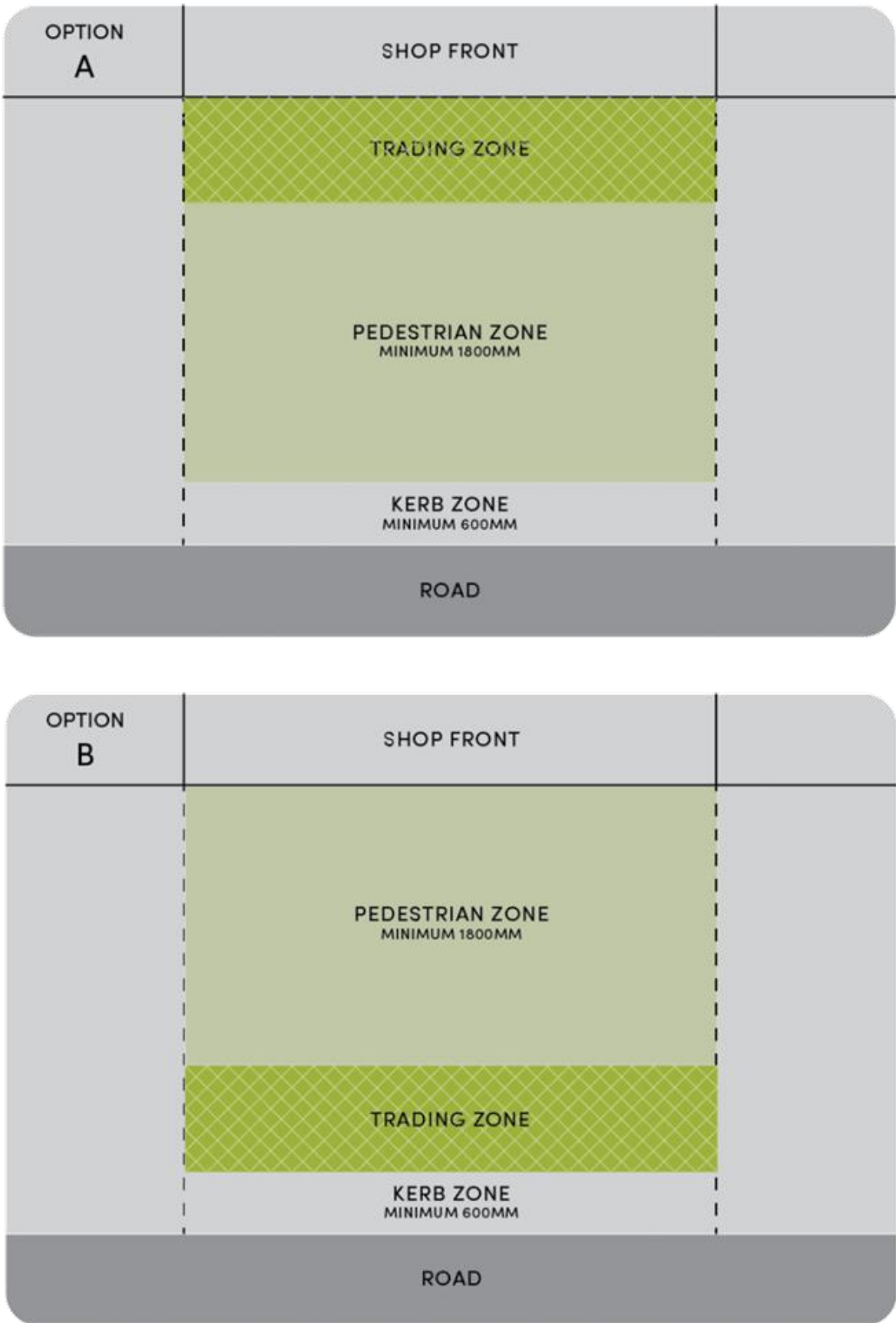
- 1. Commercial use of a footway shall not unduly impact on adjoining premises.
- 2. Commercial use of a footway shall not compromise the access or safety of people using the footway nor obstruct access to and from premises.

PERFORMANCE SOLUTIONS COMMENTARY

- 1. Footway dining should generally occur in front of the associated business premises within the projected side boundaries. Proposals outside this area would need to be accompanied by written agreement of the adjoining owner and proprietor and supported by a management plan.
- 2. A reduction in the specified clearances would need to be supported by a report from a qualified access consultant.

INTERPRETATION

- 1. Kerb Zone means a 0.6 metre wide buffer measured from face of kerb to allow for access to and from parked vehicles except where a disabled parking bay, angle parking or a loading zone exists where the setback from the kerb shall be 1.5 metres.
- 2. Pedestrian Zone means the area that extends from the building line or shopfront of premises for a minimum of 1.8 metres to the road reserve.
- 3. Trading Zone means the area of the footpath where merchandise, dining, furniture and ancillary items or activities, subject to this policy, may be placed or occur.







## LOCAL ORDERS POLICY

<b>Responsible Department:</b>	Planning and Sustainability
<b>Responsible Section:</b>	Regulatory Compliance
<b>Responsible Officer:</b>	Manager Regulatory Compliance

### Objective

- To guide Narrabri Shire Council (Council) when enacting its regulatory responsibilities.
- To supplement provisions of the *Local Government Act 1993* (NSW) and the *Local Government (General) Regulation 2021* (NSW) by specifying the criteria which Council must take into consideration in determining whether to issue an Order under Sections 124 or 125 of the *Local Government Act 1993* (NSW).

### Introduction

This Policy is prepared and adopted pursuant to the requirements established by the *Local Government Act 1993* (NSW). The Policy is designed to outline the criteria which Council must take into consideration in determining whether to give an order under Section 124 of the *Local Government Act 1993* (NSW). This Policy does not apply to orders issued in accordance with Order 22A in the Table in Section 124 of the *Local Government Act 1993* (NSW). In areas where it is considered that the circumstances for the Order are self-explanatory or do not apply, no additional criteria have been provided.

### Policy

#### 1. Definitions

Term	Meaning
<b>Orders Schedule</b>	Is outlined by the Table within section 124 of the <i>Local Government Act 1993</i> (NSW).
<b>Authorised Officer</b>	<p>A Council officer with delegated authority to authorise certain Council officers under relevant legislation in order for them to carry out their duties and take necessary action. All Council officers carrying out regulatory inspections on private land will:</p> <ul style="list-style-type: none"> <li>• Have delegation to enter premises and carry out investigations as specified in Council's Instrument of Delegations and sub delegations;</li> <li>• Be authorised by Council where this is required under specific legislation to permit inspections on private property;</li> <li>• Carry photographic identification demonstrating authorisation to enter premises and private lands under each specific Act; and</li> <li>• Carry documentation or certificates of authority where required by the legislation being implemented</li> </ul>
<b>Flocculation (or Flocked)</b>	A water treatment process where solids form larger clusters, or flocs, to be removed from water. This process can happen spontaneously, or with the help of chemical agents.



## 2. Discretion

- 2.1. The giving of an order is not mandatory and is at the discretion of the General Manager (or delegated officer) whether the circumstances meet the applicable criteria for that order.
- 2.2. The criteria shall only apply to a person if Council serves an Order, under Section 124 of the *Local Government Act 1993* (NSW), to that effect on that person.

## 3. Order 5(e) - Hairdresser Shops Or Beauty Salon

- 3.1. In addition to the standards prescribed by the *Local Government (General) Regulation 2021* (NSW) and other relevant legislation the following are to be abided by where applicable:
  - (a) Current NSW General Industry Requirements for Skin Penetration;
  - (b) AS/NZS 1668 – Mechanical ventilation in buildings;
  - (c) AS/NZS 4815 - Office-based health care facilities;
  - (d) AS/NZS 4031 – Non-reusable containers for the collection of sharp medical items used in health care areas; and
  - (e) AS/NZS 4261 - Reusable containers for the collection of sharp items used in human and animal medical applications.
- 3.2. Hairdresser shops and beauty salons are subject to registration and yearly inspections by Council. Fees and charges (as established in the current Operational Plan) will also apply.

## 4. Order 7 – Fencing of Land

- 4.1. Council will require the installation of fencing where there are conditions that affect public health, safety, or convenience.
- 4.2. Clause 4 will apply to land that is both built upon and not.
- 4.3. Adequate fencing should be erected to:
  - (a) Achieve a clear distinction between private and public land;
  - (b) Adequately restrict access to the private land by unauthorised person(s); and
  - (c) Sufficiently overcome problems or conditions affecting public health, safety, or convenience.
- 4.4. Adequate fencing must:
  - (a) Be structurally sound;
  - (b) Not to be constructed of defective or dangerous materials (such as corrugated iron sheets);
  - (c) Not pose a risk to the public;
  - (d) Not be unsightly and should complement the amenity of the area; and
  - (e) Be between 1.5 and 1.8 metres in height.
- 4.5. Certain fences (such as those constructed of brick or masonry) may require a development approval prior to construction or installation.
- 4.6. Fences erected under this order are to be removed when the land or site is managed so that the conditions affecting public health, safety, or convenience no longer exist.



## 5. Order 8 – Identification of Premises

- 5.1. Orders may be used under this Criteria where premises have a frontage to an entrance from a road and there are no property number(s) (or names) that can readily be seen and understood from the road. Apart from public convenience, identification of premises is vital for swift response by emergency services to locate dwellings.
- 5.2. Premises must be clearly identified by number, or other identification, in a manner that can be understood clearly from the road.
- 5.3. At least one street number of a minimum height of 65 millimetres should be in a position where it is visually prominent from the street, such as on a letterbox, front fence or near a well-lit front entrance.
- 5.4. The street number to be displayed on premises must be the number allocated to the premises by Council.

## 6. Order 9 – Waterholes and Holes

- 6.1. Orders may be used under this Criteria where a hole or waterhole is or may become dangerous to life.
- 6.2. Structures identified under the *Swimming Pools Act 1992* (NSW) (such as swimming pool, spa, or the like, other than a pool or spa in the course of construction) are not considered a waterhole for the purposes of this Policy.
- 6.3. A hole includes excavations for the purposes of building, where such sites have been abandoned or delayed in construction.
- 6.4. A hole or waterhole will be considered dangerous to life by:
  - (a) Its accessibility;
  - (b) The manner in which it is maintained; or
  - (c) The creation of other likely impediments to public health and safety (such as if a waterhole presents a potential breeding ground for mosquitoes).
- 6.5. A hole or waterhole must not be accessible by the public and must be maintained so the water does not pose a risk to persons health or safety.
- 6.6. Where an Order requires a waterhole or hole to be fenced, the fencing must:
  - (a) Be structurally sound;
  - (b) Not be constructed of defective or dangerous materials (such as corrugated iron sheets);
  - (c) Not pose a safety risk to the public;
  - (d) Not be unsightly and should complement the amenity of the area;
  - (e) Separate the hole or waterhole from any residential building on the premises and from any place (whether public or private) adjoining the premises;
  - (f) Be between a height of 1.5 metres and 1.8 metres;
  - (g) Be constructed of chain wire; and
  - (h) If any gates are present within the fence, be provided with suitable locks.
- 6.7. If the waterhole is required to be emptied, the water must be flocked, or another suitable treatment used, to prevent sediment from leaving the property, which could impact on waterways.



## **7. Order 10 – To remove, stack or cover articles**

- 7.1. Orders may be issued where land is used for storage of articles or matter so as to create or be likely to create unsightly conditions.
- 7.2. Fencing, covering, or screening of articles or matter from view shall only be permitted on premises for which the consent of council has been obtained beforehand for the storage of such articles or matter.
- 7.3. Articles or matter must not be stored in a manner that will create or be likely to create unsightly conditions. Any such articles or matter must be removed, stacked, or covered in an appropriate manner.
- 7.4. Articles or matter that will be deemed unsightly includes but is not limited to:
  - (a) Derelict motor vehicles, caravans, trailers, boats and their components and parts;
  - (b) Machinery, equipment, and appliances;
  - (c) Building materials;
  - (d) Collapsed buildings or structures;
  - (e) Firewood and vegetation;
  - (f) Industrial or commercial waste products;
  - (g) Recycled material;
  - (h) Furniture and household goods; and
  - (i) Other sundry refuse.
- 7.5. Articles or matter required to be removed must be relocated or disposed of in an appropriate manner, such as to an authorised waste/recycling facility.
- 7.6. Articles or matter must be stacked in an appropriate and safe manner.
- 7.7. Articles or matter required to be stacked should be kept to a height of no less than 300 millimetres above ground level and no less than 300 millimetres distance clear of fences, buildings, and walls so as to prevent the likelihood of the harbourage of vermin.
- 7.8. Fences or screens required to be erected must:
  - (a) Be sufficient to shield view from the unsightly articles or matter and must meet requirements as specified in the order;
  - (b) Be structurally sound;
  - (c) Not be constructed of defective or dangerous materials such as corrugated iron sheets;
  - (d) Not pose a safety risk to the public; and
  - (e) Complement the surrounding amenity and not be unsightly.
- 7.9. Fences or screens erected under this order are to be removed when there are no longer any unsightly conditions being created from the storage of articles or matter.

## **8. Order 11 – Environmental Damage**

- 8.1. Orders may be issued under this Criteria where work is carried out on land and has caused or is likely to cause physical damage to the environment, or where physical environmental damage occurs as due to the flow of water on land.
- 8.2. The natural flow of surface/seepage water must not be impeded unless connected to an approved drainage system. Includes work undertaken, or structure erected, without proper approval, that is obstructing or is likely to obstruct, the natural flow of water along any watercourse.





- 8.3. Council has the option to pursue these matters under the *Protection of the Environment Operations Act 1997* (NSW).

## **9. Order 12 – Flow of Surface Water Across Land**

- 9.1. Orders may be issued under this Criteria where water flowing across the surface of land causes or is likely to cause damage to land or buildings.
- 9.2. Surface water across land must not:
- (a) Be artificially controlled, manipulated or impeded; and
  - (b) Be damaging or likely to be damaging to land or a building on the land.
- 9.3. Examples where this order applies include:
- (a) Work undertaken or structure erected that is damaging or is likely to damage other land or a building;
  - (b) Erosion of land is occurring from the flow of surface water;
  - (c) Premises contain defective or insufficient guttering, spouting, downpipes, or roofing;
  - (d) When drainage pipes are not connected to an appropriate stormwater disposal system; and
  - (e) Bunding that prevents the natural flow of surface water.
- 9.4. Roof guttering must be connected to downpipes that are connected to an approved stormwater disposal system.
- 9.5. Paved, cemented or other hard surfaced areas must have surface water diverted to an approved stormwater disposal system to minimise discharge onto adjoining properties.

## **10. Order 15 – Life Threatening or Public Safety Hazards**

- 10.1. Orders may be issued under this Criteria for any activity carried out on premises that constitutes or is likely to constitute a life-threatening hazard or a threat to public health or safety.
- 10.2. Such activity must cease to be conducted or not conducted as specified in the order.

## **11. Order 19 – Tennis Court Use**

- 11.1. Orders may be issued under this Criteria where use of a tennis court creates actual or likely annoyance or is a threat to the safety of neighbours or users of public space.
- 11.2. Whilst Council recognises the benefits and enjoyment gained from the use of tennis courts, the needs of neighbours and the public are also considered in this order.
- 11.3. Lighting of tennis courts must be adequately shielded from the view of neighbouring residents and passing motorists or users of a public place, so as not to cause an annoyance to neighbours or to the public.
- 11.4. Tennis courts and lighting of tennis courts are not permitted for use between the hours of 10:00 pm and 8:00 am, to prevent the annoyance of neighbouring residents.

## **12. Order 20 – Food Handling**

- 12.1. Orders may be issued under this Criteria where food premises, vehicle or article is not in a clean or sanitary condition.





12.2. All premises manufacturing, preparing, storing, selling, transporting, processing or handling food for human consumption must:

- (a) Comply with all relevant legislation and standards, including:
  - (i) *Food Act 2003* (NSW);
  - (ii) *Food Regulation 2015* (NSW); and
  - (iii) Food Standards Code;
- (b) Ensure hygiene standards of premises and operators are adequate and appropriate; and
- (c) Ensure foodstuffs are handled and stored appropriately.

### **13. Order 21 – Keeping Land or Premises in a safe or Healthy Condition**

13.1. Orders may be issued under this Criteria where land or premises are not in a safe or healthy condition.

13.2. An occupier of premises must take reasonable measures to keep the premises free from fleas, rats, mice, and other vermin (except any such animals kept as pets). Rats, mice, and other vermin should be kept under control on land and premises by:

- (a) Not providing places for vermin to harbour, such as overgrown vegetation or accumulated rubbish or refuse;
- (b) Eradicating rats, mice and/or other vermin from premises where necessary to prevent further breeding and infestation, in an approved manner; and
- (c) Not allowing any other conditions on land or in premises which are likely to harbour rats, mice and/or other vermin, for example, not leaving dog/cat food in pet food bowls.

#### **Overgrown Vegetation**

13.3. Dead or live vegetation must not be accumulated so that it is, or is likely to be, a harbourage for vermin or a fire hazard.

13.4. Overgrown vegetation, whether dead or alive, should be cut or slashed and the cuttings disposed of in an approved manner, such as composting in an approved compost bin.

13.5. In clearing overgrown vegetation, it is important not to:

- (a) Effect erosion control;
- (b) Completely remove plants other than weeds;
- (c) Contravene council's tree preservation order; or
- (d) Compromise other environmental concerns.

13.6. Council expects the owner or occupier of premises to maintain grass and lawns approximately 50 millimetres above the ground surface neatly trimmed to paths, curbing and fence lines.

13.7. If grass or weeds exceed a height of 300 millimetres above ground level enforcement action may commence.

13.8. Grass and weeds above this height is considered a likely harbourage for vermin, pest animals and venomous animals, capable of concealing dangerous objects and generally creating unhealthy and unsafe conditions that may result in an order to be issued.

13.9. It is the responsibility of the property owner or occupier to maintain the grassed area between the street boundary and the road verge in a similar condition as described above.

**Waste or Other Refuse on Premises**

- 13.10. Rubbish or refuse must not be accumulated on premises so that it is likely to be a harbourage for vermin, is unsightly, provides a health or safety risk to the owner(s), occupier(s) of the land or premises, to the public.
- 13.11. All materials, rubbish and vegetative matter required to be disposed of or removed from premises, should be done so in an approved manner, to an authorised waste disposal facility.
- 13.12. All works should be undertaken by an appropriately qualified tradesperson
- 13.13. All works must be completed to the satisfaction of Council.

**Water Quality in Private Swimming Pools or Spas**

- 13.14. The water quality in private swimming pools/spas premises must be maintained to a standard that provides safe and healthy conditions.
- 13.15. The occupier of premises shall maintain the swimming pool or spa and all fixtures and fittings in a clean and working condition.
- 13.16. Swimming pools and spas must have a filtration system capable of circulating a volume of water equal to the swimming pool's capacity at least every eight (8) hours.
- 13.17. The occupier of premises should use a test kit to monitor the levels of free residual chlorine, total chlorine and pH levels in the swimming pools or spas.
- 13.18. Swimming pools and spas water quality standards required to maintain healthy and safe conditions include:
  - (a) Free residual chlorine – 1.0 mg/L minimum;
  - (b) Total chlorine level should never be more than double the free residual chlorine level;
  - (c) pH level – 7.2 to 7.8; d) Total alkalinity – 60.0 to 100.0 mg/L.
- 13.19. Swimming pool/spa water must be maintained so as not to provide a breeding ground for mosquitoes.

**Defective Floors, Walls, Ceilings, Windows and Window Glass In Residential Premises**

- 13.20. Premises should be impervious to moisture such as rain, seepage or rising damp as it promotes the growth of mould, decay and unhealthy, unsafe and unsanitary conditions.
- 13.21. Ceilings, walls, floors, cladding, window frames and window glass of premises must be maintained at all times to an acceptable standard.
- 13.22. Damage to flooring, walls, ceilings, window frames or window glass on premises should be repaired or replaced as necessary to maintain a healthy and safe standard.
- 13.23. Openable windows are to be operational at all times.

**Roofing, Guttering, Down-Piping, Stormwater Drainage and Spouting**

- 13.24. All roofing is to be provided with roof guttering attached to downpipes and downpipes connected to an approved stormwater drainage system.
- 13.25. Roofing, guttering, down-piping, stormwater drainage lines and spouting are to be regularly maintained.



### Lighting and Ventilation

13.26. A habitable room in a residential building must be provided with natural light and ventilation at all times. For this purpose:

- (d) Each room must be provided with a glazed window, each not less than 10 percent of the floor area of the room with at least half of the window being openable; and
- (e) A room or cubicle used for sleeping purposes must have a minimum floor area of 5.5 metres squared per person with a minimum of 2 metres squared for each additional person.

### 14. Order 22 – Waste on land or premises

14.1. Orders may be issued under this Criteria where waste is present or generated on the land or premises and is not being dealt with satisfactorily.

14.2. All waste is to be disposed of at an approved waste transfer station or depot, unless otherwise approved by a development approval.

14.3. Objects or matter must not obstruct or encroach upon a public place, or cause danger, annoyance or inconvenience to the public.

14.4. Objects or matter under this order includes but is not limited to:

- (a) Unauthorised site sheds and work caravans;
- (b) Unauthorised structure on or over a public place;
- (c) Unauthorised vehicles, materials and equipment;
- (d) Protruding tree or plant growth;
- (e) Unauthorised signs;
- (f) Gates that open outwards from a property onto a public place;
- (g) Garbage skips unless approved; and
- (h) Storage or accumulation of material, including waste.

14.5. Premises must be provided with approved receptacles that are impervious with close fitting lids for the containment of waste on premises.

14.6. Premises must also be provided with adequate waste container storing facilities.

14.7. Other requirements as specified in the order.

14.8. All materials, rubbish and vegetative matter required to be disposed of or removed from premises, should be done so in an approved manner to an authorised waste disposal facility.

14.9. All works should be undertaken by an appropriately qualified tradesperson.

14.10. All works must be completed to the satisfaction of Council.

### 15. Order 27 – Obstructing a Public Place

15.1. Orders may be issued under this Criteria where an object or matter is causing or is like to cause an obstruction or encroachment on public land.

15.2. Objects or matter must not obstruct or encroach upon a public place, or cause danger, annoyance, or inconvenience to the public.

15.3. Examples of objects or matter under this order may include:

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- (a) unauthorised site sheds and work caravans;
- (b) unauthorised structures on or over a public place;
- (c) unauthorised vehicles, materials and equipment;
- (d) unauthorised footpaths, crossings and driveways;
- (e) protruding tree or plant growth;
- (f) unauthorised signage;
- (g) gates that open outwards from a property;
- (h) garbage skips, unless approved; and
- (i) storage or accumulation of material, including waste.

#### **16. Order 28 – Damage to a Public Place**

- 16.1. Orders may be issued under this Criteria where damage to a public place is actual or likely.
- 16.2. Damage to a public place must be prevented by installation of appropriate barriers or work practices, or other requirements. Council will require satisfactory repair or replacement of damaged areas.
- 16.3. Examples of activities where this order may apply include:
- (a) a road opened without a permit;
  - (b) unauthorised use of a driveway, footpath, or other roadworks causing or likely to cause damage to the public area;
  - (c) an unauthorised site shed or work caravan;
  - (d) unpermitted use of a crane;
  - (e) the erection of an unauthorised structure on a public place;
  - (f) the storage of building materials, plants, and equipment on a public place and/or adjacent to trees or driplines; and
  - (g) stormwater discharge onto a public road, other than by an approved storm water kerb outlet.

#### **17. Order 29 – Structures Over or Under a Public Place**

- 17.1. An order may be issued under this Criteria where it is in the public interest to require the alteration or repair of a work or structure on, over or under a public place.
- 17.2. Examples of works or structures to which this order may apply are:
- (a) Shop awnings;
  - (b) Pedestrian overpasses or pedestrian underpasses;
  - (c) Hoardings;
  - (d) Utilities (permanent or temporary);
  - (e) Low electricity cables;
  - (f) Stormwater pits and grates;
  - (g) Advertising structures;
  - (h) Bus shelters; and
  - (i) Any other structure or work.

#### **18. Order 30 – Complying with an Approval**

- 18.1. Orders may be issued under this Criteria where an Approval under the relevant Act or Policy is not being complied with.



18.2. All requirements, terms and conditions of an approval are to be complied with, pursuant to relevant legislation.

18.3. Examples of approvals that may be required are:

- (j) Installation of a manufactured home, moveable dwelling or associated structure on land;
- (k) Installation of a temporary structure on land;
- (l) Use a building or temporary structure as a place of public entertainment or permit its use as a place of public entertainment;
- (m) Place a waste storage container in a public place;
- (n) Operate a system of sewerage management;
- (o) Engage in a trade or business;
- (p) Direct or procure a theatrical, musical or other entertainment for the public;
- (q) Playing of a musical instrument or sing for fee or reward;
- (r) Set up, operate or use a loudspeaker or sound amplifying device, excluding spruiking, which is not permitted;
- (s) Deliver a public address or hold a religious service or public meeting;
- (t) Swing or hoist goods across or over any part of a public road by means of lift, hoist, or tackle projecting over the footway;
- (u) Expose or allow to be exposed (whether for sale or otherwise) in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road
- (v) Operate a public car park;
- (w) Operate a caravan park or camping ground;
- (x) Operate a manufactured home estate
- (y) Install or operate amusement devices;
- (z) Operate an undertaker's business; and
- (a) Operate a mortuary

## 19. Exemptions

19.1. This Policy does not apply to orders issued in accordance with item 22A in the Table in section 124 of the *Local Government Act 1993* (NSW).

## References

In writing this policy Council have referred to the policies and other materials of numerous councils and other bodies. We acknowledge the materials and assistance in writing this policy from the following:

- Narrabri Township Amenity and Public Safety Policy.
- Bankstown City Council Local Orders Policy.

## History

Minute Number	Meeting Date	Description of Change
221/2017	October 24. 2017	New Policy Adopted
	September 1, 2021	Rebranded
	2022	Reviewed



## NAMING PUBLIC ASSETS POLICY

**Responsible Department:** Corporate and Commercial Services

**Responsible Section:** Property Services

**Responsible Officer:** Manager Property Services

### Objective

To provide:

- Guidelines and a process for the naming of Public Assets within the Shire that, preserves the Shire's identity and heritage.
- The opportunity for Council and all community stakeholders to have input to the naming of the Shire's Public Assets.

To ensure consistency, openness, and transparency of Council's determination of requests for the naming of Public Assets under the control of Council.

### Introduction

The naming of assets after people who have made significant contributions to the community is a long-standing tradition. This policy sets out a framework to commemoratively name Council assets as a way of recognising the historical and cultural significance, and outstanding achievement of residents in the community in a way that:

- Provides a means of acknowledgement of the importance of place, acts of bravery, community service, and exceptional accomplishment of individuals; and
- Provides a consistent and fair approach to naming public assets after individuals.

### Policy

#### 1. Definitions

1.1. Terms within this policy have their ordinary meaning unless otherwise specified.

#### 2. Application

2.1. This policy applies to naming:

- (a) Bridges;
- (b) Parks;
- (c) Playgrounds;
- (d) Ovals;
- (e) Reserves;
- (f) Recreational facilities;
- (g) Buildings;
- (h) Rooms;
- (i) Carparks;
- (j) Lookouts;
- (k) Shelters;





- (l) Footpaths, bike paths, tracks, and trails;
  - (m) Geographical features; and
  - (n) Roads.
- 2.2. This policy does not apply to:
- (a) Place naming (towns/villages/areas);
  - (b) Memorials; or
  - (c) Assets not within Narrabri LGA.

### 3. Commemorative Naming of Public Assets

#### Individuals

- 3.1. Council may, from time-to-time name public assets after individuals in accordance with this policy.
- 3.2. In order for an individual's name to be eligible to have a public asset named after them, the individual must have:
  - (a) Made a significant contribution to the local area, New South Wales, or Australia.
  - (b) Made a significant contribution to the local social or cultural heritage of the community, particularly the Aboriginal Community;
  - (c) Achieved excellence in a particular field or endeavour of local, state, national, or international significance;
  - (d) Provided extensive community service; and
  - (e) No longer be living, except in exceptional circumstances.
- 3.3. For the avoidance of doubt, the following classes of people are deemed to be eligible:
  - (a) Former Mayors;
  - (b) Former Councillors who served three consecutive terms;
  - (c) Former local recognised Aboriginal Elders;
  - (d) Victoria Cross recipients;
  - (e) Recipients of other gallantry awards; and
  - (f) Other persons as agreed by Council.
- 3.4. The mere fact that a person owned property, or was a resident, and has died is not sufficient reason to name a public asset after them.
- 3.5. Individuals must have been of good character. Where an individual after whom an asset is named is found to not have been of good character, the asset will be renamed.
- 3.6. The use of given names will generally be avoided. A given name will only be included with a family name where it is essential to identify an individual or where it is necessary to avoid ambiguity or in the case of a component of a Public Asset.

#### Groups

- 3.7. Council may, from time-to-time name public assets after groups in accordance with this policy.
- 3.8. In order for a group's name to be eligible to have a public asset named after them, the group must have:
  - (a) Made a significant contribution to the local area, New South Wales, or Australia.
  - (b) Made a significant contribution to the local social or cultural heritage of the community, particularly the Aboriginal Community;
  - (c) Achieved excellence in a particular field or endeavour of local, state, national, or international significance; or
  - (d) Provided extensive community service; and
  - (e) Have a significant tie to the asset or location of the asset proposed to be named after them.
- 3.9. The mere fact that a group operated in the LGA and had ties to a location or asset is not sufficient reason to name a public asset after them.





3.10. Groups must have been in good standing in the community.

#### **Other Categories**

3.11. Council may, from time-to-time name public assets after things other than individuals or groups in accordance with this policy.

3.12. In order for the name to be eligible, it must:

- (a) Include geographic features, original natural systems, or wildlife unique to the site or area;
- (b) Be of Aboriginal origin or have historical background;
- (c) Acknowledge the multicultural nature of society; or
- (d) Function as a reminder of a significant event or material object in history.

#### **General**

3.13. Names chosen for assets are to be permanent unless it is no longer appropriate to name the asset after the particular individual, group, or other matter.

3.14. A name should not be used for more than one public asset. Council will keep and maintain a list of all public assets named after individuals, groups, or other things.

3.15. Any naming approved will be on the basis that such naming does not compromise any future Council use of the Public Asset.

3.16. Should a Public Asset be demolished or replaced an application to name the new Public Asset must be named in accordance with this Policy.

3.17. Names for public assets must not be:

- (a) Offensive;
- (b) incongruous – out of place
- (c) commercial or company (except in the case of Sponsorship, see below)
- (d) Commence with the definite article – “the”
- (e) Long and difficult, such as some scientific names
- (f) More than 34 characters long without exceptional reasons.

3.18. Names in long usage, which commemorate or preserve for the historical record, events and people as part of the pattern of history of the landscape, are preferred for the naming of previously unnamed features or where alteration of a name is being considered

3.19. Where names have been changed or altered by long established local usage, it is not usually advisable to attempt to restore the original form: that spelling which is sanctioned by general usage should be adopted.

3.20. For Aboriginal names, the traditional spelling(s) should be used. Council will seek advice of the local Aboriginal Community in relation to this.

#### **4. Corporate or other sponsorship of public assets**

4.1. A corporate body or commercial entity may be included in a naming sign on a public asset where it:

- (a) Was the main contributor (more than 50% of the cost) to the provision, including major upgrade of the Public Asset; or
- (b) A sponsorship arrangement for maintenance exists between the entity and Council and:
  - (i) The contribution by the body or entity is at least 50% of the annual cost of maintaining the Public Asset for a period of no less than five (5) years.

4.2. After five years under clause 4.1(b) above, the sign will be amended/removed if the agreement is not renegotiated.

4.3. The inclusion of the name of a corporate body or commercial entity in a naming sign must be a specific Resolution of Council.



## 5. Specific Requirements for Parks and Reserves

- 5.1. Parks or reserves in excess of 1.5 hectares will be defined as a Park and be given the suffix Park or Oval(s).
- 5.2. Parks or reserves less than 1.5 hectares will be defined as a Reserve and be given the suffix Reserve.
- 5.3. Priority will be given to the naming of Parks and Reserves after an adjacent street or feature to maximise the identification of that Park or Reserve with an area.
- 5.4. Names that commemorate or may be construed to commemorate living persons will not be considered for Parks or Reserves.
- 5.5. Components of Parks and Reserves (e.g. picnic facilities, gates, gardens, play equipment etc, excluding public buildings) may be named in honour of still living community members who are otherwise eligible under this policy.

## 6. Specific Requirements for Public Buildings

- 6.1. Priority will be given to the naming of Public Buildings after an historical event, town/locality or feature to maximise the identification of that Building with an area.
- 6.2. Names that commemorate or may be construed to commemorate living persons will not be considered for Public Buildings.
- 6.3. Components of buildings (eg. forecourts, plazas, courtyards, lawns, gardens, walkways, rooms, stairs and terraces etc) may be named in honour of still living community members are otherwise eligible under this policy.
- 6.4. Buildings should not be named to reflect the activity within them, in order to enable flexibility in future use of the building without renaming it.
- 6.5. Rooms can be named after the activity within them.

## 7. Specific Requirements for Roads

- 7.1. Council will not use compass directions as a prefix or suffix (eg North, South etc) if this can be avoided unless:
  - (a) the road is split by another road; and
  - (b) the compass direction will reduce ambiguity for emergency services.
- 7.2. For large subdivisions with multiple streets an overall theme for the naming of streets and parks is recommended.
- 7.3. Components of roads (eg. gardens, seats, lights, walkways, rest areas etc) may be named in honour of still living community members who have are otherwise eligible under this policy.
- 7.4. All private accesses (including private thoroughfares created under Community Title) should be clearly identified with the statement "Private".
- 7.5. Where roads are only maintained by Council for part of their length, the remainder being normally a Crown road reserve, then a sign be erected at the end of the Council maintained section indicating that Council does not maintain the road beyond this point.
- 7.6. Roads crossing Local Government boundaries should have a single and unique name, where possible.
- 7.7. Proposals for road names should include an appropriate road type suffix. Assistance to both the motoring and pedestrian public should be a major consideration in this choice.
- 7.8. When a type of suffix with a geometric or geographic characteristic is chosen, it should generally reflect the form of the road.



7.9. The following is a list of suitable road type suffixes (and abbreviations):

Avenue	Ave
Circuit	
Close (cul-de-sac)	Cl
Court (cul-de-sac)	
Crescent	Cres
Drive	Dr
Esplanade	Espl
Lane	
Mall	
Parade	Pde
Place (cul-de-sac)	Pl
Promenade	
Road	Rd
Street	St
Terrace	Tce
Way	

## 8. Crown Road Considerations

- 8.1. Accesses over privately maintained Crown Road Reserves may be signposted, in accordance with the procedure in this policy (i.e. be advertised, including notification to NSW Department of Lands and The Geographical Names Board of New South Wales. The sign will not include a reference to Council and include the words "privately maintained". All costs involved in providing the sign are to be borne by the applicant.

## 9. Initiating Asset Naming

- 9.1. Public asset naming may be initiated by:
- (a) Council calling for expressions of interests;
  - (b) A request from a community member, group, or entity;
  - (c) A notice of motion by a Councillor; or
  - (d) The General Manager or their delegate bringing a report to Council recommending naming a public asset.
- 9.2. Requests from a community member, group, or entity must be made using a form prescribed by the General Manager.
- 9.3. A request from a community member or report by the General Manager or delegate must, at a minimum, contain the following information:
- (a) The asset proposed to be named;
  - (b) The proposed name of the asset;
  - (c) For individuals: biographical details, including dates of birth and death (if relevant), length and years of service or association, and evidence that the next of kin or family have been consulted;
  - (d) The basis for naming the asset against the eligibility criteria;
  - (e) Evidence supporting the basis referred to above; and
  - (f) The prescribed fee (if any).



## 10. Assessment of Proposals

- 10.1. Where proposals are made by expressions of interests, community requests, or internal Council processes, the General Manager or their delegate will ensure that a preliminary assessment is conducted on proposals.
- 10.2. Wide community consultation should occur in relation to proposals to name public assets.
- 10.3. A panel of no less than three persons, selected by the General Manager or their delegate, will convene to conduct the preliminary assessment.
- 10.4. In relation to the constitution of the panel:
  - (a) At least one member should have previous experience in managing the particular asset class; and
  - (b) It should be multi-disciplinary;
- 10.5. The panel will present a report to the General Manager or their delegate making recommendations or providing a shortlist.
- 10.6. The General Manager or their delegate will bring a report to Council making recommendations or providing a shortlist for Council to consider.
- 10.7. All decisions to name public assets will be by Council Resolution.

## 11. Signage

- 11.1. Each named Asset named will have a clearly visible sign erected as soon as practicable after Council's resolution to name the Asset.
- 11.2. Signage will be similar to signs on like Assets as determined by the General Manager or their delegate, unless a different standard is especially resolved by Council.
- 11.3. Official opening plaques will acknowledge the Mayor, Councillors, and Senior Staff.

## 12. Renaming of Assets

- 12.1. If renaming is proposed because of some exceptional circumstance, a proposal should be made in accordance with the above procedure, with reasons as to why the current name is no longer appropriate.

## 13. Spelling and Grammar

- 13.1. Generally, names proposed or approved should not contain abbreviations, except for "saint" becoming "st."
- 13.2. The apostrophe mark (') must be omitted in the possessive case.
- 13.3. The use of hyphens should be avoided

## References

- *The Geographical Names Act 1966 (NSW).*



## History

Minute Number	Meeting Date	Description of Change
681/2007	October 2, 2007	Adopted
63/2010	February 16, 2010	Reviewed
210/2013	April 2, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	March 8, 2021	Rebranded
	2022	Reviewed



## ONSITE WASTEWATER MANAGEMENT POLICY

<b>Responsible Department:</b>	Planning and Sustainability
<b>Responsible Section:</b>	Planning and Development
<b>Responsible Officer:</b>	Manager Planning and Development

### Objective

- To facilitate the safe and sustainable management of onsite wastewater systems;
- To observe Council's obligations under current State legislation and specifically the current NSW Government's Guidelines for Onsite Sewage Management for Single House Households (Feb 1998). These remain a mandatory consideration by Councils pursuant to clause 29 of the *Local Government (General) Regulation 2021* (NSW);
- To communicate the requirements necessary for existing and potential owners to gain approval for effective installation and operation of onsite wastewater systems;
- To educate property owners, managers, and plumbers of the best practices in construction and maintenance of these systems;

### Introduction

Onsite wastewater is produced when dwellings that are not connected to a Council (piped) sewer produce black water (toilet and kitchen) and greywater (bathroom and laundry). There may be other wastewaters that would also qualify.

An onsite wastewater system is a physical collection of pipes, chamber(s), and dedicated areas of land that treat any domestic wastewater. Such systems may vary considerably in their components, often with successive modules of treatment systems.

This Policy has been prepared to facilitate the management of onsite wastewater systems within the Narrabri Shire Council area. The policy observes Council's obligations within current State legislation.

NSW Health sets out various policies that also apply to onsite systems, particularly the certification of manufactured products such as aerated wastewater treatment systems and septic tanks, and other commercially available products. Certification of greywater diversion devices is covered by Watermark certification, but the installation must meet the requirements of this policy.



## Policy

### 1. Definitions

Term	Meaning
OWS	Onsite Wastewater System
OWMP	Onsite Wastewater Management Plan
The Strategy	Narrabri Shire Council's Onsite Wastewater Management Strategy

### 2. Application

- 2.1. This policy applies to all onsite wastewater systems (including those for greywater) servicing dwellings and other buildings where the wastewater is treated on site and the effluent is disposed of by land application, including:
  - (a) Schools;
  - (b) Commercial premises; or
  - (c) Industrial premises.
- 2.2. Special conditions apply to components used for dwellings where the normal occupancy is up to 10 persons.
- 2.3. The separation of greywater, where an onsite wastewater system is installed, requires the approval of Council.
- 2.4. Please see Council's Onsite Wastewater Management Strategy (the Strategy) on Council's website for more information. Council will assess, approve and inspect onsite wastewater management systems as described in the Strategy.

### 3. Limitations

- 3.1. This policy does not regulate infrastructure connected to Council's piped sewer system.
- 3.2. For premises connected to sewer, the discharge of greywater onto the allotment (rather than the sewer) is covered by this Policy.

### 4. Legislative Requirements

- 4.1. Council will take into account the following when dealing with Onsite Wastewaters Systems:
  - (a) *Local Government Act 1993* (NSW) s 68 - Approvals to both install and operate are required for all sewage management systems are dealt with under this section.
  - (b) *Local Government Act 1993* (NSW) s 626 – It is an offence to not comply with an approval or install or operate a system of sewerage management without an approval under this section.
  - (c) *Local Government (General) Regulation 2021* (NSW) –
    - (i) Applies to all fixed sewage management systems that do not discharge directly to a public sewer;
    - (ii) States that Council approval is required under Section 68 of the Local Government Act 1993 for the installation, construction, or alteration of a sewage management facility, as well as its ongoing operation;
    - (iii) Stipulates environment and health matters to be taken into consideration in determining applications for approval to install, construct or alter sewage management facilities;
    - (iv) Provides general performance standards for sewage management facilities;





- (v) Provides further conditions of approval in relation to operation of system of sewage management; and
  - (vi) Specifies the accreditation role of NSW Health. This relates to the types of systems which may be installed.
- 4.2. *Protection of the Environment Operations Act 1997* (NSW) - provides Council with powers to take timely and effective regulatory action where sewage management systems are failing and/or causing pollution.
- 4.3. Environment & Health Protection Guidelines OnSite Management for Single Households –
- (a) Maintain that effective Council regulation of sewage management systems requires a planned risk management approach.
  - (b) Address issues such as regulatory frameworks, the development of strategies (such as Council's "Onsite Wastewater Management Strategy"), administration and operational issues, site assessment principles and principles for selection and operation of sewage management systems.
  - (c) Are specified guidelines for the purposes the *Local Government (General) Regulation 2021* (NSW) reg 29, 44, 45.
  - (d) Are a matter for consideration by the Council in relation to applications for approval to install and approval to operate a sewage management system.

## 5. Assigning a Risk Rating to a System

- 5.1. Risk-ratings will be assigned by considering the risk of the area in which the system is located against the performance of the system.
- 5.2. Once the delegated Council officer has inspected a system, an 'onsite sewage management system risk matrix' will be applied.
- 5.3. Systems are classified High, Medium and Low Risk according to the potential environmental or health risk they pose.
- 5.4. The main considerations in determining the risk category include:
  - (a) Location and size of block of land (such as, village allotments and farms);
  - (b) System design, condition and observed performance;
  - (c) Hydraulic load generated by activities
  - (d) Soil type;
  - (e) Vegetation coverage;
  - (f) Slope of land in application area;
  - (g) Distance to watercourses, drains and property boundaries; and
  - (h) Surface or subsurface discharge of effluent.

## 6. Inspection Program

- 6.1. Council will implement a strategic inspection program, to ensure a systematic and ongoing management and monitoring of onsite wastewater management systems.
- 6.2. Inspections will be conducted on a risk-based assessment as outlined in clause 3.
- 6.3. All onsite systems will be inspected once upon installation.



- 6.4. Areas identified by Council as a high-risk or a high priority will be inspected first, however, all systems will eventually be subject to an initial inspection.
- 6.5. An initial inspection is required to assign a risk rating to each individual system, to issue the appropriate approvals, and to update Council's OnSite Wastewater Management System Register.
- 6.6. As detailed in the Strategy, inspections will be carried out at the frequency below:

Risk Category	Inspection Frequency
Low	Upon complaint or request only
Medium	Every 5 years
High	Every 2 years

## 7. Fees and Charges

- 7.1. Fees for inspections of new system installations and the initial Approval to Operate are included in the fees for Applications to Install.
- 7.2. Council's inspection program fees are charged in accordance with Council's Schedule of Fees and Charges as outlined in the current Operational Plan (available on Council's website).
- 7.3. Fees collected will contribute to (but not limited to) the following requirements of the program:
  - (a) Maintenance of an "Onsite Wastewater Management System" register;
  - (b) An Inspection Program in accordance with the criteria set out in this strategy;
  - (c) Administrative support including correspondence and enquiry support;
  - (d) Strategy review and upgrading as required;
  - (e) Ongoing education of system owners; and
  - (f) Policy/strategy amendment as required by legislation.
- 7.4. Fees will be shown as a service charge on annual rate notices for all properties listed on Council's "Onsite Wastewater Management" register.
- 7.5. Fees for follow-up inspections may be charged if continued non-compliance occurs.
- 7.6. Fees are charged to cover the cost of providing the service which Council is required to provide by law.

## 8. Complaints

- 8.1. Complaints regarding failing onsite wastewater management systems, or operation of onsite wastewater management systems not in accordance with approval, will be investigated in accordance with Council's Enforcement Policy.
- 8.2. Legitimate complaints are treated very seriously and in confidence to comply with privacy laws and policies.

## 9. Review

- 9.1. This policy will be reviewed within 12 months of an Ordinary Council Election or such other time on an as-needs basis.

## References



- *Local Government Act 1993* (NSW).
- *Local Government (General) Regulation 2021* (NSW).
- *Protection of the Environment Operations Act 1997* (NSW).
- Environment and Health Protection Guidelines Onsite Sewage Management for Single Households 1998.
- AS/NZS 1547:2012 Onsite Domestic Wastewater Management.
- NSW Guidelines for Urban and Residential Use of Reclaimed Water (NSW Recycled Water Coordination Committee).
- Environmental Guidelines for the Reuse of Effluent in Irrigation (Department of Environment and Conservation).
- NSW Health's Greywater Reuse in Sewered Single Domestic Premises.
- Narrabri Shire Council's Local Approvals Policy – If Narrabri Shire Council's OnSite Wastewater Management Policy is inconsistent with Narrabri Shire Council's Local Approvals Policy, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

## History

Minute Number	Meeting Date	Description of Change
241/2014	April 15, 2014	Adopted
164/2017	August 15, 2017	Reviewed
	August 31, 2021	Rebranded
	2022	Reviewed



## PUBLIC INTEREST DISCLOSURE POLICY

<b>Responsible Department:</b>	Corporate and Commercial Services
<b>Responsible Section:</b>	Governance and Risk
<b>Responsible Officer:</b>	Manager Governance and Risk

### Introduction and Objective

The purpose of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal. The policy sets out who you can report wrongdoing to in Narrabri Shire Council, what can be reported and how reports of wrongdoing will be dealt with by Narrabri Shire Council.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the Public Interest Disclosures Act 1994 (*PID Act*).

This policy is just one in the suite of Narrabri Shire Council's complaint handling policies.

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through other Council processes. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to the General Manager to be dealt with in accordance with the appropriate mechanism.

### Policy

#### 1. Organisational Commitment

1.1. Narrabri Shire Council Commits to:

- (a) create a climate of trust, where people are comfortable and confident about reporting wrongdoing;
- (b) encourage staff to come forward if they are aware of wrongdoing within the Council;
- (c) keep the identity of the staff member disclosing wrongdoing confidential, where this is possible and appropriate;
- (d) protect staff from any adverse action resulting from them making a report;
- (e) deal with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to address it;
- (f) keep staff who make a report informed of their progress and the outcome;
- (g) encourage the reporting of wrongdoing within the Council, but respect any decision to disclose wrongdoing outside the Council that is made in accordance with the provisions of the PID Act;
- (h) ensure managers and supervisors at all levels in the Council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing;

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- (i) review the policy periodically to ensure it is relevant and effective;
- (j) provide adequate resources, to:
  - (i) encourage reports of wrongdoing
  - (ii) protect and support those who make them
  - (iii) provide training for staff about how to make reports and the benefits of internal reports to the Council and the public interest generally
  - (iv) properly assess and investigate or otherwise deal with allegations
  - (v) properly manage any workplace issues that the allegations identify or that result from a report
  - (vi) appropriately address any identified problems.

## 2. Application

2.1. This policy applies to:

- (a) both Council staff and Councillors;
- (b) permanent employees, whether full-time or part-time;
- (c) temporary or casual employees;
- (d) consultants;
- (e) individual contractors working for Narrabri Shire Council;
- (f) employees of contractors providing services to Narrabri Shire Council; and
- (g) other people who perform Council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

2.2. The policy also applies to public officials of another Council or public authority who report wrongdoing relating to Narrabri Shire Council.

## 3. Roles and Responsibilities

### Council Staff and Councillors

3.1. Staff and Councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All Council staff and Councillors are obliged to:

- (a) report all known or suspected wrongdoing and support those who have made reports of wrongdoing;
- (b) if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality;
- (c) treat any staff member or person dealing with a report of wrongdoing with courtesy and respect; and
- (d) respect the rights of any person the subject of reports.

3.2. Staff and Councillors must not:

- (a) Make false or misleading reports of wrongdoing; or
- (b) Victimise or harass anyone who has made a report



- 3.3. Additionally, the behaviour of all Council staff and Councillors involved in the internal reporting process must adhere to the Narrabri Shire Council's *Code of Conduct*. A breach of the code could result in disciplinary action.

#### **Narrabri Shire Council**

- 3.4. Narrabri Shire Council has a responsibility to establish and maintain a working environment that encourages staff and Councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.
- 3.5. The Narrabri Shire Council will assess all reports of wrongdoing it receives from staff and Councillors and deal with them appropriately. Once wrongdoing has been reported, the Narrabri Shire Council takes 'ownership' of the matter. This means it is up to us to decide whether a report should be investigated, and if so, how it should be investigated and by whom. The Narrabri Shire Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.
- 3.6. The Narrabri Shire Council must report on our obligations under the PID Act and statistical information about Public Interest Disclosures in our annual report and to the NSW Ombudsman every six months.
- 3.7. To ensure the Narrabri Shire Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and Councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

#### **The General Manager**

- 3.8. The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring the *Narrabri Shire Council* complies with the PID Act. The General Manager can receive reports from staff and Councillors and has a responsibility to:
- (a) assess reports received by or referred to them, to determine whether or not the report should be treated as a Public Interest Disclosure, and to decide how the report will be dealt with;
  - (b) deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures;
  - (c) ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report;
  - (d) make decisions following any investigation or appoint an appropriate decision-maker;
  - (e) take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified;
  - (f) refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC); and
  - (g) refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

#### **The Disclosures Coordinator- Manager Governance and Risk**



3.9. The disclosures coordinator has a central role in the Narrabri Shire Council's internal reporting system. The disclosures coordinator can receive and assess reports, and is the primary point of contact in the Narrabri Shire Council for the reporter. The disclosures coordinator has a responsibility to:

- (a) assess reports to determine whether or not a report should be treated as a Public Interest Disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager);
- (b) deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures;
- (c) coordinate the Narrabri Shire Council's response to a report;
- (d) acknowledge reports and provide updates and feedback to the reporter;
- (e) assess whether it is possible and appropriate to keep the reporter's identity confidential;
- (f) assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified;
- (g) where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report;
- (h) ensure the Narrabri Shire Council complies with the PID Act; and
- (i) provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

**Disclosures Officers- The Directors**

3.10. Disclosures officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist staff and Councillors to make reports.

3.11. Disclosures officers have a responsibility to:

- (a) document in writing any reports received verbally, and have the document signed and dated by the reporter;
- (b) make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace;
- (c) discuss with the reporter any concerns they may have about reprisal or workplace conflict; and
- (d) carry out preliminary assessment and forward reports to the disclosures coordinator or General Manager for full assessment.

**Mayor**

3.12. The Mayor can receive reports from staff and Councillors about the General Manager. Where the Mayor receives such reports, the Mayor has a responsibility to:

- (a) assess the reports to determine whether or not they should be treated as a Public Interest Disclosure, and to decide how they will be dealt with;
- (b) deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures;





- (c) refer reports to an investigating authority, where appropriate;
- (d) liaise with the disclosures coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report;
- (e) refer actual or suspected corrupt conduct to the ICAC; and
- (f) refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

#### **Supervisors and Line Managers**

3.13. Supervisors and line managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and line managers should be aware of the internal reporting policy and are responsible for creating a *local work environment* where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:

- (a) encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do;
- (b) identify reports made to them in the course of their work which could be Public Interest Disclosures, and assist the staff member to make the report to an officer authorised to receive Public Interest Disclosures under this policy;
- (c) implement local management strategies, in consultation with the disclosures coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report; and
- (d) notify the disclosures coordinator or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the General Manager, notify the Mayor.

#### **4. What should be reported?**

##### **General**

- 4.1. You should report any suspected wrongdoing within the *Narrabri Shire Council*, or any activities or incidents you see within the *Narrabri Shire Council* that you believe are wrong.
- 4.2. Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and local government pecuniary interest contravention – which otherwise meet the criteria of a Public Interest Disclosure, will be dealt with under the PID Act and according to this policy. See below for details about these types of conduct. More information about what can be reported under the PID Act can be found in the NSW Ombudsman's *Guideline B2: What should be reported?*.
- 4.3. All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the relevant policies. This might include:
  - (a) Harassment or unlawful discrimination; or
  - (b) Practices that endanger health or safety of staff or the public.
- 4.4. Even if these reports are not dealt with as Public Interest Disclosures, the *Narrabri Shire Council* recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

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**Corrupt Conduct**

4.5. Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

4.6. For example, this could include:

- (a) the improper use of knowledge, power or position for personal gain or the advantage of others;
- (b) acting dishonestly or unfairly, or breaching public trust; or
- (c) a Council official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust.

**Maladministration**

4.7. Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

4.8. For example, this could include:

- (a) making a decision and/or taking action that is unlawful; or
- (b) refusing to grant an approval for reasons that are not related to the merits of their application.

**Serious and Substantial Waste of Public Money**

4.9. Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

4.10. For example, this could include:

- (a) not following a competitive tendering process for a large scale contract
- (b) having bad or no processes in place for a system involving large amounts of public funds.

**Breach of the GIPA Act**

4.11. A breach of the *Government Information (Public Access) Act 2009* (GIPA Act) is a failure to properly fulfil functions under that Act.

4.12. For example, this could include:

- (a) destroying, concealing or altering records to prevent them from being released;
- (b) knowingly making decisions that are contrary to the legislation; or
- (c) directing another person to make a decision that is contrary to the legislation.

**Local Government Pecuniary Interest Contravention**

4.13. A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at Council and Council committee meetings and leave the meeting while the matter is being discussed. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.



4.14. For example, this could include:

- (a) a senior Council staff member recommending a family member for a Council contract and not declaring the relationship; or
- (b) a Councillor participating in consideration of a DA for a property they or their family have an interest in.

## 5. Assessment of reports

- 5.1. All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a Public Interest Disclosure.
- 5.2. The disclosures coordinator is responsible for assessing reports, in consultation with the General Manager where appropriate. All reports will be assessed on the information available to the disclosures coordinator at the time. It is up to the disclosures coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the disclosures coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

## 6. When will a report be treated as a Public Interest Disclosure?

- 6.1. The *Narrabri Shire Council* will treat a report as a Public Interest Disclosure if it meets the criteria of a Public Interest Disclosure under the PID Act. These requirements are:
  - (a) the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention
  - (b) the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing
  - (c) the report has to be made to either the General Manager or, for reports about the General Manager the Mayor, a position nominated in this policy (see section 8), an investigating authority or in limited circumstances to an MP or journalist (see section 9).
- 6.2. Reports by staff are not Public Interest Disclosures if they:
  - (a) mostly question the merits of government policy (see section 17); or
  - (b) are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see section 18).

## 7. Who can receive a report within Narrabri Shire Council?

- 7.1. Staff are encouraged to report general wrongdoing to their supervisor. However the PID Act requires that, for a report to be a Public Interest Disclosure, it must be made to certain public officials identified in this policy or any supporting procedures.
- 7.2. The following positions are the only people within the *Narrabri Shire Council* who are authorised to receive a Public Interest Disclosure. Any supervisor who receives a report that they believe may be a Public Interest Disclosure is obliged to assist the staff member to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities (section 4).



- 7.3. If your report involves a Councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor.

#### Position Contact Details

Role	Position	Contact(s)
<b>General Manager</b>	General Manager	<a href="mailto:gm@narrabri.nsw.gov.au">gm@narrabri.nsw.gov.au</a>
<b>Mayor</b>	Mayor	The Mayor, Narrabri Shire Council 96-98 Maitland St Narrabri NSW 2390 (Marked Confidential PID)
<b>Disclosures Coordinator</b>	Manager Governance and Risk	<a href="mailto:pid@narrabri.nsw.gov.au">pid@narrabri.nsw.gov.au</a>
<b>Disclosures Officers</b>	Directors	<a href="mailto:andrewb@narrabri.nsw.gov.au">andrewb@narrabri.nsw.gov.au</a> <a href="mailto:eloisec@narrabri.nsw.gov.au">eloisec@narrabri.nsw.gov.au</a> <a href="mailto:donnaa@narrabri.nsw.gov.au">donnaa@narrabri.nsw.gov.au</a>

#### 8. Who can receive a report outside of the *Narrabri Shire Council*?

- 8.1. Staff and Councillors are encouraged to report wrongdoing within the *Narrabri Shire Council*, but internal reporting is not your only option. You can also make a Public Interest Disclosure to:
- (a) An investigating authority; or
  - (b) A Member of Parliament or a journalist, but only in the limited circumstances outlined below.

#### Investigating authorities

- 8.2. The PID Act lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the General Manager or the Mayor.
- 8.3. The relevant investigating authorities for the *Narrabri Shire Council* are:
- (a) the Independent Commission Against Corruption (ICAC) — for disclosures about corrupt conduct;
  - (b) the Ombudsman — for disclosures about maladministration;
  - (c) the Auditor-General — for disclosures about serious and substantial waste;
  - (d) the Information Commissioner — for disclosures about a breach of the GIPA Act; or
  - (e) the Office of Local Government – for disclosures about local Councils;
- 8.4. You should contact the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.
- 8.5. You should be aware that the investigating authority may well discuss any such reports with the *Narrabri Shire Council*. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff or Councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

#### Members of Parliament or journalists



8.6. To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- (a) the General Manager
- (b) a person nominated in this policy, including the Mayor for reports about the General Manager
- (c) an investigating authority.

8.7. Also, the *Narrabri Shire Council* or the investigating authority that received your initial report must have either:

- (a) decided not to investigate the matter;
- (b) decided to investigate the matter, but not completed the investigation within six months of the original report;
- (c) investigated the matter but not recommended any action as a result; or
- (d) not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

8.8. Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true (see section 19).

#### **Other external reporting**

8.9. If you report wrongdoing to a person or authority that is not listed above or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or *our* Code of Conduct – by, for example, disclosing confidential information.

8.10. For more information about reporting wrongdoing outside the *Narrabri Shire Council*, contact the disclosures coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

### **9. How to make a report**

9.1. You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation. *Narrabri Shire Council's* Internal Reporting Form is also available for staff or Councillors to use to make a report.

9.2. If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The reporter should keep a copy of this record.

9.3. Council's Governance Section can provide information in relation to this policy.

### **10. Can a report be anonymous?**

10.1. There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by the *Narrabri Shire Council*, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what



action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

10.2. It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If we do not know who made the report, it is very difficult for us to prevent any reprisal should others identify you.

### **11. Feedback to staff who report wrongdoing**

11.1. Staff and Councillors who report wrongdoing will be told what is happening in response to their report.

#### **Acknowledgement**

11.2. When you make a report, the *Narrabri Shire Council* will contact you to confirm that your report has been received and to advise:

- (a) the timeframe within which you will receive further updates
- (b) the name and contact details of the people who can tell you what is happening or handle any concerns you may have.

11.3. After a decision is made about how your report will be dealt with, the *Narrabri Shire Council* will send you an acknowledgment letter, providing:

- (a) information about the action that will be taken in response to your report
- (b) the likely timeframes for any investigation or other action
- (c) information about the internal and external resources or services available that you can access for support.
- (d) We will provide this information to you within ten working days from the date you make your report. We will also advise you if we decide to treat your report as a Public Interest Disclosure and provide you with a copy of this policy at that time, as required by the PID Act.

11.4. Please note, if you make a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this policy.

#### **Progress updates**

11.5. While your report is being dealt with, such as by investigation or making other enquiries, you will be given:

- (a) information about the progress of the investigation or other enquiries and reasons for any delay
- (b) advice of any decision by the *Narrabri Shire Council* not to proceed with the matter
- (c) advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.

#### **Feedback**

11.6. Once the matter has been finalised you will be given:

- (a) enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified





- (b) advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.

## 12. Maintaining confidentiality

- 12.1. The *Narrabri Shire Council* realises reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.
- 12.2. Where possible and appropriate we will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.
- 12.3. If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.
- 12.4. If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the *disclosures coordinator* and the *General Manager*, or in the case of a report about the General Manager, the disclosures coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.
- 12.5. Any staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

## 13. Managing the risk of reprisal and workplace conflict

- 13.1. When a staff member or Councillor reports wrongdoing, the *Narrabri Shire Council* will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.
- 13.2. Depending on the circumstances, the *Narrabri Shire Council* may:
  - (a) relocate the reporter or the staff member who is the subject of the allegation within the current workplace
  - (b) transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified
  - (c) grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.
- 13.3. These courses of action are not punishment and will only be taken in consultation with the reporter.

## 14. Protection against reprisals

- 14.1. The *Narrabri Shire Council* will not tolerate any reprisal against staff or Councillors who report wrongdoing or are believed to have reported wrongdoing.
- 14.2. The PID Act provides protection for staff and Councillors who have made a Public Interest Disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a Public Interest Disclosure. These penalties also apply to cases where a





person takes detrimental action against another because they believe or suspect the other person has made or may have made a Public Interest Disclosure, even if they did not.

14.3. Detrimental action means action causing, comprising or involving any of the following:

- (a) injury, damage or loss
- (b) intimidation or harassment
- (c) discrimination, disadvantage or adverse treatment in relation to employment
- (d) dismissal from, or prejudice in, employment
- (e) disciplinary proceedings.

14.4. A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of the Council's Code of Conduct which may result in *disciplinary action*. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

14.5. It is important for staff and Councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a Public Interest Disclosure. It does not protect reporters from disciplinary or other management action where the *Narrabri Shire Council* has reasonable grounds to take such action.

#### **Responding to allegations of reprisal**

14.6. If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the disclosures coordinator or the *General Manager* immediately. In the case of an allegation of reprisal by the General Manager, you can alternatively report this to the Mayor.

14.7. All supervisors must notify the disclosures coordinator or the *General Manager* if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the General Manager, the Mayor can alternatively be notified.

14.8. If the *Narrabri Shire Council* becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, the *Narrabri Shire Council* will:

- (a) assess the allegation of reprisal to decide whether the report should be treated as a Public Interest Disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- (b) if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
- (c) if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter
- (d) take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure



(e) refer any breach of Part 8 of the Council's Code of Conduct (reprisal action) by a Councillor or the General Manager to the Office of Local Government.

(f) refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

14.9. If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.

14.10. If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Office of Local Government, the Ombudsman or the ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included at the end of this policy.

#### **Protection against legal action**

14.11. If you make a Public Interest Disclosure in accordance with the PID Act, you will not be subject to any liability, and no action, claim or demand can be taken against you for having made the Public Interest Disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

### **15. Support for those reporting wrongdoing**

15.1. The *Narrabri Shire Council* will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a Public Interest Disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.

15.2. Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the disclosures coordinator.

15.3. Narrabri Shire Council has an Employee Assistance Program. Affected persons are encouraged to access and utilise this service. If you have any questions around this program or require anything for your wellbeing, contact the Risk Coordinator.

### **16. Sanctions for making false or misleading statements**

16.1. It is important all staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.

16.2. *Narrabri Shire Council* will not support staff or Councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the Code of Conduct resulting in disciplinary action. In the case of Councillors, disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

### **17. The rights of persons the subject of a report**

17.1. *Narrabri Shire Council* is committed to ensuring staff or Councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

17.2. If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time you will be:

(g) advised of the details of the allegation



- (h) advised of your rights and obligations under the relevant related policies and procedures
- (i) kept informed about the progress of any investigation
- (j) given a reasonable opportunity to respond to any allegation made against you
- (k) told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.

17.3. Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by *Narrabri Shire Council*. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

## 18. More information

18.1. Staff can seek advice and guidance from the disclosures coordinator and the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

## 19. Review

19.1. This policy will be reviewed by the *Narrabri Shire Council* On the commencement of the Public Interest Disclosures Act 2022.

19.2. This policy will be reviewed within 12 months of an Ordinary Council Election or such other time on an as-needs basis.

## 20. Nature of Policy

20.1. Unlike other Council Policies, this is a joint policy of both the governing body of Council and General Manager.

20.2. Where this policy directs Council Staff, that direction is on the authority of the General Manager. Those clauses will have no effect until this policy is signed by the General Manager and will cease to have effect when the General Manager revokes them in writing.

## References

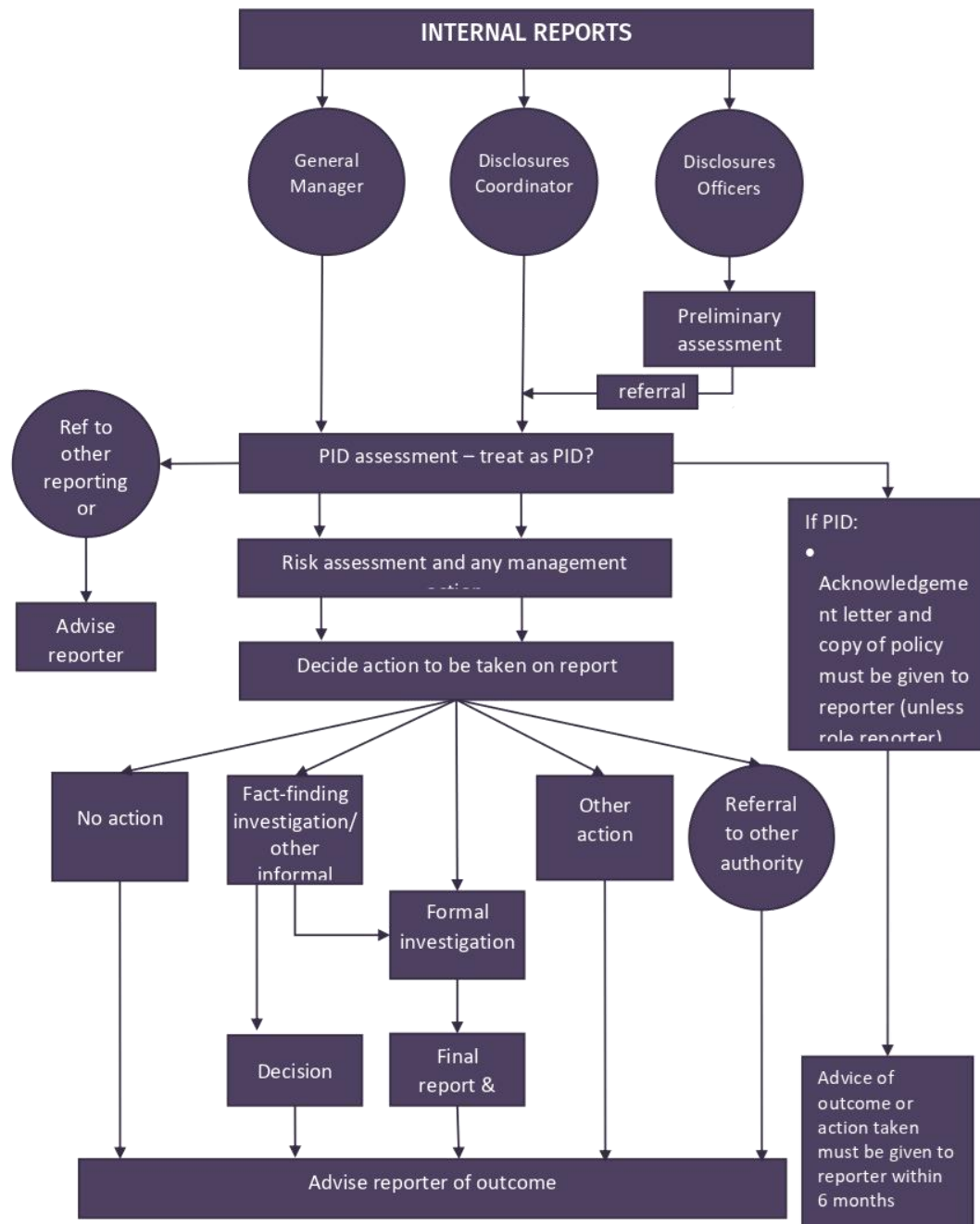
- *Public Interest Disclosures Act 1994* (NSW)
- *Public Interest Disclosures Act 2022* (NSW)
- *Government Information (Public Access) Act 2009* (NSW)
- *Local Government Act 1993* (NSW)
- *Local Government (General) Regulation 2021* (NSW)
- *Code of Conduct*

## History

Minute Number	Meeting Date	Description of Change
	2022	Developed (based on the Model from NSW ICAC)



### APPENDIX A- Flow chart of PID internal reporting process





## APPENDIX B- Resources

The contact details for external investigating authorities that staff can make a Public Interest Disclosure to or seek advice from are listed below.

### For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)  
 Phone: 02 8281 5999  
 Toll free: 1800 463 909  
 Tel. typewriter (TTY): 02 8281 5773  
 Facsimile: 02 9264 5364  
 Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)  
 Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)  
 Address: Level 7, 255 Elizabeth Street,  
 Sydney NSW 2000

### For disclosures about serious and substantial waste:

Auditor-General of the NSW Audit Office  
 Phone: 02 9275 7100  
 Facsimile: 02 9275 7200  
 Email: [mail@audit.nsw.gov.au](mailto:mail@audit.nsw.gov.au)  
 Web: [www.audit.nsw.gov.au](http://www.audit.nsw.gov.au)  
 Address: Level 19, Darling Park Tower,  
 201 Sussex Street, Sydney NSW 2000

### For disclosures about police misconduct:

Chief Commissioner, Law Enforcement Conduct Commission  
 Toll free: 1800 657 079  
 Facsimile: 02 9321 6700  
 Email: [contactus@lecc.nsw.gov.au](mailto:contactus@lecc.nsw.gov.au)  
 Web: <https://www.lecc.nsw.gov.au/contact-us>  
 Address: Level 3, 111 Elizabeth Street,  
 Sydney NSW 2000

### For disclosures about the Law Enforcement Conduct Commission:

Inspector of the Law Enforcement Conduct Commission  
 Phone: 02 9228 3023  
 GPO Box 5341  
 Sydney NSW 2001  
 Email: [olecc\\_executive@olecc.nsw.gov.au](mailto:olecc_executive@olecc.nsw.gov.au)  
 Web: <https://www.olecc.nsw.gov.au>

### For disclosures about maladministration:

NSW Ombudsman  
 Phone: 02 9286 1000  
 Toll free (outside Sydney metro): 1800 451 524  
 Tel. typewriter (TTY): 02 9264 8050  
 Facsimile: 02 9283 2911  
 Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)  
 Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)  
 Address: Level 24, 580 George Street,  
 Sydney NSW 2000

### For disclosures about local Councils:

Office of Local Government  
 Phone: 02 4428 4100  
 Tel. typewriter (TTY): 02 4428 4209  
 Facsimile: 02 4428 4199  
 Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)  
 Web: [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)  
 Address: 5 O'Keefe Avenue, Nowra, NSW 2541

### For disclosures about breaches of the GIPA Act:

Information & Privacy Commissioner  
 Toll free: 1800 472 679  
 Facsimile: 02 8114 3756  
 Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
 Web: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)  
 Address: Level 17, 201 Elizabeth Street,  
 Sydney NSW 2000

### For disclosures about the Independent Commission Against Corruption (ICAC):

Inspector of the Independent Commission Against Corruption  
 Phone: 02 9228 3023  
 GPO Box 5341  
 Sydney NSW 2001  
 E: [oiicac\\_executive@oiicac.nsw.gov.au](mailto:oiicac_executive@oiicac.nsw.gov.au)  
 W: <https://www.oiicac.nsw.gov.au/contact-the-inspector>



## PRIVACY MANAGEMENT POLICY

**Responsible Department:** Corporate and Commercial Services

**Responsible Section:** Governance and Risk

**Responsible Officer:** Manager Governance and Risk

### Objective

To develop an effective framework to meet the requirements of Section 33 of the *Privacy and Personal Information Protection Act 1998* (NSW) (PPIPA) which include:

- The devising of policies and practices to ensure compliance by the Council with the requirements of PPIPA;
- The dissemination of those policies and practices to persons within the Council;
- The procedures that the Council proposes for internal review of privacy complaints; and
- Such other matters as are considered relevant by the Council in relation to privacy and the protection of personal information held by it.

### Introduction

Narrabri Shire Council respects and is committed to protecting the privacy of our customers, business contacts and our employees, by preparing the following Privacy Management Policy in accordance with the requirements of Section 33 of PPIPA.

In order to comply with the requirements of PPIPA, Council will comply with the Information Protection Principles (IPP) in relation to its handling of personal and health information.





## Policy

### PART 1: Introductory Elements

#### 1. Definitions

Term	Meaning
<b>PPIPA</b>	<i>Privacy and Personal Information Protection Act 1998 (NSW)</i>
<b>HRIPA</b>	<i>Health Records and Information Privacy Act 2002 (NSW)</i>
<b>LGA</b>	<i>Local Government Act 1993 (NSW)</i>
<b>GIPA</b>	<i>Government Information (Public Access) Act 2009 (NSW)</i>
<b>Code</b>	Privacy Code of Practice for Local Government
<b>Plan</b>	Privacy Management Plan
<b>IPP</b>	Information Protection Principles
<b>HPP</b>	Health Privacy Principles
<b>Information</b>	Personal and health information
<b>Personal Information</b>	Personal information within the meaning of the PPIP Act
<b>Health Information</b>	Health Information within the meaning of the HRIP Act
<b>Deposited Record</b>	Records containing personal information that are deposited with Council for the purpose of preservation or making them available for research. These may have research value and may be kept longer than required by legislation.

#### 2. Deposited Record

- 2.1. A deposited record means records containing personal information that are deposited with Council for the purpose of preservation or making them available for research. Documents that may have research value may be kept longer than is required by 12(a) PPIPA.

#### 3. Nature of Policy

- 3.1. Unlike other Council Policies, this is a joint policy of both the governing body of Council and General Manager.
- 3.2. Where this policy directs Council Staff, that direction is on the authority of the General Manager. Those clauses will have no effect until this policy is signed by the General Manager and will cease to have effect when the General Manager revokes them in writing.

#### 4. Application of this Policy

- 4.1. The PPIPA, HRIPA and this Policy apply, wherever practicable, to:
- (a) Councillors;
  - (b) Council employees;
  - (c) Consultants and contractors of the Council;
  - (d) Council owned businesses;
  - (e) Council committees (including those which may be established under Section 355 of LGA); and
  - (f) Volunteers of Council.
- 4.2. Council will ensure that all such parties are made aware of the requirements of PPIPA, HRIPA, the Privacy Code of Practice for Local Government, and other applicable Codes of Practice and this Policy.
- 4.3. Council owned businesses, committees and private contractors or consultants must abide by this Policy, the Code and PPIPA under the terms of their incorporation by Council or by contract.





- 4.4. Where any of the above collects personal information on behalf of Council in relation to the performance of their activities, that body or person will be required to:
- (a) Obtain an authorisation and consent to that collection;
  - (g) Notify those persons in accordance with IPP 3 as to the intended recipients and other matters required by that principle.
- 4.5. For the purpose of this Policy, health information is included in the phrase personal information and a reference to information in this Policy is a reference to both health and personal information.

## 5. Privacy Code of Practice for Local Government

- 5.1. The Privacy Code of Practice for Local Government has been developed to enable Local Government to fulfil its statutory duties and functions under the *Local Government Act 1993* (LGA) in a manner that seeks to comply with PPIPA and HRIPA. The Code was approved by the Attorney General and took effect from 1 July 2000.
- 5.2. Within the Code are statements which effect the PPIPA (Part 6) and IPPs as they apply to Council. The statements are.
- (a) The Privacy and Personal Information Protection Act 1998 provides for the protection of personal information and for the protection of privacy of individuals, generally;
  - (b) This Privacy Code of Practice is made under Part 3 Division 1 of the PPIPA;
  - (c) The effect of this Code is to modify:
    - (i) The Information Protection Principles contained in Part 2, Division 1 of the PPIPA; and
    - (ii) The provisions of Part 6 of the PPIPA.
  - (d) Each Council must have a Privacy Management Plan. The Plan will outline processes to complement this Code. This policy is that plan;
  - (e) Questions of interpretation and application in particular circumstances may require legal advice and such advice should be obtained where it appears appropriate;
  - (f) The operative elements of this Code so far as the Information Protection Principles and Part 6 of the PPIPA are modified, are shown in Part 3 with respect to public registers and in Part 4 after the relevant Information Protection Principle and marked 'Modification';
  - (g) Explanatory notes contained in this guide serve no legal purpose of interpretation and are intended only for the purpose of clarification or expansion;
  - (h) This Code applies to Councillors, employees and customers of Council;
  - (i) This Code applies to that part of the information collected or held by Council that is personal information;
  - (j) Questions or written communications concerning the application of this Code or Council's Privacy Management Plan should be addressed to the Council's Privacy Contact Officer; and
  - (k) This Code was gazetted on 1st July 2000.

## 6. Conditions of this Policy

- 6.1. None of the contents of this Policy should affect:
- (a) Any matter of interpretation of the Code or the IPP as they apply to the Council;
  - (b) Any obligation at law cast upon the Council by way of representation or holding out in any manner whatsoever; and
  - (c) Create, extend or lessen any obligation at law which the Council may have.
- 6.2. This Policy is designed to complement procedures to comply with the PPIPA and HRIPA.
- 6.3. Where Council has the benefit of an exemption, it will nevertheless describe procedures for compliance in this policy. By doing so, it is not to be bound in a manner other than that prescribed by the Privacy Code of Practice for Local Government.



- 6.4. Council collects, stores and uses a broad range of information. A significant part of that information is personal or health information. This Policy applies to that part of the Council's information that is personal or health information.
- 6.5. In practice, any information that is not personal or health information will receive treatment of a higher standard, namely treatment accorded to personal or health information, where the information cannot be meaningfully or practicably separated.

## 7. Information held by Council

- 7.1. Council holds information concerning Councillors, such as:

- (a) Personal contact information;
- (b) Complaints and disciplinary matters;
- (c) Pecuniary interest returns;
- (d) Entitlements to fees, expenses and facilities;
- (e) Personal contact information;
- (f) Photographs of individuals;
- (g) Various mailing lists relating to publication distribution and/or memberships.

- 7.2. Council holds information concerning its customers, ratepayers and residents, such as:

- (a) Rates records;
- (b) DA applications and objections;
- (c) Litigation or advice files;
- (d) Photographs of individuals;
- (e) Various mailing lists relating to publication distribution and/or memberships;
- (f) Name and address of suppliers, including bank details;
- (g) Name and address of customers which may include financial details;
- (h) Licence information shared between Council and other agencies which is subject to a Memorandum of Understanding, which extends the privacy principles;
- (i) Mailing lists for promotional;
- (j) Details of office bearers for sporting, community or other organisations;
- (k) Complaints and investigations;
- (l) Personal details of licensed assessors and trainers.

- 7.3. Council holds information concerning its employees, such as:

- (a) Recruitment material and resumes;
- (b) Motor vehicle details;
- (c) Leave and payment data;
- (d) Personal contact information;
- (e) Performance details;
- (f) Disciplinary matters including dispute resolution and complaint data;
- (g) Pecuniary interest returns;
- (h) Wage and salary entitlements;
- (i) Leave applications;
- (j) After hours contact;
- (k) Drivers licence details;
- (l) Photographs of individuals;
- (m) Workers compensation details;
- (n) Medical reports;
- (o) Information regarding the issuing of licences under legislation

- 7.4. Although the definition of personal information is very broad, the PPIPA and HRIPA also excludes certain types of information. The most significant exemptions are:



- (a) Information contained in a publicly available publication;
- (b) Information about an individual's suitability for employment;
- (c) Information about people who have been dead for more than 30 years; and
- (d) A number of exceptions relating to law enforcement investigations.

## Part 2: Definitions

See Clause 1.

## Part 3: Public Registers

### 8. Definition

- 8.1. A public register is defined in Section 3 of PPIPA:

*public register means register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee).*

- 8.2. A distinction needs to be drawn between public registers within the meaning of Part 6 of PPIPA and non-public registers. A non-public register is a register but it is not publicly available for the purposes of PPIPA or it may not contain personal information.
- 8.3. Council may have other registers that do not contain personal information and therefore, are not public registers within the meaning of PPIPA. The Principles, this Plan, any applicable Code and the Act apply to those registers or databases.

### 9. Public Registers and PPIPA

- 9.1. A public register generally confers specific rights or privileges, a benefit, or status, which would not otherwise exist. It may be made publicly available or open for public inspection, by law and/or by Council policy (whether or not payment is required).
- 9.2. Section 57 of PPIPA requires very stringent controls over the disclosure of personal information contained in a public register. Section 57 provides broadly that where Council is responsible for keeping a public register, it will not disclose any personal information kept in that register unless it is satisfied that the information is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.
- 9.3. Persons or organisations who apply to Council to have access to the information contained in any public register for a purpose not related to the purpose of the register, may be given access at the discretion of Council but only in accordance with the Privacy Code of Practice for Local Government concerning Public Registers.
- 9.4. Section 57 (2) requires compliance to ensure that any person who applies to inspect personal information contained in the public register to give particulars in the form of a statutory declaration as to the proposed use of that information (**Attachment 1**).
- 9.5. If the stated purpose of the applicant does not conform with the purpose for which the public register is kept, access to the information sought will not be given.
- 9.6. Where personal information is contained in a publicly available publication, that information will not be regarded as personal information covered by PPIPA.

### 10. Public Registers and HRIPA

- 10.1. No public registers held by Narrabri Shire Council contain health information.

### 11. Disclosure of Personal Information from Public Register

- 11.1. Disclosure in relation to public registers must comply with Part 6 of PPIPA and the Code. Personal information cannot be accessed by another person unless the information is contained in a public register.

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Where information is contained in a public register, then Part 6 of PPIPA applies to determine whether access to that information will be given to another person.

- 11.2. Disclosure of other personal information not held on public registers, must comply with the IPPs as outlined in this Plan and the Code.
- 11.3. A person seeking a disclosure concerning someone else's personal information from a public register must satisfy Council that the intended use of the information is for a purpose relating to the purpose of the register or the Act under which the register is kept.

## **12. Publication of Personal Information from Public Register**

- 12.1. That part of a public register that is not published in a publicly available publication will be treated as a "public register" and the following procedure for disclosure will apply.
- 12.2. For example, the Register of Consents and Approvals held by Council under Section 100 of Environmental Planning and Assessment Act, requires Council to advertise or publish applications for development consent.
- 12.3. When Council publishes the address of the property, it may identify the owner. The personal information that has not been published and any applications not advertised or that have been rejected or withdrawn (not published) will be treated as a public register under PPIPA.
- 12.4. Council may hold a register under the Contaminated Land Management Act on behalf of the Environment Protection Authority. This is not to be considered a public register of the Council as the statute does not place any obligations on the Council to make this register publicly available as a register of contaminated land. Furthermore, the legislation foreshadows that the Environment Protection Authority may indeed post this list or register it on the internet. This may constitute a publication of the information and therefore, PPIPA will not apply.

## **13. Access to own Personal Information from Public Register**

- 13.1. A person wishing to have access to a public register to confirm their own details needs proof of identity, before having access to their own personal information.

## **Part 3A: Purpose and Types of Public Registers**

In the following section, by way of guidance only, what might be called the "primary" purpose (or "the purpose of the register") has been specified for each identified register. In some cases a "secondary purpose" has also been specified, by way of guidance as to what might constitute "a purpose relating to the purpose of the register".

## **14. Purposes of public registers under the Local Government Act 1993**

### **14.1. Section 53 – Land Register**

- (a) The primary purpose is to identify all land vested in Council, or under its control. The secondary purpose includes a consideration of public accountability as to the land held by Council. Third party access is therefore a secondary purpose.

### **14.2. Section 113 – Development Consent Approvals**

- (a) The primary purpose is to identify all approvals granted under LGA. Section 449 - Pecuniary Interests The primary purpose of this register is to determine whether or not a Councillor, a member of a council committee or a designated officer, has a pecuniary interest in any matter with which the Council is likely to be concerned. There is a corresponding public accountability purpose and third party access is a secondary purpose.

### **14.3. Section 602 – Rates & Charges**

- (a) The primary purpose is to record the value of a parcel of land and record rate liability in respect of that land. The secondary purpose includes recording the owner or lessee of each parcel of



land. For example, disclosure on a Section 603 LGA rating certificate that a previous owner was a pensioner is considered to be allowed, because the secondary purpose is "a purpose relating to the purpose of the register".

## **15. Purposes of public registers under the Environmental Planning and Assessment Act 1979**

### **15.1. Section 4.58 – Development Consent Approvals**

- (a) The primary purpose is to identify applications for development consent and other approvals, confirm determinations on Appeal and identify applications for complying development certificates.

### **15.2. DIV 6.7 – Building Certificates**

- (a) The primary purpose is to identify all building certificates.

## **16. Purposes of public registers under the Protection of the Environment (Operations) Act 1997**

### **16.1. Section 308 – Regulated Premises**

- (a) The primary purpose is to identify all licences granted under the Act.

## **17. Purposes of public registers under the Impounding Act 1993**

### **17.1. Section 30 & 31 – Impounding**

- (a) The primary purpose is to identify any impounding action by Council.

## **18. Secondary purpose of all Public Registers**

- 18.1. Due to the general emphasis (to be found in the LGA and elsewhere) on local government processes and information being open and accountable, it is considered that a secondary purpose for which all public registers are held by Council includes the provision of access to members of the public. Therefore, disclosure of specific records from public registers would normally be considered to be allowable under Section 57 PPIPA.
- 18.2. However, requests for access, copying or the sale of the whole or a substantial part of a public register held by Council will not necessarily fit within this purpose. Council will be guided by the Privacy Code of Practice for Local Government in this respect. Where Council officers have doubt as to the intended use of the information, an applicant may be requested to provide a statutory declaration so that Council may satisfy itself as to the intended use of the information ([Attachment 1](#)).
- 18.3. Council will make its assessment for the above request, as to the minimum amount of personal information that is required to be disclosed from the public register with regard to any request.

## **Part 4: Information Protection/Privacy Principles**

### **19. The Principles Summarised**

- 19.1. The following table summarises how the principles of PPIPA and HRIPA legally bind Narrabri Shire Council when handling personal and health information. The principles lay down the basic rules of what an organisation must do when it collects, stores, uses and discloses personal and/or health information.





## Information Protection Principles

	<i>Privacy and Personal Information Protection Act 1998</i>	<i>Health Records and Information Privacy Act 2002</i>
<b>Collection</b>	<p><b>1. Lawful</b> – when an agency collects personal information, the information must be collected for a lawful purpose. It also must be directly related to the agency's activities and necessary for that purpose</p>	<p><b>1. Lawful</b> – when an agency collects health information, the information must be collected for a lawful purpose. It must also be directly related to the agency's activities and necessary for that purpose.</p>
	<p><b>2. Direct</b> – personal information must be collected directly from the individual, unless that person consents otherwise. Parents and guardians can give consent for minors.</p>	<p><b>2. Direct</b> – health information must be collected directly from the person concerned, unless it is unreasonable or impracticable to do so.</p>
	<p><b>3. Open</b> – an individual must be informed that the personal information is being collected, why it is being collected and who will be storing and using it. The agency should also inform the person how they can view and correct this information.</p>	<p><b>3. Open</b> – the person concerned must be informed why health information is being collected about them, what will be done with it and who might see it. The agency should also inform the person how they can view and correct their health information, and any consequences if they do not provide their information. If health information is collected about a person from someone else, reasonable steps must be taken to ensure that the person has been notified as above.</p>
	<p><b>4. Relevant</b> – the agency must ensure that the personal information is relevant, accurate, up-to-date and not excessive. The collection should not unreasonably intrude into the individual's personal affairs.</p>	<p><b>4. Relevant</b> – the agency must ensure that the health information is relevant, accurate and up-to-date. The collection should not unreasonably intrude into the individual's personal affairs.</p>
<b>Storage</b>	<p><b>5. Secure</b> – personal information must be stored securely, not kept any longer than necessary and disposed of appropriately. It should be protected from unauthorised access, use or disclosure.</p>	<p><b>5. Secure</b> – health information must be stored securely, not kept any longer than necessary and disposed of appropriately. It should be protected from unauthorised access, use or disclosure.</p>
<b>Access</b>	<p><b>6. Transparent</b> – the agency must provide enough details about what personal information they are storing, why they are storing it and what rights an individual has to access it.</p>	<p><b>6. Transparent</b> – the agency must provide enough detail to an individual about what health information on that person they are storing, why they are storing it and what rights an individual has to access it.</p>
	<p><b>7. Accessible</b> – the agency must allow an individual to access their personal information without unreasonable delay and expense</p>	<p><b>7. Accessible</b> – the agency must allow people access to their health information without unreasonable delay or expense</p>



	<i>Privacy and Personal Information Protection Act 1998</i>	<i>Health Records and Information Privacy Act 2002</i>
	<b>8. Correct</b> – the agency must allow an individual to update, correct or amend their personal information, where necessary	<b>8. Correct</b> – the agency must allow an individual to update, correct or amend their health information, where necessary
<b>Use</b>	<b>9. Accurate</b> – agencies must make sure that personal information is accurate before using it	<b>9. Accurate</b> – agencies must make sure that health information is accurate before using it
	<b>10. Limited</b> – agencies must only use personal information for the purpose for which it was collected, for a directly related purpose or for a purpose which the individual has given consent. It can also be used without consent in order to deal with a serious and imminent threat to any person's health or safety.	<b>10. Limited</b> – agencies can only use health information for the purpose for which it was collected, or a directly related purpose that the person would expect. Otherwise, consent is generally required. Secondary purposes include where there is a serious threat to health or welfare, for the management of a health service, for training, research or to find a missing person. Additionally, and of relevance to PCC activities, secondary purpose include investigation of suspected unlawful activity, to exercise complaint handling or investigation functions.
<b>Disclosure</b>	<b>11. Restricted</b> – the agency can only disclose personal information with the individual's consent or if the individual was told at the time of collection that they would do so. The agency can also disclose information if it is for a related purpose and it doesn't think that the individual would object. Personal information can also be used without the individual's consent in order to deal with a serious and imminent threat to any person's health or safety.	<b>11. Limited</b> – the agency can only disclose health information for the purpose for which it was collected, or a directly related purpose that the person would expect. Otherwise, consent is generally required. Secondary purposes include where there is a serious threat to health or welfare, for the management of a health service, for training, research or to find a missing person. Additionally, and of relevance to PCC activities, secondary purposes include investigation of suspected unlawful activity, to exercise complaint handling or investigation functions.
	<b>12. Special Limits on Disclosure</b> – the agency cannot disclose an individual's sensitive personal information without their consent. For example, information about ethnic or racial origin, political opinions, religious or philosophical beliefs, health or sexual activities or trade union membership. It can only disclose sensitive information without consent in order to deal with a serious and imminent threat to any person's health or safety.	





	<i>Privacy and Personal Information Protection Act 1998</i>	<i>Health Records and Information Privacy Act 2002</i>
<b>Identifiers &amp; Anonymity</b>		<p><b>12 Not Identified</b> – individuals should only be identified by using unique identifiers if it is reasonably necessary to carry out the agency's functions efficiently.</p>
		<p><b>13. Anonymous</b> – people must be given the option of receiving services from an agency anonymously where this is lawful and practicable</p>
<b>Transfers &amp; Linkage</b>	<p><b>12.</b> Personal information must not be disclosed to a person or body outside NSW or to a Commonwealth agency unless a relevant privacy law applies and is in force or disclosure is permitted under a Privacy Code of Practice</p>	<p><b>14. Controlled</b> – health information must only be transferred outside NSW if PCC reasonably believes that the recipient is subject to laws or obligations substantially similar to those imposed by the HRIPA or consent has been given or transfer is under a contract between PCC and the individual or transfer will benefit the individual or to lessen a serious threat to an individual's health and welfare, or steps have been taken to ensure that the information will not be handled inconsistently with the HRIPA or transfer is permitted or required under any other law</p>
		<p><b>15. Authorised</b> – people must expressly consent to participate in any system that links health records across more than 1 organisation. Health information or the disclosure of their identifier for the purpose of the health records linkage system, should only be included if the person has given express consent</p>



## Part 4A: Privacy and Personal Information Protection Act 1998

### 20. Principle 1 Collection for Lawful Purposes

#### 20.1. The Privacy Code of Practice for Local Government

- (a) There is no intention to depart from this principle otherwise than is permitted by the PPIPA, or any other Privacy Code of Practice which may apply to Council from time to time.

#### 20.2. Narrabri Shire Council Policy

- (a) Council will only collect personal information for a lawful purpose as part of its proper functions. The LGA governs Council's major obligations and functions.
- (b) Section 22 of the LGA provides other functions under other Acts. Some of those Acts are as follows:
  - (i) *Companion Animals Act 1998* (NSW).
  - (ii) *Environmental Planning and Assessment Act 1979* (NSW).
  - (iii) *Impounding Act 1993* (NSW).
  - (iv) *Swimming Pools Act 1992* (NSW).
  - (v) *Environmental Offences and Penalties Act 1989* (NSW).
  - (vi) *Heritage Act 1977* (NSW).
- (c) Council performs a number of functions under a wide range of legislation as provided in Section 22 of the LGA. Additionally, the exercise by Council of its functions under the LGA may also be modified by the provisions of other Acts.
- (d) The circumstances under which Council may collect information, including personal information, are varied and numerous. Council will not collect any more personal information than is reasonably necessary for it to fulfil its functions.
- (e) Anyone engaged by Council as a private contractor or consultant that involves the collection of personal information, must agree not to collect personal information by any unlawful means. This will include debt recovery actions by or undertaken on behalf of Council by commercial agents.
- (f) Council will continue to collect and deliver personal information to and from government departments involved in the normal functions of Council's operation. Council will also continue the practice of dealing with the NSW Department of Community Services (DoCS) for enquiries on personnel and recruitment matters i.e. pre-employment screening of people working with children (*Children and Young Peoples Act*).
- (g) Council will use personal information for a variety of purposes within its departments. Whilst the information was collected for one main purpose, it may be used for a variety of other purposes. E.g. the names and addresses of individual owners of property kept on the Rates & Charges Register are used to notify adjoining owners of proposed development, identify companion animal ownership, evaluate road openings and obstructions, evaluate tree preservation orders, investigate parking controls, evaluate land dedications and laneway status, as well as being the basis of the Rates & Charges Register.
- (h) In order to ensure compliance with IPP 1, internet contact forms, rates notices, application forms or written requests by which personal information is collected by Council; will be reviewed by the relevant manager prior to adoption, change or use.
- (i) Managers are to consider:
  - (i) Whether the personal information is collected for a lawful purpose;
  - (ii) If that lawful purpose is directly related to a function of Council;
  - (iii) Whether or not the collection of that personal information is reasonably necessary for the specified purpose.



## **21.Principle 2 Collection directly from the Individual**

### **21.1.The Privacy Code of Practice for Local Government**

- (a) The Code makes provision for Council to depart from this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred upon the person to whom the information relates.
- (b) Council may wish to confer a special award, prize, benefit or similar form of personal recognition to an individual. This may take the form of a citizen of the year award, the naming of a park after that individual or other similar form of public recognition.

### **21.2. Investigative Code of Practice**

- (a) Where Council is conducting an investigation, the Investigative Code of Practice prepared by Privacy NSW and approved by the Attorney General, will apply.
- (b) IPP 2 is modified by the Investigative Code of Practice to permit indirect collection where a direct collection is reasonably likely to detrimentally affect Council's conduct of any lawful investigation.

### **21.3. Narrabri Shire Council Policy**

- (a) The compilation or referral of registers and rolls are the major means by which the Council collects personal information. For example, the information the Council receives from the Land Titles Office would fit within Section 9(a) PPIPA.
- (b) Personal information is also collected from forms completed by customers for development consent, companion animal registration, applications for specific inspections or certifications or applications in respect of tree preservation orders.
- (c) Council will treat the personal information contained in petitions in accordance with Section 9 PPIPA. Where Council or a Councillor requests or requires information from individuals or groups, that information will also be treated in accordance with Section 9 PPIPA.
- (d) Council regards all personal information concerning its customers as information protected by PPIPA. Council will therefore, collect all personal information directly from its customers except as provided in Section 9(a) PPIPA or under other statutory exemptions or Codes of Practice. Council may collect personal information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so.
- (e) Where Council anticipates the need to collect personal information indirectly, and not in accordance with this policy, it will first obtain the authorisation of each individual under Section 9(a) PPIPA.

### **21.4. Statutory Exemptions**

- (a) Compliance with IPP 2 is subject to certain exemptions under the Act. The statutory exemption will be relied upon only in very obvious and limited circumstances and legal advice should normally be obtained.
- (b) The relevant statutory exemptions follow:
  - (i) Section 23(2) PPIPA permits non-compliance with IPP 2 if the information concerned is collected in connection with proceedings (whether or not actually commenced) before any court or tribunal.
  - (ii) Section 24(4) PPIPA permits non-compliance by Council with IPP 2 if:
    - A. Investigating a complaint that could be referred or made to, or has been referred from or made by, an investigative agency;
    - B. If compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions



- (iii) Section 25(a) and (b) PPIPA permits non-compliance with IPP 2 where the agency is lawfully authorised or required not to comply with the principle by any other Act or law.
- (iv) Section 26(1) PPIPA permits non-compliance with IPP 2 if compliance would prejudice the interests of the individual concerned.

## 22. Principle 3 Requirements when Collecting Information

### 22.1. Privacy Code of Practice Local Government

- (a) The Code makes provision for Council to depart from this principle where personal information is collected about an individual for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition without prior or subsequent notification.

### 22.2. Investigative Code of Practice

- (a) Where Council is conducting an investigation, the Investigative Code of Practice prepared by Privacy NSW and approved by the Attorney General, will apply.
- (b) IPP 3 is modified by the Investigative Code to permit non-compliance if compliance is reasonably likely to detrimentally affect (or prevent the proper exercise of) Council's conduct of any lawful investigation.

### 22.3. Narrabri Shire Council Policy

- (a) Where Council proposes to collect personal information directly from the person, it will inform that person that the personal information is being collected, what is done with that information and who the intended recipients will be.
- (b) Council will inform persons if the information is required by law or voluntarily given. In order to address the requirements of Section 10 PPIPA, Council will provide the Pre-Collection Privacy Notification Form as appropriate (**Attachment 3**).
- (c) A Privacy Protection Notice will be added to all forms where the Council solicits personal information from the general public. Forms used for internal communication will not be effected.
- (d) As a minimum, the following application procedures will require a Privacy Notification Form to be in accordance with Section 10 PPIPA.
  - (i) Lodging Development Applications;
  - (ii) Lodging comments to Development Applications;
  - (iii) Lodging applications for approval under the LGA;
  - (iv) Any stamps or printed slips that contain the appropriate wording for notification under Section 10;
  - (v) When collecting an impounded item.
- (e) In relation to the Privacy Notification Form that may be attached to a Development Application provided to the public, objectors have a right to remain anonymous if they so choose. However, should they need to substantiate their objections, anonymous objections may give less weight (or no weight) in the overall consideration of the Application.

### 22.4. Statutory Exemptions

- (a) Where Council collects personal information indirectly from another public sector agency in respect of anyone of its statutory functions, it will advise those individuals that it has collected their personal information in writing. A common example of the collection of information from another public sector agency is the Land Titles Office. Council receives information as to new ownership changes when property ownership is transferred. **Attachment 3** contains a Privacy Notification Form that will be used for post-collection.
- (b) The relevant statutory exemptions follow:



- (i) Section 23(3) permits non-compliance with IPP 3 where information is collected for law enforcement purposes. Law enforcement means a breach of the criminal law and criminal law enforcement. This Section does not remove the rights of an accused person.
- (ii) Section 24(4) PPIPA permit non-compliance with IPP 3 if:
  - A. Investigation a complaint that could be referred or made to, or has been referred from or made by an investigative agency; and
  - B. If compliance does not detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions.
- (iii) Section 25(a) and (b) PPIPA permits non-compliance with IPP 3 where the agency is lawfully authorised or required not to comply with the principle by any other Act or law.
- (iv) Section 26 (1) PPIPA permits non-compliance with IPP 3 if compliance would prejudice the interests of the individual concerned.
- (v) Section 26(2) PPIPA permits non-compliance where the person expressly consents to such non-compliance.

### **23. Principle 4 Other requirements relating to Collection**

#### **23.1. The Privacy Code of Practice for Local Government**

- (a) The Code makes no provision to depart from this principle.

#### **23.2. Narrabri Shire Council Policy**

- (a) Council will seek to ensure that no personal information is collected which is not directly relevant to its proper functions.
- (b) Council collects personal information through the various forms that customers may complete and lodge with Council. Before adoption of a new form, a draft form will be reviewed for compliance with IPP 4 by the EEO Officer, Council's legal advisor(s), Public Officer or other suitable person. Should Council have any residual doubts, the opinion of Privacy NSW will be sought.
- (c) Council will use public place video surveillance in accordance with *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television in Public Places*. The provisions of the Workplace Surveillance Act will be complied with.

### **24. Principle 5 Retention and Security**

#### **24.1. The Privacy Code of Practice for Local Government**

- (a) The Code makes no provision to depart from this principle.

#### **24.2. Narrabri Shire Council Policy**

- (a) Council will comply with this principle by using any or all of the following documents:
  - (i) Code of Conduct
  - (ii) Use of Internet & Email Policy;
  - (iii) Records Management Policy
  - (iv) General Records Disposal Schedule for Local Government (GDA 10)
- (b) The culling and destruction of records is carried out by the Records Manager in accordance with the Council's Records Management Disposal Schedule. The Records Disposal Schedule is available for public inspection. The Records Manager routinely culls files on a 6 monthly basis for reasons of space and provisions in the Records Management Plan.





## 25. Principle 6 Information held by Agencies

### 25.1. The Privacy Code of Practice for Local Government

- (a) The Code makes no provision to depart from this principle.

### 25.2. Investigative Code of Practice

- (a) Where Council is disclosing personal information to conduct an investigation, disclosure will be allowed under Section 41 of PPIPA by a Direction made by the Privacy Commissioner on 31 December 2005 until such as a Investigative Code of Practice is approved by the Attorney General.
- (b) IPP 6 is modified by the Investigative Code to permit non-compliance if compliance is reasonably likely to detrimentally affect (or prevent the proper exercise of) Council's conduct of any lawful investigation.

### 25.3. Narrabri Shire Council Policy

- (a) Council will take all reasonable steps to enable a person to determine whether the council holds personal information about them. If Council holds any information about a person, upon request it will advise them the nature of that information, the main purposes for which it is held, and that person's entitlement to access.
- (b) IPP 6 is modified by Section 20(5) PPIPA. Section 20(5) PPIPA has the effect of importing Sections 30-33 and treats them as if they were part of PPIPA. That means that in any application under IPP 6, Council must consider the relevant provisions of the GIPA Act.
- (c) Any person can make application to Council to determine whether personal information is held by completing the appropriate form and submitting it to Council (**Attachment 4**).
- (d) Where a person makes an application for access under the PPIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the GIPA Act as a last resort. The applicant has the right to insist on being dealt with under PPIPA.

### 25.4. Statutory Exemptions

- (a) Council's compliance with IPP 6 is subject to certain exemptions under the Act. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.
- (b) Section 25 (a) and (b) PPIPA permits non-compliance with IPP 6 where Council is lawfully authorised or required not to comply with the principle by any other Act or law.
- (c) Nothing in this IPP prevents Council from dealing with a request for information about oneself under GIPA Act.

### 25.5. Discussion

- (a) Council will issue a statement to be included in its Annual Report concerning the nature of personal information it regularly collects, the purpose for which the personal information is used and an individual's right to access their own personal information. Council will include the types of personal information it collects in its "Publication Guide".

## 26. Principle 7 Access to Information held by Agencies

### 26.1. The Privacy Code of Practice for Local Government

- (a) The Code makes no provision to depart from this principle.

### 26.2. Investigative Code of Practice

- (a) Where Council is disclosing personal information to conduct an investigation, disclosure will be allowed under Section 41 PPIPA by a Direction made by the Privacy Commissioner on 31

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December 2005 until such as an Investigative Code of Practice is approved by the Attorney General.

- (b) IPP 7 is modified by the Investigative Code to permit non-compliance if compliance is reasonably likely to detrimentally affect (or prevent the proper exercise of) Council's conduct of any lawful investigation.

#### **26.3. Narrabri Shire Council Policy**

- (a) IPP 7 requires Council, at the request of any person, to give access to personal information held about them.
- (b) Compliance with IPP 7 does not allow disclosure of information about other people. If access to information that relates to someone else is sought, the application must be made under the GIPA Act, unless IPPs 11 and 12 or the Public Register provisions apply.
- (c) Where a person makes an application for access under PPIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the GIPA Act. The use of the GIPA Act provisions in this instance, will be as a last resort and the applicant has the right to insist on being dealt with under PPIPA.
- (d) Customers wishing to exercise their right of access to their own personal information should apply in writing or direct their inquiries to the Privacy Contact Officer, who will make a determination (**Attachment 5**).
- (e) Members of staff wishing to exercise their right of access to their personal information should apply in writing on the attached form or direct their inquiries to The Public Officer, who will deal with the application.
- (f) In order to comply with the requirement to provide the requested information "without excessive delay or expense", Council will ordinarily provide a notice of receipt of this application of this kind within 5 working days of the application being made, and Council will use a fee structure commensurate to that of the GIPA Act fee structure.

#### **26.4. Statutory Exemptions**

- (a) Compliance with IPP 7 is subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.
- (b) Section 25(a) PPIPA permits non-compliance with IPP 7 where Council is lawfully authorised or required not to comply with the principle.
- (c) Section 25(b) PPIPA non-compliance with IPP 7 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.
- (d) Access to personal information contained in Council Business papers for a "Closed Meeting" should be provided with care to not disclose any other information. Personal information contained in Council Business papers for an "Open Meeting" is published and therefore not considered to be covered by the PPIPA.

### **27. Principle 8 Alteration of Personal Information**

#### **27.1. The Privacy Code of Practice for Local Government**

- (a) The Code makes no provision to depart from this principle.

#### **27.2. Investigative Code of Practice**

- (a) Where Council is disclosing personal information to conduct an investigation, disclosure will be allowed under Section 41 of PPIPA by a Direction made by the Privacy Commissioner on 31 December 2005 until such as a Investigative Code of Practice is approved by the Attorney General.



- (b) IPP 8 is modified by the Investigative Code to permit non-compliance if compliance is reasonably likely to detrimentally affect (or prevent the proper exercise of) Council's conduct of any lawful **investigation**.

#### 27.3. Narrabri Shire Council Policy

- (a) IPP 8 allows a person to make an application to Council to amend personal information held about them so as to ensure the information is accurate and having regard to the purpose for which the information is collected, relevant to that purpose, up to date and not misleading.
- (b) Council wishes to have its information current, accurate and complete. Proposed amendments or changes to the personal information held by the Council are welcomed. However, Council will not provide access under Section 15 PPIPA to information that would not be allowed under Section 14 PPIPA.
- (c) Where there are complaints that are or could be the subject of a staff complaint or grievance, they will be referred to the General Manager in the first instance and treated in accordance with the "Grievance and Complaint Handling Procedures".
- (d) Any alterations that are or could be the subject of a customer complaint or grievance will be referred to the General Manager, who will make a determination in relation to the matter.
- (e) Council has an obligation to take such steps to amend personal information where necessary. If Council decides that it will not amend the information, it must add the additional information, so it can be read with the existing information and the individual notified. The individual to whom the information relates is entitled to have the recipients notified of the amendments made by Council. Incorrect records will be physically altered, whether computerised or in hard copy form. Managers will approve required changes, where applicable. GIPA applications may not be required where mistakes are proven quickly.
- (f) Where information is requested to be amended, the individual to whom the information relates, must make a request by way of statutory declaration. That request should be accompanied by appropriate evidence as to the cogency of the making of the amendment, sufficient to satisfy the Council that the proposed amendment is factually correct and appropriate. The Council may require further documentary evidence to support certain amendments. Council will not charge to process an application to amend a record under Section 15 PPIPA.
- (g) The Council's application form for alteration under IPP 8 is **(Attachment 6)**.
- (h) If Council is not prepared to amend the personal information in accordance with a request by the individual, the Council may attach to the information in such a manner as is capable of being read with the information, any statement provided by that individual.
- (i) If personal information is amended in accordance with IPP 8, the individual to whom the information relates is entitled, if it is reasonably practicable, to have the recipients of that information notified of the amendments made by Council.
- (j) Council will seek to notify recipients of information as soon as possible, of the making of any amendment, where it is reasonably practicable.

#### 27.4. Statutory Exemptions

- (a) Compliance with IPP 8 is also subject to certain exemptions under the Act. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.
- (b) Section 25 (a) and (b) PPIPA permits non-compliance with IPP 8 where Council is lawfully authorised or required not to comply with the principle by any other Act or law.
- (c) The State Records Act does not allow for the deletion of records however, as a result of Section 20(4) PPIPA, some deletions may be allowed in accordance with IPP 8.
- (d) Nothing in PPIPA affects the operation of the GIPA Act, 2009, and therefore applications to amend records under that Act remain in force as an alternative mechanism.



## **28.Principle 9 Accuracy of Personal Information before Use**

### **28.1.The Privacy Code of Practice for Local Government**

- (a) The Code makes no provision to depart from this principle.

### **28.2.Narrabri Shire Council Policy**

- (a) The steps taken to comply with IPP 9 will depend on the age of the information, its likelihood of change and the particular function for which the information was collected. The more significant the information, the greater the necessity that checks to ensure its accuracy and currency be undertaken prior to its use.
- (b) For example, each employee's record should be updated when there is any change of circumstances or when the employee's contact details change.

## **29.Principle 10 Limits on Use**

### **29.1.The Privacy Code of Practice for Local Government**

- (a) The Code makes provision that Council may use personal information for a purpose other than the purpose for which it was created in the following circumstances:
  - (i) Where the use is in pursuance of Council's lawful and proper function/s and Council is satisfied that the personal information is reasonably necessary for the exercise of such function's; or
  - (ii) Where personal information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of personal recognition.
- (b) Council may use personal information obtained for another purpose in pursuance of its lawful and proper functions. For example, the Rates Record that Council holds under Section 602 LGA may also be used to:
  - (i) Notify neighbours of a proposed development;
  - (ii) Evaluate a road opening;
  - (iii) Evaluate a tree preservation order.

### **29.2. Investigative Code of Practice**

- (a) Where Council is disclosing personal information to conduct an investigation, disclosure will be allowed under Section 41 of PPIPA by a Direction made by the Privacy Commissioner on 31 December 2005 until such as a Investigative Code of Practice is approved by the Attorney General.
- (b) IPP 10 is modified by the Investigative Code to permit non-compliance if compliance is reasonably likely to detrimentally affect (or prevent the proper exercise of) Council's conduct of any lawful investigation.

### **29.3.Narrabri Shire Council Policy**

- (a) Council will seek to ensure the information collected for one purpose will be used for that same purpose. Where Council may need to use personal information collected for one purpose, for another purpose in pursuance of its lawful and proper functions, it will first gain the consent of the individual concerned, unless the information to be used is on the Council's public register or an exemption applies.

### **29.4.Statutory Exemption**

- (a) Compliance with IPP 10 is subject to certain exemptions under the Act. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

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- (b) Section 23(4) PPIPA permits Council not to comply with IPP 10 where the use of the information for another purpose is reasonably necessary for law enforcement purposes or for the protection of the public revenue. *Law enforcement purposes* means a breach of the criminal law and criminal law enforcement. This Section does not remove the rights of an accused person. *Protection of the public revenue* means, a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty.
- (c) Section 24 (4) PPIPA permits non-compliance with IPP 10 if:
  - (i) Investigating a complaint that could be referred or made to, or has been referred from or made by, an investigative agency; and
  - (ii) If the use is, reasonably necessary in order to enable the Council to exercise its complaint handling or investigative functions.
- (d) Section 25 (a) and (b) PPIPA permits non-compliance with IPP 10 where Council is lawfully authorised or required not to comply with the principle by any other Act or law.
- (e) Section 28(3) PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.

### 30.Principle 11 Limits on Disclosure

#### 30.1.The Privacy Code of Practice for Local Government

- (a) The Code makes provision for Council to depart from this principle in the circumstances described below:
- (b) Council may disclose personal information to public sector agencies or public utilities on condition that:
  - (i) The agency has approached Council in writing;
  - (ii) Council is satisfied that the information is to be used by that agency for the proper and lawful function/s of that agency; and
  - (iii) Council is satisfied that the personal information is reasonably necessary for the exercise of that agency's function/s.
- (c) Where personal information which has been collected about an individual is to be disclosed for the purpose, of conferring upon that person, an award, prize, benefit or similar form of personal recognition.
- (d) Where Council is requested by a potential employer, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

#### 30.2. Investigative Code of Practice

- (a) Where Council is disclosing personal information to conduct an investigation, disclosure will be allowed under Section 41 of PPIPA by a Direction made by the Privacy Commissioner on 31 December 2005 until such as a Investigative Code of Practice is approved by the Attorney General.
- (b) IPP 11 is modified by the Investigative Code to permit non- compliance if disclosure of information is made to another agency that is conducting, or may conduct, a lawful investigation. The information provided must be reasonably necessary for the purposes of that investigation.





### 30.3. Narrabri Shire Council Policy

- (a) Council will not disclose the information to another person or other body, unless the disclosure is directly related to the purpose for which the information was collected or where the Council has no reason to believe that the individual concerned would object to the disclosure.
- (b) Council may disclose personal information to another person or other body where this disclosure is directly related to the purpose for which the personal information was collected and the individual concerned is reasonably likely to have been aware, (or has been made aware in accordance with Section 10 PPIPA), of the intended recipients of that information. "Directly related" can mean the disclosure to another person or agency to deliver a service which supplements that of Councillor disclosure to a consultant for the purpose of assessing or revealing the delivery of a program to which the original collection relates.
- (c) Council may disclose personal information to another person or other body where this disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.

### 30.4. Statutory Exemptions

- (a) Compliance with IPP 11 is subject to certain exemptions under the Act. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.
- (b) Section 23(5)(a) PPIPA permits non-compliance with IPP 11 where disclosure is made to a law enforcement agency in connection with proceedings for an offence or for law enforcement purposes. Law enforcement purposes means a breach of the criminal law and criminal law enforcement. However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
- (c) Section 23(5)(b) PPIPA permits non-compliance with IPP 11 where the disclosure is made to a law enforcement agency for the purpose of ascertaining the whereabouts of a person reported to be missing. However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
- (d) Section 23(5)(c) PPIPA permits non-compliance with IPP 11 where disclosure is authorised by subpoena, search warrant or other statutory instrument. However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
- (e) Section 23(5)(d)(i) PPIPA permits non-compliance with IPP 11 where disclosure is reasonably necessary for the protection of the public revenue. Protection of the public revenue could mean a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
- (f) Section 23(5)(c)(ii) PPIPA permits non-compliance with IPP 11 where disclosure is reasonably necessary to investigate an offence where there are reasonable grounds to believe an offence has been committed.
- (g) Section 24(4) PPIPA permits non-compliance with IPP 11 if:
  - (i) Investigating a complaint that could be referred or made to, or has been referred from or made by, an investigative agency; and
  - (ii) If the disclosure is to an investigative agency.
- (h) Section 25 (a) and (b) PPIPA permits non-compliance with IPP 11 where Council is lawfully authorised or required not to comply with the principle by any other Act or law.
- (i) Section 26(2) PPIPA permits non-compliance where the person expressly consents to such non-compliance.
- (j) Section 28(3) PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government or a public sector agency



under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.

### **31. Principle 12 Special restrictions on Disclosure**

#### **31.1. The Privacy Code of Practice for Local Government**

- (a) The Code makes provision for Council to depart from this principle in the circumstances described below:
- (b) For the purposes of Section 19(2) only, where Council is requested by a potential employer outside New South Wales, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

#### **31.2. Investigative of Practice**

- (a) Where Council is disclosing personal information to conduct an investigation, disclosure will be allowed under Section 41 of PPIPA by a Direction made by the Privacy Commissioner on 31 December 2005 until such as a Investigative Code of Practice is approved by the Attorney General.
- (b) The Investigative Code modifies IPP 12 to permit the disclosure of information to another agency that is conducting, or may conduct, a lawful investigation provided the information is reasonably necessary for the purposes of that investigation.

#### **31.3. Narrabri Shire Council Policy**

- (a) Council will not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.

#### **31.4. Statutory Exemptions**

- (a) Compliance with IPP 12 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.
- (b) Section 23(7) PPIPA permits non-compliance with IPP 12 where the disclosure is necessary to investigate an offence or where there are reasonable grounds to believe an offence has been or may be committed.
- (c) Section 25 (a) and (b) PPIPA permits non-compliance with IPP 12 where Council is lawfully authorised or required not to comply with the principle by any other Act or law.
- (d) Section 26(2) PPIPA permits non-compliance where the person expressly consents to such non-compliance.
- (e) Section 28(2) permits non-compliance with IPP 12 where, in the case of health information, the consent of the person cannot reasonably be obtained and the disclosure is made by an authorised person to another authorised person. "Authorised person" means a medical practitioner, health worker, or other official or employee providing health or community services who is employed or engaged by a public sector agency.
- (f) Section 28(3) PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.





## Part 4B: Health Records and Information Protection Act 2002

### 32. Principle 1 Collection for Lawful Purposes

All information collection will be carried out under the obligations imposed on Council by its governing legislation and administrative requirements

#### 32.1. Narrabri Shire Council Policy

- (a) Council will only collect health information for a lawful purpose as part of its proper functions. The Local Government Act, 1993 governs Council's major obligations and functions. Council will not collect any more health information than is reasonably necessary for it to fulfil its functions.
- (b) In very general terms, collection refers to the process by which a person comes into possession of health information. An agency collects health information if it gathers, acquires or obtains information directly from the person to whom it relates or from someone else.
- (c) Under the HPPs, the basic standards for collection are:
  - (i) Only collect health information for a lawful purpose;
  - (ii) Only collect health information if it is directly related to Council's activities and necessary for that purpose;
  - (iii) Make sure the health information is relevant, accurate and up-to-date and not excessive;
  - (iv) Make sure the collection does not unreasonably intrude into the personal affairs of the individual;
  - (v) Collect directly from the person where reasonable and practicable;
  - (vi) Inform people you are collecting the health information and why.
- (d) Under HPP 4(1), Council must take reasonable steps to make sure that the person is aware of the following points:
  - (i) The identity of the organisation collecting the information and how to contact them;
  - (ii) The purposes for which the information is collected;
  - (iii) Who the Council usually discloses information of that kind to;
  - (iv) Any law that requires the particular information to be collected;
  - (v) The fact that they are able to request access to the information;
  - (vi) The main consequences, if any, for them if all or part of the information is not provided.
- (e) The meaning of reasonable steps will vary depending on the circumstances of the collection, and what the reasonable person would expect in those circumstances. Where Council collects health information on a form i.e. Client Information and Referral Record or Neighbour Aid Home Visiting Service, Council's obligations under Health Privacy Principle 4(1) could be satisfied by a prominent and easy to read statement on that form.
- (f) Council must notify the person of the points at or before the time of collection. If that is not practicable, Council must notify the person as soon as practicable after that time.

### 33. Principle 2 collection to be Relevant

Where information is collected directly from the individual, a statement will appear on the collection instrument to ensure that Council is compliant with this principle.

#### 33.1. Narrabri Shire Council Policy

- (a) In relation to applications for community services purposes ie. Neighbour Aid Home Visiting Service or Client Information and Referral Record, the Council will treat the health information contained in these applications in accordance with HRIPA.
- (b) Where Council or a Councillor requests or requires information from individuals or groups, that information will be treated in accordance with HRIPA.



- (c) Council regards all information concerning its customers as information protected by HRIPA. Council will therefore, collect all health information directly from its customers except as provided in HPP 10 or under other statutory exemptions or Codes of Practice. Council may collect health information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so.
- (d) Where Council anticipates that it may otherwise need to collect health information indirectly it will first obtain the authorisation of each individual under Section 11(1) HRIPA.

### **34.Principle 3 Collection to be from Individual**

Where information is being collected, a statement will appear on the collection instrument to ensure that Council is compliant with this principle.

#### **34.1.Narrabri Shire Council Policy**

- (a) Where Council proposes to collect health information directly from the person, it will inform that person that the personal information is being collected, what is done with that information and who the intended recipients will be.
- (b) If it is unreasonable or impracticable, Council may need to collect the health information from someone else. Some examples of when it may be unreasonable or impracticable are if the person lacks the capacity to provide their health information, Council may need to collect health information about them from an authorised representative such as, a carer or guardian.
- (c) When Council collects a person's health information, Council is required to tell them certain things. This is the case even when collecting health information about them from someone else. At all times, Council must respect the dignity and personal privacy of the person to whom the information relates.
- (d) The collection of the person's information as part of the third party's family, social or medical history, is reasonably necessary for the organisation to provide a health service directly to the third party and the person's health information is relevant to the family, medical or social history of the third party.

### **35.Principle 4 Individual to be made aware of Certain Matters**

In the process of collecting information, Council will ensure that the information collected is relevant to that purpose, is not excessive and is accurate, up-to-date and complete. Council will ensure the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.

#### **35.1.Narrabri Shire Council Policy**

- (a) Council will under HPP 4(1) take reasonable steps to make sure that the person is aware of the following points:
  - (i) The identity of the organisation collecting the information and how to contact them;
  - (ii) The purposes for which the information is collected;
  - (iii) Who the Council usually discloses information of that kind to;
  - (iv) Any law that requires the particular information to be collected;
  - (v) The fact that they are able to request access to the information;
  - (vi) The main consequences, if any, for them if all or part of the information is not provided.
- (b) The meaning of reasonable steps will vary depending on the circumstances of the collection and what the reasonable person would expect in those circumstances. Council will fulfil its obligations by use of a prominent and easy to read statement on the application form.
- (c) In certain circumstances, notifying the person is not necessary or appropriate. Under HPP 4(2) and 4(4) you are not required to notify the person if:



- (i) The person has expressly consented to not being notified;
  - (ii) Council is lawfully authorised or required not to notify the person;
  - (iii) Not notifying the person is permitted or is necessarily implied or reasonably contemplated under an Act or any other law;
  - (iv) Notifying the person would prejudice their interests;
  - (v) The information has been collected for law enforcement purposes;
  - (vi) Council is an investigative agency and notifying the person might detrimentally affect or prevent the proper exercise of Council's complaint handling or investigative functions;
  - (vii) Council collects health information about the person from someone else and notifying the person would pose a serious threat to the life or health of any individual.
- (d) If Council collects health information about the person from someone else, Council may also be able to rely on the notification exemption in Principle 4(3) to not notify the person as long as Council complies with the statutory guidelines.

### **36. Principle 5 Retention and Security**

#### **36.1. Council will ensure that information is:**

- (a) Kept no longer than is necessary for the purpose for which the information may lawfully be used through the use of an approved sentencing schedule, disposal authority and storage standard;
- (b) Disposed of securely and in accordance with any requirements for the retention and disposal of information;
- (c) Protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse through the use of secure information systems and operational policies and procedures;
- (d) Only provided to a person in connection with the provision of a service to Council and that everything reasonably within the power of Council is done to prevent unauthorised use or disclosure of the information;

#### **36.2. Narrabri Shire Council Policy**

- (a) If Council reasonably believes that the person is incapable of understanding the general nature of the points outlined in HPP 4(1), Council can and should notify any authorised representative of the person instead.

#### **36.3. Definition of 'authorised representative'**

- (a) In this Act, 'authorised representative' in relation to an individual, means:
  - (i) An attorney for the individual under an enduring power of attorney; or
  - (ii) A guardian within the meaning of the Guardianship Act 1987 or a person responsible within the meaning of Part 5 of that Act, or (c) a person having parental responsibility for the individual, if the individual is a child or (d) a person who is otherwise empowered under law to exercise any functions as an agent of or in the best interests of the individual.
- (b) A person is not an authorised representative of an individual for the purposes of this Act to the extent that acting as an authorised representative of the individual is inconsistent with an order by a court or tribunal.
- (c) In this section:
  - (i) 'Child' means an individual under 18 years of age;
  - (ii) 'Parental responsibility' in relation to a child, means all the duties, powers, responsibility and authority which, by law, parents have in relation to their children.
- (d) Where Council needs to deal with an authorised representative it should still, where practicable, explain the points to the person to whom the information relates in a way that is appropriate to

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their level of understanding. This is to enable the person to be involved in the notification process to the greatest extent possible.

### **37.Principle 6 Information held by Organisations**

#### **37.1.Narrabri Shire Council Policy**

- (a) Council will take such steps that are, in the circumstances, reasonable to enable any person to ascertain:
  - (i) Whether Council holds information relating to that person;
  - (ii) If Council holds information relating to that person the nature of that information, the main purposes for which the information is used and that person's entitlement to gain access to that information.

### **38.Principle 7 Access to Health Information**

#### **38.1.Narrabri Shire Council Policy**

- (a) Council, at the request of the individual to whom the information relates and without excessive delay or expense, will provide the individual with access to the information.

### **39.Principle 8 Amendment to Health Information**

#### **39.1.Narrabri Shire Council Policy**

- (a) Council, at the request of the individual to whom the information relates, will make appropriate amendments (whether by corrections, deletions or additions) to ensure that the information is accurate, relevant, up-to-date, complete and not misleading. Where the information has been collected via other agents, the agent will be requested to amend the information.
- (b) If it is not considered appropriate for Council to amend information in accordance with a request by the individual concerned, take reasonable steps to attach to the information any statement provided by that individual of the amendment sought so that this information can be viewed alongside the original information.
- (c) In the amendment of information, Council permits the individual to whom the information relates, if it is reasonably practicable, to have recipients of that information notified of the amendments made by Council.
- (a) Section 20 HRIPA states:  
*HPP 8 and any provision of a health privacy code of practice applying to a public sector agency that relates to the requirements set out in that HPP, applies to public sector agencies despite HPP 8(4) and Section 21 of the State Records Act 1998.*

### **40.Principle 9 Accuracy**

#### **40.1.Narrabri Shire Council Policy**

- (a) Council will not use information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up-to-date, complete and not misleading.

### **41.Principle 10 Limits on Use**

#### **41.1.Narrabri Shire Council Policy**

- (a) Where Council collects health information about a person from someone else without notifying the person in accordance with the principles, Council must ensure that any subsequent uses or



disclosures it proposes to make of that information are in accordance with these principles. In this regard, Council should recognise that some of the exemptions in the Health Privacy Principles, may be difficult to apply if the person is unaware that their information has been collected.

- (b) Example, exemptions based on consent 10(1)(a) and 11(1)(a) and the person reasonably expecting the use or disclosure will generally not be available where the person has not been notified and is not aware that their information has been collected.

#### **42.Principle 11 Limits on Disclosure**

**42.1.Council will not disclose information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:**

- (a) the disclosure is directly related to the purpose for which the information was collected and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure;
- (b) the individual concerned is reasonably likely to have been aware or has been made aware that information of that kind is usually disclosed to that other person or body;
- (c) Council believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person;
- (d) Council believes on reasonable grounds that the disclosure is necessary to assist in an investigation that may lead to prosecution.

##### **42.2. Narrabri Shire Council Policy**

- (a) Information is disclosed in accordance with the above criteria to a person or body that is a public sector agency or an organisation that is authorised by legislation administered by Council. That agency or organisation shall not use or disclose the information provided by Council for a purpose other than the purpose for which the information was given to it.

#### **43.Principle 12 Identifiers**

##### **43.1. Narrabri Shire Council Policy**

- (a) Council will not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.
- (b) Individuals are only identified by using unique identifiers if it is reasonably necessary to do so in order to carry out the Council's functions efficiently.

#### **44.Principle 13 Anonymity**

##### **44.1. Narrabri Shire Council Policy**

- (a) Where lawful and practical, individuals are given the opportunity to not identify themselves when entering into transactions with or receiving health services from Council.

#### **45.Principle 14 Transferral to Commonwealth Agencies**

##### **45.1. Narrabri Shire Council Policy**

- (a) Council does not transfer health information outside NSW unless it is in accordance with the conditions set out in HPP 14.





## **46.Principle 15 Linkage to Health Records**

### **46.1.Narrabri Shire Council Policy**

- (a) Council endeavours to gain consent before linking health records across more than 1 organisation and only discloses or uses identifiable health information to other organisations with consent.

## **Part 5: Implementation of the Privacy Management Policy**

### **47.Staff Awareness**

- 47.1.Staff will be trained on policies and practices relating to the Council's privacy obligations. All new staff complete an Induction Program in workplace ethics and privacy obligations and relevant policies and practices are canvassed in this context. A copy of the Privacy statement will be distributed during Council's, Staff Induction Program.
- 47.2.The Code of Conduct, issued to all staff, deals with the use and disclosure of information obtained in the course of employment and with the confidentiality obligations of staff who have left the organisation.
- 47.3.Each section of every Business Unit, will be trained about requirements of the PPIPA and HRIPA and their individual responsibilities will be discussed. A copy or access to this Plan will be provided at these sessions and the intranet. The intranet site is updated with current information as and when required.
- 47.4.Training for staff is also supplemented by resources to be accessed when more complex decisions or assessments have to be made. Currently available resources include:
  - (a) Department circulars;
  - (b) Department guidelines and other publications including the Code of Conduct, Policy on Use of Electronic Mail and the Internet, Security of Information Systems Policy, Security of Electronic Information Policy
  - (c) Publications from the Privacy Commissioner's Office, including:
    - (i) The Guide to the Information Protection Principles;
    - (ii) The Guide to Making Privacy Codes of Practice;
    - (iii) The Guide to Public Registers;
    - (iv) Statutory Guidelines on notifying a person when you have collected health information;
    - (v) Statutory Guidelines on training.
- 47.5.During induction, all employees will be made aware that the performance management system has the potential to include personal information on their individual work performance or competency.
- 47.6.Councillors, staff including staff of Council businesses and members of committees should be acquainted with the general provisions of PPIPA and HRIPA, and in particular, the IPPs and HPPs, the Public Register provisions, the Privacy Code of Practice for Local Government, this Policy and any other applicable Code of Practice.

### **48.Responsibilities of the Public Officer & Management**

- 48.1.The Public Officer within Council is assigned the role of Privacy Contact Officer.
- 48.2.The Policy will be reviewed on a regular basis by Council's Privacy Officer. The plan's effectiveness will be addressed and this will lead to any necessary changes. See Part 6 – Other Relevant Matters for further details.
- 48.3.In order to ensure compliance with PPIPA and HRIPA, the Privacy Contact Officer may co-ordinate through Group Managers and Managers the review of all contracts and agreements with consultants and other contractors, rates notices, application forms, and other written requests by which personal or health information is collected by Council, to ensure that Council is in compliance with PPIPA and HRIPA, respectively.





48.4. The Managers will ensure Council in its public areas has special provisions for working with computer screens. Computer screens may require:

- (a) Fast screen savers;
- (b) Face the computers away from the public;
- (c) Only allow the record system to show 1 record at a time.

48.5. Council's electronic databases should also be reviewed to ensure that they contain procedures and protocols to check the accuracy and currency of information. The intranet site is updated with current information as and when required.

#### **49. Guidance**

49.1. The Privacy Contact Officer will also provide opinions within Council as to:

- (a) Whether the information is collected for a lawful purpose;
- (b) If that lawful purpose is directly related to a function of Council; and
- (c) Whether or not the collection of that information is reasonably necessary for the specified purpose.

49.2. Any further concerns of a legal nature will be referred to Council's legal advisor(s).

49.3. The General Manager may assign designated officers as "Privacy Officers" within Council. In this manner, the Council will ensure that the IPPs or HPPs are more broadly understood and that individual groups have a greater focus on the principles and are directly applied to Council's day to day functions.

#### **50. Distribution of Information to the public**

50.1. Council's annual report will:

- (a) Include a statement of the action taken in compliance with the requirements of the PPIPA and HRIPA;
- (b) Include statistical details of any review conducted under Part 5 of the PPIPA and Part 6 HRIPA;
- (c) Be available on the Council's website.

50.2. Council may prepare its own literature such as pamphlets on PPIPA & HRIPA, or it may obtain and distribute copies of literature available from Privacy NSW.

50.3. Council may also publish public notices, newsletters or website bulletins explaining the key elements of the Acts and the rights of persons about whom information is held. See the discussion in this Plan with respect to IPP 6 for more information in this regard.

50.4. The following disclaimer will be included on all application forms:

**IMPORTANT:**

The information provided by you on this form will be used by Narrabri Shire Council or its agents to process this application. The provision of this information is voluntary, however, if you do not provide the information, Council may not be able to fully process your application. Once collected by Council, the information can be accessed by you in accordance with Council's Access to Information Policy and Privacy Management Plan or in special circumstances, where Commonwealth legislation requires or where you give permission for third party access.

#### **51. Internal Review**

51.1. An internal review deals with complaints that are about Council's handling of information. An internal review is an internal investigation that Council conducts into a complaint. Council will assess whether or not it has complied with its privacy obligations and then tell the applicant of its findings and what it will do as a result.



## 52. What does 'conduct' mean?

52.1. Conduct can mean an action, a decision, or even inaction by Council. Examples of the conduct complained about could be:

- (a) A decision to refuse a person access to their personal or health information; or
- (b) The action of disclosing a person's personal or health information to another person; or
- (c) the inaction of a failure to protect a person's personal or health information from being inappropriately accessed by someone else.

52.2. Conduct that can be reviewed includes:

- (a) The contravention of an IPP or HPP that applies to Council;
- (b) The contravention of a Privacy Code of Practice that applies to Council;
- (c) The disclosure by Council of information kept in a public register.

## 53. How does the process of Internal Review operate?

- 53.1. Applications are to be made within **6 months** of the complainant being first aware of the conduct. The application is to be in writing and addressed to Council's Privacy Contact Officer. The Privacy Contact Officer will appoint a Reviewing Officer to conduct the internal review. The Reviewing Officer must not be substantially involved in any matter relating to the complaint. The Reviewing Officer must be an employee and suitability qualified. The review is to be completed within **60 days** of the lodgement of the complaint. The Council must notify the complainant of the outcome of the review within **14 days** of its determination.
- 53.2. The Privacy Commissioner must be notified of a complaint, briefed on progress and notified of the outcome of an internal review under PPIPA or HRIPA.
- 53.3. Applications for an internal review can use the "Privacy Complaint: Internal Review Application Form" as provided by the Privacy NSW ([www.lawlink.nsw.gov.au/privacynsw](http://www.lawlink.nsw.gov.au/privacynsw)).

## 54. What happens after an Internal Review?

- 54.1. If the complainant remains unsatisfied, he/she may appeal to the Administrative Decisions Tribunal which hears the matter and may impose its own decision and award damages for a breach of an information protection principle to an amount up to \$40,000.00.

Information and Privacy Commission NSW  
ATTENTION: Information and Privacy Commissioner  
Level 17, 201 Elizabeth Street, Sydney 2000  
Phone: **1800 472 679**  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

## Other Relevant Matters

### 55. Access to Electoral Rolls

- 55.1. The Electoral Roll is a publicly available publication. Council will provide open access to the Electoral Roll at its main Library in Narrabri. Council will refer any requests for copies of the Electoral Roll to the State Electoral Office (Phone: 1300 135 736).
- 55.2. In addition, Council holds the following public registers under the Local Government Act in relation to the local government elections:
- (d) Local Government Register of Political Parties;
  - (e) Local Government Register of Candidates;
  - (f) Local Government Register of Party Agents;
  - (g) Local Government Register of Official Agents.



55.3. These registers are available for public inspection during ordinary office hours.

#### **56. Contracts with consultants and other private contractors**

56.1. It is necessary to have specific provisions to protect Council in any dealings with Private contractors. These have been identified within the IPPs and HPPS.

#### **57. Confidentiality**

- 57.1. The obligation of confidentiality is additional to and separate from that of privacy. Nevertheless, a duty to withhold information lies at the heart of both concepts. Confidentiality attaches to information per se, personal or health information to the person to whom that information relates.
- 57.2. An obligation of confidentiality exists for all employees whether express or implied as a matter of law.
- 57.3. Information which may be confidential is also likely to have a separate and independent obligation attaching to it in the form of privacy and in that regard, a release for the purposes of confidentiality will not suffice for privacy purposes. Two separate releases will be required and, in the case of privacy, the person to whom the information relates will be required to provide the release.
- 57.4. Council has a professional ethical duty of confidentiality for all records it manages in relation to the securing of confidential information. The ethical duty of confidentiality is achieved through the implementation of Council's Code of Conduct.

#### **58. Misuse of personal or health information**

58.1. Section 664 LGA makes it an offence for anyone to disclose information except in accordance with that section. Whether or not a particular disclosure is made with lawful excuse is a matter that requires legal opinion from case to case.

#### **59. Regular review of personal and health information**

59.1. The information practices relating to the collection, storage and use of personal or health information will be reviewed by the Council every 4 years. Any new program initiatives will be incorporated into the review process with a view to ascertaining whether or not those programs comply with PPIPA and HRIPA.

#### **60. Regular review of Privacy Management Plan**

60.1. Once the information practices are reviewed, the Privacy Management Plan will be reviewed at the commencement of a newly elected Council to ensure that the Plan is up to date.

#### **61. Contact Details**

61.1. Narrabri Shire Council's Privacy Contact Officer is:

Director Corporate Services  
Privacy Contact Officer  
Narrabri Shire Council  
PO Box 261  
NARRABRI NSW 2390

Phone: 02 6799 6866  
Fax: 02 6799 6888  
Email: [council@narrabri.nsw.gov.au](mailto:council@narrabri.nsw.gov.au)

### **Applications**

#### **62. Suppression of Personal Information**

62.1. Suppression is prohibiting the publication of personal information.

##### **Public Register**

62.2. An application for suppression in relation to a public register will be dealt with under the PPIPA, rather than Section 739 LGA.



- 62.3. Section 58 PPIPA gives people a right to have their personal details hidden or removed from any public register where the person can show that their safety or well-being might be affected. Council can refuse if it thinks the public interest in keeping the details on the register is greater than the safety interests of the person who wants them hidden or removed. A person about whom information is contained in a public register, may request Council under Section 58 PPIPA to have the information removed from, or not placed on the register.
- 62.4. If Council is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information, in accordance with Section 58(2) PPIPA. When in doubt, Council will move in favour of suppression and the protection of personal information.
- 62.5. Any information that is removed from, or not placed on, that aspect of a public register to be made public may be kept on the register for other purposes. That is, the information may still be used for Council functions, but it cannot be disclosed to other parties.
- 62.6. An application for suppression should be made in writing, addressed to the Privacy Contact Officer and must outline the reasons for the request. The Council may require supporting documentation where appropriate.

#### **Not Public Register**

- 62.7. Where an application for suppression is made in relation to anything other than a public register, then an application under Section 739 of LGA is required.
- 62.8. For more information regarding disclosure of information (other than Public Registers) see the discussion of IPP 11 and 12 of this Policy.

### **63. Statutory Declaration for Access under Section 57 to Public Register**

- 63.1. Any person wishing to inspect personal information held on a Public Register, must complete the required form as in **Attachment 1** and have it signed by a Justice of the Peace. The form must state their details and reason for the proposed use of the information.
- 63.2. There are no fees associated with such an application and once complete, the application should be addressed to Narrabri Shire Council's Privacy Contact Officer:

Privacy Contact Officer  
Narrabri Shire Council  
PO Box 261  
NARRABRI NSW 2390

Phone: 02 6799 6866  
Fax: 02 6799 6888  
Email: [council@narrabri.nsw.gov.au](mailto:council@narrabri.nsw.gov.au)

- 63.3. Any copies required from the Public Register must be paid for and they will be in conjunction with the fees and charges under the GIPA Act.

### **64. Statutory Declaration for Suppression of Information under S739 LGA**

- 64.1. Any person wishing to suppress personal information held by the Council, must complete the required form as in **Attachment 2** and have it signed by a Justice of the Peace. The form must state their details and reason for the suppression of the information.
- 64.2. There are no fees associated with such an application and once complete, the application should be addressed to Narrabri Shire Council's Privacy Contact Officer:

Privacy Contact Officer  
Narrabri Shire Council  
PO Box 261  
NARRABRI NSW 2390

Phone: 02 6799 6866  
Fax: 02 6799 6888  
Email: [council@narrabri.nsw.gov.au](mailto:council@narrabri.nsw.gov.au)



### 65. Privacy Notification Form (Post Collection)

65.1. If Council has collected information indirectly, eg. from another agency, Council must advise the individuals of the information that has been collected. The form Council will use to notify the person concerned is shown in **Attachment 3**.

65.2. There are no fees associated with such an application and once complete, the form should be returned to Narrabri Shire Council's Privacy Contact Officer:

Privacy Contact Officer  
Narrabri Shire Council  
PO Box 261  
NARRABRI NSW 2390

Phone: 02 6799 6866  
Fax: 02 6799 6888  
Email: [council@narrabri.nsw.gov.au](mailto:council@narrabri.nsw.gov.au)

### 66. Privacy Notification Form (Pre-Collection)

66.1. All application forms as held by Council will have attached to them a Privacy Notification Form as per **Attachment 3**. There are no fees associated with such an application and once complete, the form should be returned to Narrabri Shire Council's Privacy Contact Officer:

Privacy Contact Officer  
Narrabri Shire Council  
PO Box 261  
NARRABRI NSW 2390

Phone: 02 6799 6866  
Fax: 02 6799 6888  
Email: [council@narrabri.nsw.gov.au](mailto:council@narrabri.nsw.gov.au)

### 67. Statutory Declaration for Determination under Sector 13

67.1. Any person wishing to know if Council holds information about them, can apply in writing using the relevant form (**Attachment 4**). Council will endeavour to provide this information and will include the nature of, purpose and access to the information found. There are no fees associated with such an application and once complete, the form should be returned to Narrabri Shire Council's Privacy Contact Officer:

Privacy Contact Officer  
Narrabri Shire Council  
PO Box 261  
NARRABRI NSW 2390

Phone: 02 6799 6866  
Fax: 02 6799 6888  
Email: [council@narrabri.nsw.gov.au](mailto:council@narrabri.nsw.gov.au)

### 68. Statutory Declaration for Determination under Sector 14

68.1. Any person requesting access to information held about them, can apply in writing using the relevant form (**Attachment 5**). There are fees associated with such an application and once complete, the form should be returned to Narrabri Shire Council's Privacy Contact Officer:

Privacy Contact Officer  
Narrabri Shire Council  
PO Box 261  
NARRABRI NSW 2390

Phone: 02 6799 6866  
Fax: 02 6799 6888  
Email: [council@narrabri.nsw.gov.au](mailto:council@narrabri.nsw.gov.au)

68.2. Council will provide this information within 21 days, following payment of the relevant fees.

### 69. Statutory Declaration for Determination under Sector 15

69.1. Any person requesting that information held about them be amended, can apply in writing using the relevant form (**Attachment 6**). There are no fees associated with such an application and once complete, the form should be returned to Narrabri Shire Council's Privacy Contact Officer:

Privacy Contact Officer  
Narrabri Shire Council  
PO Box 261

Phone: 02 6799 6866  
Fax: 02 6799 6888





NARRABRI NSW 2390

Email: [council@narrabri.nsw.gov.au](mailto:council@narrabri.nsw.gov.au)

69.2. Council will notify the applicant as soon as possible, of the making of any amendments.

## 70. GIPA Act

- 70.1. Requests for the supply of information under GIPA Act can be accessed through informal or formal release.
- 70.2. Informal applications can be a verbal or written request for information that Council is able to make available for viewing in a reasonable amount of time.
- 70.3. A formal application, which requires more time to locate or involves a third party or sensitive information can be made by completing an Application Form.
- 70.4. Applicants must be precise about the information they want to access so as to enable the correct documents to be identified. Formal applications involve an application fee and processing fees.
- 70.5. Council will comply with the requirements of the Act in processing and determining GIPA Act applications.
- 70.6. All forms can be collected from Council's Administration Building, 46-48 Maitland Street, Council's Website [www.narrabri.nsw.gov.au](http://www.narrabri.nsw.gov.au) or by contacting Council's Public Officer on 6799 6866.

## References

- *Local Government Act 1993* (NSW)
- *Local Government (General) Regulation 2021* (NSW).
- *Government Information (Public Access) Act 2009* (NSW).
- *Privacy & Personal Information Act (NSW) 1998* (NSW).
- *State Records Act 1998* (NSW).

## History

Minute Number	Meeting Date	Description of Change
268/2000	June 20, 2000	Adopted
377/2004	July 20, 2004	Reviewed
909/2007	December 18, 2007	Reviewed
26/2012	February 21, 2012	Reviewed
58/2013	February 5, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	August 30, 2021	Rebranded
	2022	Reviewed





## Attachment 1 - Suppression of Information (*Local Government Act 1993* (NSW) s 739)



Our Reference:  
Contact Name: Governance Coordinator

### Request for Protection of Privacy

Pursuant to Section 739 of the *Local Government Act 1993 (NSW)*

The Public Officer  
Narrabri Shire Council  
PO Box 261  
NARRABRI NSW 2390

### Request for Protection of Privacy under Section 739 of the Local Government Act 1993

Please find enclosed a signed Statutory declaration for access under section 57 of the *Privacy And Personal Information Protection Act 1988 (NSW)* to a public register held by Narrabri Shire Council.

  
Narrabri Shire Council  
46 - 48 Maitland Street  
PO Box 261, Narrabri NSW 2390

  
P. (02) 6799 6866  
F. (02) 6799 6888

  
E. [council@narrabri.nsw.gov.au](mailto:council@narrabri.nsw.gov.au)  
[www.narrabri.nsw.gov.au](http://www.narrabri.nsw.gov.au)

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I, \_\_\_\_\_, of \_\_\_\_\_  
[name of declarant] [residence]

I request that any material that is available, or is to be made available, for public inspection by or under the Local Government Act 1993 be prepared or amended so as to omit or remove any matter that would disclose, or discloses, my place of living. I consider that this disclosure would place, or places, my personal safety, or the personal safety of members of my family, at risk.

And I make this solemn declaration, as to the matter (or matters) aforesaid, according to the law in this behalf made – and subject to the punishment by law provided for any wilfully false statement in any such declaration.

[signature of declarant]

certify the following matters concerning the making of this statutory declaration by the person who made it: [*\* please cross out any text that does not apply*]

1. \*I saw the face of the person OR \*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and
2. \*I have known the person for at least 12 months OR \*I have confirmed the person's identity using an identification document and the document I relied on was .....  
[describe identification document relied on]

[date]

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## Attachment 2 - Privacy Statement

\*This information is being collected by Narrabri Shire Council, 46-48 Maitland Street Narrabri.

Your information is being collected by Narrabri Shire Council in accordance with the *Privacy Act 1988* (Cth) and the for the purpose of:

\_\_\_\_\_.

The supply of this information is voluntary; you are not legally required to provide your personal information, however if you do not supply all the information requested above Council may not be able to:

\_\_\_\_\_.

You may make application for access or amendment to information held by Council.

You may request that Council suppress your personal information from a Public Register. Council will consider any such application in accordance with the Privacy and Personal Information Protection Act.

If you wish to obtain a copy of Council's Privacy Management Policy, please contact Council on (02) 6799 6866 or [council@narrabri.nsw.gov.au](mailto:council@narrabri.nsw.gov.au).

## Attachment 3 – Application to Access Personal Information



Our Reference:  
Contact Name: Governance Coordinator

**Request for Access to Personal Information**

Pursuant to Section 14 of the *Privacy and Personal Information Protection Act 1998* (NSW).

I, \_\_\_\_\_  
(Full name in BLOCK LETTERS)

Of: \_\_\_\_\_  
(Address)

hereby request the General Manager of Narrabri Shire Council to provide the following:

- (a) access to all personal information held concerning myself; or
- (b) access to the following personal information only.

Any other relevant information:


\_\_\_\_\_  
Signature Date

**Note to Applicants**

As an applicant, you have a right of access to personal information concerning yourself that is held by the Council under Section 14 of the *Privacy and Personal Information Protection Act 1998* (NSW)

You are entitled to have access without excessive delay or cost.

The Council may refuse to process this application in part or in whole if:

- The correct amount of fees has not been paid
- There is an exemption to *Privacy and Personal Information Protection Act 1998* (NSW) s 14.
- The Code of Practice that may restrict disclosure.

Enquiries concerning this application should be made to:

The Public Officer  
Narrabri Shire Council  
PO Box 261  
NARRABRI NSW 2390

  
Narrabri Shire Council  
46 - 48 Maitland Street  
PO Box 261, Narrabri NSW 2390

  
P. (02) 6799 6866  
F. (02) 6799 6888

  
E. [council@narrabri.nsw.gov.au](mailto:council@narrabri.nsw.gov.au)  
[www.narrabri.nsw.gov.au](http://www.narrabri.nsw.gov.au)

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## Attachment 3 – Application to Alter Personal Information

**Request for Alter to Personal Information**

Pursuant to Section 15 of the *Privacy and Personal Information Protection Act 1998 (NSW)*.

I, \_\_\_\_\_  
(Full name in BLOCK LETTERS)

Of: \_\_\_\_\_  
(Address)

hereby request the General Manager of Narrabri Shire Council to alter personal information regarding myself in the following manner:

I propose the following changes:


The reasons for the changes are as follows:


The documentary bases for those changes is as shown on the attached documents:


\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

  
Narrabri Shire Council  
46 - 48 Maitland Street  
PO Box 261, Narrabri NSW 2390

  
P. (02) 6799 6866  
F. (02) 6799 6888

  
E. council@narrabri.nsw.gov.au  
www.narrabri.nsw.gov.au

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**Note to Applicants**

You have a right to request appropriate amendments are made (whether by way of corrections, deletions or additions) to ensure that the personal information held by Narrabri Shire Council:

(a) is accurate, and

(b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.

If Council is not prepared to amend the personal information in accordance with a request by you, Council must take such steps as are reasonable to attach to the information in such a manner as is capable of being read with the information, any statement provided by you.

If your personal information is amended, you are entitled under the *Privacy and Personal Information Protection Act 1998* (NSW), if it is reasonably practicable, to have the recipients of that information notified of the amendments made by Council.

Council may refuse to process this application in part or in whole if:

- there is an exemption to Section 15 of the PPIPA
- a Code of Practice may restrict disclosure.

Enquiries concerning this application should be made to:

The Public Officer  
Narrabri Shire Council  
PO Box 261  
NARRABRI NSW 2390





## PROCUREMENT POLICY

**Responsible Department:** Financial Services  
**Responsible Section:** Financial Services  
**Responsible Officer:** Chief Financial Reporting

### Objective

This policy aims to ensure that procurement within Council complies with the following principles:

- Ethical and legal Behaviour
- Responsible financial management
- Value for Money;
- Quality Assurance;
- Sustainability;
- Use of local providers and content

### Introduction

Procurement spans all aspects of Narrabri Shire Council's operations. It is both a legal requirement and good practice for Councils to have a policy in place that sets out the framework under which Council Officials engage in procurement.

### Policy

#### 1. Definitions

Term	Meaning
<b>Delegation</b>	The delegation of a function or authority by one entity or person to another in accordance with law or their own delegation
<b>Procurement</b>	The acquisition of property, products, or services

#### 2. Application

- 2.1. This Policy applies to all persons engaged in procurement activities within Council.
- 2.2. This Policy applies to all procurement processes and activities undertaken by Council.



### 3. Procurement in Council

#### Authority to Procure

- 3.1. The Council will set the terms and limit of the General Manager's procurement authority.
- 3.2. The General Manager may determine procurement limits of staff when delegating functions to staff.
- 3.3. People within Council will have authority to authorise procurement as set out in their delegations.
- 3.4. Procurements are not to be split into smaller portions as a means of avoiding the provisions of 3.2 or 3.3 above.
- 3.5. People without delegation to procure, do not have authority to authorise procurement.
- 3.6. Authorisation of payment should be made by the same person who approved the expenditure.

#### Procurement Generally

- 3.7. Procurement must be carried out in accordance with this policy and any applicable operational protocol or procedure.
- 3.8. Procurement must take into account the procurement principles set out in this policy.
- 3.9. The General Manager shall ensure that:
  - (a) Purchases comply with this policy and any protocol or procedure issued under it;
  - (b) The intended purchase is not a stock item in the Council's stores;
  - (c) Purchases up to \$50 within the LGA use the suppliers' monthly order number;
  - (d) The item purchased is not under a Council contract;
  - (e) The approving person has the appropriate delegation;
  - (f) Staff are adequately trained to comply with this policy.

### 4. Centralised Purchasing

- 4.1. Council has a centralised purchasing system for some procurement.
- 4.2. The General Manager or delegate will develop, maintain, and implement the centralised purchasing system.
- 4.3. The centralised purchasing system covers:
  - (a) Stores
    - (i) Tools;
    - (ii) Water/sewer items;
    - (iii) Signage (except banners);
    - (iv) Protective personal equipment;
    - (v) Safety equipment;
    - (vi) First aid supplies;
    - (vii) Chemicals and pesticides;
  - (b) Fleet
    - (i) Motor vehicles;
    - (ii) Movable plant;
    - (iii) Vehicle and plant parts/accessories
  - (c) Information Technology
    - (i) Phone services
    - (ii) Mobile phones
    - (iii) Computer and other technology equipment
- 4.4. Council will, where reasonably practicable, utilise its central purchasing system for procurement of items within the above areas.



## 5. Tender Panels

- 5.1. The General Manager may establish panels to consider tenders in accordance with Council's operational protocols and procedures.
- 5.2. The General Manager is to ensure that members of tender panels comply with this policy and are free of conflicts of interest.

## 6. Local Government Group Tender Panels

- 6.1. Narrabri Shire Council will participate in local government group tender panels, when advantageous to do so.
- 6.2. Council will work with other local government entities to obtain the most beneficial outcome for Council and the group, where appropriate.

## 7. Council Tender Submissions

- 7.1. Council may submit a competitive tender for works advertised by Council.
- 7.2. Any tender submitted by Council must meet all the conditions of this policy.
- 7.3. Any tender submitted by Council for Council works must be considered under the terms and conditions of this policy.
- 7.4. Any staff member involved in the preparation of any tender submitted for consideration by the tender panel may not be a member of the tender panel that considers the aforementioned tender submission.

## 8. Audit

- 8.1. Council will, from time to time, audit procurement.
- 8.2. Audits will examine:
  - (a) Adherence to delegated levels of authority;
  - (b) Adherence to purchasing limit requirements;
  - (c) Adherence to centralised purchasing provisions;
  - (d) Adherence to purchasing card provisions;
  - (e) Variations between ordered values and payment values;
  - (f) Committal of orders and contracts;
  - (g) Any other areas deemed necessary.

## 9. Exclusions

- 9.1. The following are excluded from this policy:
  - (a) Financial Institution fees;
  - (b) Placement of Investments;
  - (c) Regular supplies of utility services but not the provision of new or changed service contracts;
  - (d) Legal services or ongoing consulting and training services as determined by the General Manager in instances where it is necessary for service providers to have an ongoing knowledge of the affairs of Narrabri Shire Council in order to provide an effective and informed service;
  - (e) Supply of goods and services under a Government purchasing or contracting agreement for example Local Government Procurement Contracts;
  - (f) Emergency repairs of Council infrastructure that expose Council to a public, staff or environment safety risk. Council Officers utilising the emergency exemption are to use the Council Preferred Supplier list in selecting a supplier where possible for the goods and services required. Dependant on circumstances, Council Officers are required to obtain verbal confirmation from their Manager or Director where possible seeking an exemption from this Procurement Policy.



## 10. Procurement Principles

10.1. Procurement decisions are to be made on the basis of the following principles:

- (a) Ethical and legal behaviour;
- (b) Responsible financial management;
- (c) Value for money;
- (d) Quality assurance;
- (e) Sustainability;
- (f) Support for local suppliers/providers

### Ethical and Legal Behaviour

10.2. The following principles apply to all procurement:

- (a) Legislation: All procurement must comply with relevant legal obligations.
- (b) Modern-Slavery Avoidance: All procurement must be conducted in accordance with the provisions of the *Modern Slavery Act 2018* (NSW) and other applicable legislation relating to modern slavery. In short, Council must avoid procurement of products that are the result of modern slavery.
- (c) Honesty and fairness: All procurement must be conducted honestly, fairly, with probity, while maintaining the confidentiality of confidential information.
- (d) Accountability and transparency: All procurement must be undertaken through a process that is open, clear, and documented
- (e) Consistency: all procurement must be conducted in a way that maintains consistency between acquisitions and within acquisitions.
- (f) Competitive: procurement processes should be competitive and not collusive.
- (g) Objective: procurement processes must be conducted impartially and objectively, without giving favour.

10.3. All persons involved in procurement processes must manage all real or perceived conflicts of interest in accordance with Council's Code of Conduct.

### Responsible financial management

10.4. Council's funds are to be used efficiently and effectively to procure goods, services, and works within the budgets allocated.

### Value for Money

10.5. Value for money involves Council receiving the most suitable product for the most suitable whole-of-life cost.

10.6. Value for money does not involve simply considering the cost of the product or service.

10.7. Value for money takes into account the following considerations:

- (a) Initial cost;
- (b) Service life cost;
- (c) Quality and reliability of product and supplier;
- (d) Availability of service/maintenance/parts;
- (e) Service levels;
- (f) Job creation potential;
- (g) Delivery time;
- (h) Social effect;
- (i) Safety;
- (j) Environmental effect of procurement, use, and disposal; and
- (k) Retention of value on disposal.

### Quality Assurance

10.8. Quality assurance under the relevant Australian Standard, International Standard, or other Standard will be a consideration in procurement.

**Sustainability**

10.9. Sustainability in procurement has two facets: financial and environmental.

**Financial Sustainability**

10.10. Council seeks to promote financially sustainable procurement that:

- (a) eliminate unnecessary inefficiency, waste and expenditure;
- (b) contribute to the combined purchasing power of local government to further stimulate demand for sustainable products;
- (c) advance sustainability by participating in "closing the life-cycle loop";
- (d) increase awareness about the range and quality of products available;
- (e) deliver council's commitments in relation to ecologically sustainable development (ESD) and other environmental and social objectives;
- (f) play a leadership role in advancing long term social and environmental sustainability;
- (g) support local businesses and organisations.

**Environmental Sustainability**

10.11. Wherever practical Narrabri Shire Council will pursue the following goals and adhere to the specified objectives when purchasing products and services:

- (a) **Minimise Unnecessary Purchasing** - only purchase when a product or service is necessary;
- (b) **Minimise Waste** - purchase in accordance with avoid, reduce, reuse and recycle strategies;
- (c) **Save Water and Energy** - purchase products that save energy and/or water;
- (d) **Minimise Pollution** - avoid purchasing products that pollute soils, air or waterways;
- (e) **Non-Toxic** - avoid purchasing hazardous chemicals that may be harmful to human health or ecosystems;
- (f) **Emissions Reduction** - purchase products that reduce or eliminate greenhouse gas emissions;
- (g) **Sustainably and ethically sourced**- purchase products that have production chains that are wholly or partially environmentally and socially sustainable and ethical.
- (h) **Biodiversity & Habitat Protection** - purchase in accordance with biodiversity and conservation objectives;

**Local Content**

10.12. Narrabri Shire Council has the aim of encouraging the development and promotion of business and industry within the Shire boundaries and in doing so will assist in creating growth of such business or industry.

10.13. Every effort should be made to ensure locally based organisations are given an opportunity to participate in the quotation or tender process in accordance with the NSW State Government Purchasing Policy.

10.14. For all purchases above \$75,000 (inc GST) the decision to purchase will be based on a number of criteria. When determining the ranking score of the "price criteria" for local suppliers, the submitted "lump sum" price is to be reduced by 5% (up to \$20,000).

10.15. In order to be considered a Local Supplier, an entity must:

- (a) Operating in the Narrabri LGA;
- (b) Based or headquartered in the Narrabri LGA; and
- (c) Controlled by a resident of the Narrabri LGA;

10.16. In order for a person conducting business to be considered a Local Supplier, they must:

- (a) Operate their business in the Narrabri LGA;
- (b) Base their business in the Narrabri LGA; and
- (c) Reside in the Narrabri LGA.

10.17. In order to be considered a Local Supplier, an entity must prove they are by submitting a Local Supplier Application Form.



10.18. The General Manager or their delegate will consider the content of the form and determine whether the entity or person is a local supplier.

10.19. Local Supplier status will only last twelve months. Local suppliers must re-apply for Local Supplier status at least once every twelve months.

## 11. Review

11.1. This policy will be reviewed within 12 months of an Ordinary Council Election or such other time on an as-needs basis.

## References

- *Local Government Act 1993* (NSW)
- *Local Government (General) Regulation 2021* (NSW).
- *Modern Slavery Act 2018* (NSW)

## History

Minute Number	Meeting Date	Description of Change
812/2006	November 21, 2006	Adopted
568/2009	August 18, 2009	Reviewed
26/2012	February 21, 2012	Reviewed
210/2013	April 2, 2013	Reviewed
812/2006	November 21, 2006	Adopted
782/2014	December 16, 2014	Adopted
164/2017	August 15, 2017	Reviewed
	September 1, 2021	Rebranded
	2022	Reviewed





## REFUND OF APPLICATION FEES FOR DEVELOPMENT POLICY

<b>Responsible Department:</b>	Planning and Sustainability
<b>Responsible Section:</b>	Planning and Development
<b>Responsible Officer:</b>	Manager Planning and Development

### Objectives

- To maintain a transparent, equitable and consistent approach to waiving of fees associated with applications for development (including development applications, Complying Development Certificates, Part 4A Certificates (i.e. Construction, Occupation and Subdivision Certificates) and Section 68 Activity Approvals under the *Local Government Act 1993* (NSW)).
- Provide a robust framework for Council's professional staff to make decisions on waiving application fees to recognised "not for profit" organisations.

### Introduction

Council from time to time receives requests from the general public to waive or refund fees associated with the lodgement of applications for development. This policy intends to provide a basis for Council's decision making in relation to refunding application fees in certain circumstances.

### Policy

#### 1. Schedule of Applications to be Considered

- 1.1. In some instances, it is appropriate that Council not to impose fees (other than non - Council imposed statutory fees such as LSL) for development applications lodged for certain types of development or proposed to be undertaken by particular groups.
- 1.2. At the discretion of General Manager or by Council Resolution, Fees may be waived on applications for Development Applications, Part 4A Certificates, Complying Development Certificates and Section 68 Activity Applications:
  - (a) If the application is lodged by sporting, cultural and non-profit entities, where Council has provided a grant or sponsorship for the development; or
  - (b) If the application is lodged by recognised charitable and "not for profit" community entities and there is a demonstrated public interest benefit in waiving the fees.
- 1.3. Applicants must be incorporated entities.
- 1.4. Applications which are deemed by the General Manager to have demonstrated significant economic and social benefits for the community of the Narrabri Shire.
- 1.5. Fee waiver under this policy will take the form of a refund of certain fees, rather than an up-front waiver.



## 2. Schedule of Applications Not to be Considered

- 2.1 Application(s) that are not categorised into the group in schedule (i), Council shall not waive fees for:
- (a) Applications by schools, churches and other community groups where there is no wider public or community use and benefit (e.g new buildings, structures, signs etc);
  - (b) Where there is a proposed commercial use associated within any developments contained within section (i) of 'Schedule of applications to be considered'.
- 2.2 Applications from individuals, or multiple individuals, will not be accepted.

## 3. Implementation Procedure

- 3.1 When an application is lodged:
- (a) Council will calculate the required fees and provide a schedule of fees for the different types of applicable applications (including any non-Council statutory fees (i.e. LSL) as determined by Council for the current financial year.
  - (b) The applicant shall pay the appropriate application fees at the time of lodging the application/s.
  - (c) The applicant will be invited to request a refund of application fees by way of written request.
  - (d) If a request is lodged, Council will consider that request and either accept or refuse it.
  - (e) If accepted, the application fees will be refunded to the applicant.
- 3.2 A request for refund should contain the following information, at a minimum:
- (a) The name of the applicant;
  - (b) The constitution or incorporation articles of the applicant;
  - (c) An explanation of the community benefit;
  - (d) Evidence to support the explanation of community benefit; and
  - (e) Any other matter requested by Council
- 3.3 The General Manager, or their delegate, will consider whether the application should be approved or refused in accordance with this Policy.
- 3.4 In considering a request, Council will have regard to:
- (a) The nature of the entity applying;
  - (b) The benefit of the development to the Narrabri Shire community; and
  - (c) Any other public interest considerations
- 3.5 If the General Manager approves the request, the application fees will be refunded to the applicant.
- 3.6 There is no right of appeal against the decision and such decision is final.
- 3.7 If the decision of the application is for approval, Council shall advise the applicant in writing, including either a cheque refund or shall electronically direct deposit in the applicants account within 30 days of the date of application.

*Note: Council cannot refund Statutory Charges such as Long Service Levies or commissions imposed by the State Government.*

- 3.6. If the decision is for refusal, Council shall advise the applicant in writing within 14 days of the application being received by Council.
- 3.7. Council shall keep a register of all application fees that have been refunded including the name of the organisation and the address and land title details of the subject land.



## References

- *Local Government Act 1993 (NSW)*
- *Local Government Regulation 2021 (NSW)*
- *Environmental Planning and Assessment Act 1979 (NSW)*
- *Environmental Planning and Assessment Regulation 2021 (NSW)*

## History

Minute Number	Meeting Date	Description of Change
26/2012	February 21, 2012	Adopted
607/2013	September 3, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	September 1, 2021	Rebranded
	2022	Reviewed



## REVENUE – WATER AND SEWER POLICY

**Responsible Department:** Financial Services  
**Responsible Section:** Financial Services  
**Responsible Officer:** Chief Financial Officer

### Objective

To determine the water and sewerage charges for entitlements of existing parcels under the user pays tariff system.

### Introduction

The introduction by Council of a user pays tariff system for water supply and sewerage in 1995/1996 resulted in changes to the way in which entitlements to existing parcels are determined. This policy sets out guidelines for determining service entitlements, headworks credits and application of base charges.

### Policy

#### 1. Definitions

Term	Meaning
<b>Service Entitlement</b>	The right of the owner or occupier of a parcel of land to have a water supply or sewerage service connected, to that parcel, without incurring a headworks charge or a mains extension charge.
<b>Headworks Credits</b>	The number of headworks credits (expressed in equivalent tenements) which apply to a parcel of land, when assessing subdivision or other development proposals on the land.
<b>Base Charged</b>	Land upon which a base charge is currently levied, or would be levied if it were not for the operation of Council's Contributions and Donations Policy.
<b>Base Charge Liable</b>	Land which is currently subject to the discretionary levying of a base charge by Council, due to its proximity to a water or sewerage main.
<b>Parcel</b>	A portion or parcel of land separately valued. (See Local Government Act 1993 Dictionary).
<b>Lot</b>	An individual portion, lot, allotment or any area of land for which an individual land title may apply, or an individual reserve or other area of Crown or public land, including a road.
<b>ET</b>	<u>Equivalent Treatment</u> . A unit of demand on a water or sewerage scheme equivalent to the demand of an average urban residential lot.



## 2. Service Entitlements

- 2.1. A base charged parcel shall have one service entitlement.
- 2.2. A non-base charged parcel shall have no service entitlement.
- 2.3. A non-base charged parcel shall acquire a service entitlement when:
  - (a) Council agrees to service the parcel;
  - (b) Appropriate headworks charges based on ET's of the proposed service are paid by the applicant;
  - (c) All actual service provision costs, including main extensions are paid by the applicant; and
  - (d) A base charge is introduced.
- 2.4. Where in Council's view, it is not reasonably practicable to service the whole of a parcel of land from a single service point, Council may allow an additional service subject to:
  - (a) All actual costs of installation of the additional service including additional mains extension if applicable being met by the applicant;
  - (b) Services not being interconnected within the parcel; and
  - (c) Base charges and usage charges applying to each service.
- 2.5. Upon application for a service to a base charged parcel which does not currently have a main available, Council will extend the main at Council's cost to the nearest practicable point of the parcel
- 2.6. Service pipes may cross lot boundaries within a parcel but shall not cross boundaries between parcels
- 2.7. If a base charged parcel is broken up (e.g. by sale of an individual lot and not by subdivision):
  - (a) Service pipes which, as a result of the breakup, cross parcel boundaries shall be physically disconnected at the parcel boundary at the cost of the occupier of the land which receives the service direct from Council's main;
  - (b) If a new parcel resulting from the breakup of an existing base charged parcel is base charge liable, it shall automatically have a service entitlement, and a base charge shall be levied; and
  - (c) If a new parcel resulting from the breakup of an existing base charged parcel is not base charge liable, no service entitlement will apply.

## 3. Headworks Credits

- 3.1. A base charged parcel shall have headworks credits equivalent to the number of lots within the parcel, which, if viewed individually, would be base charge liable.
- 3.2. If in future, this appears to be inequitable in a particular case, the matter will be determined by Council on its merits.
- 3.3. A non-base charged parcel shall have no headworks credits.
- 3.4. A non-base charged parcel shall acquire headworks credits when:
  - (a) Council agrees to service the parcel;
  - (b) Appropriate headworks charges based on ET's of a proposed service are paid by the applicant;
  - (c) All actual service provision costs including main extensions are paid by the applicant; and
  - (d) A base charge is introduced.

## 4. Application of Base Charges

- 4.1. At the time of the changeover to the user pays tariff system all parcels which were previously rated became base charged.
- 4.2. Base charged parcels included most base charge liable parcels, as it was previously Council's policy to rate those parcels within the prescribed distance of the main. (225m for water, 75m for sewer.).
- 4.3. Base charges are not to be introduced to base charge liable land in future, unless an appropriate headworks charge based on equivalent tenements is paid by an applicant.
- 4.4. This policy applies, for example, to:
  - (a) A parcel which is base charge liable, but through oversight was not previously rated; or



(b) a parcel which has not been rateable or base charged, which becomes base charge liable as a result of a main extension.

4.5. When base charges are introduced to a parcel, the base charge shall continue to be levied for as long as the parcel remains base charge liable.

## 5. Records of Entitlements and Credits

5.1. Appropriate records of service entitlements, headworks credits and levying of base charges shall be maintained in Council's property records system.

## 6. Review

6.1. This policy will be reviewed within 12 months of an Ordinary Council Election or from time-to-time on an as-needs basis.

## References

- *Local Government Act 1993* (NSW).

## History

Minute Number	Meeting Date	Description of Change
251/97	April 15, 1997	Adopted
230/2010	May 18, 2010	Reviewed
26/2012	February 21, 2012	Reviewed
75/2013	February 19, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	September 1, 2021	Rebranded
	2022	Reviewed





## SECTION 355 COMMITTEE POLICY

<b>Responsible Department:</b>	Corporate and Commercial Services
<b>Responsible Section:</b>	Governance and Risk
<b>Responsible Officer:</b>	Manager Governance and Risk

### Objective

To set a framework for the establishment and function of Council's section 355 Committees.

### Introduction

Section 355 of the *Local Government Act 1993* (NSW) permits Council to establish a Committee of Council to exercise Council's functions. Section 377 of the Act permits Council to delegate which functions, if any, those Committees may exercise. These Committees are known as Section 355 Committees.

Section 355 Committees are a means by which Council can utilise community members into having an active role in managing some of Council's facilities or services.

### Policy

#### 1. Establishment of section 355 Committees

- 1.1. Council may establish section 355 Committees following:
  - (a) A community request;
  - (b) Councillor motion; or
  - (c) A recommendation by the General Manager or their delegate.

##### Community Request

- 1.2. A community group may make a written application to Council for the establishment of a Section 355 Committee.
- 1.3. The written application should, at a minimum, contain the following information:
  - (a) The proposed name of the Committee;
  - (b) The proposed membership or composition of the Committee
  - (c) The facility or services that the Committee will operate;
  - (d) The proposed functions of Council that the Committee will assume in relation to that facility or those services;
  - (e) Facts, matters, and reasons justifying the creation of the Committee and delegation of functions to it.
- 1.4. Following a community request, the General Manager will ensure that a report is brought to Council attaching the application, making a recommendation as to whether or not the Committee should be formed.
- 1.5. The report should also attach proposed terms of reference to be adopted, including delegation under s377, in the event that Council resolves to form the Committee and delegate functions to it.

**Councillor Motion**

- 1.6. Where a Councillor lodges a Notice of Motion to form a Section 355 Committee, Council will consider that motion and deal with it in the usual manner.
- 1.7. Without limiting the ability of Councillors to lodge Notices of Motion with content of their choose, such
- 1.8. Where a Councillor lodges a Notice of Motion to form a Section 355 Committee, Council may resolve to require the General Manager to report to Council on the matters contained in 1.10 below.

**Recommendation from General Manager or Delegate**

- 1.9. The General Manager, or their delegate, may propose that Council establish a section 355 Committee.
- 1.10. A proposal from the General Manager or their delegate will take the form of a staff report to an Ordinary Council Meeting.
- 1.11. The General Manager shall ensure that such a report contains, at a minimum, the following information:
  - (a) The proposed name of the Committee;
  - (b) The proposed membership or composition of the Committee
  - (c) The facility or services that the Committee will operate;
  - (d) The proposed functions of Council that the Committee will assume in relation to that facility or those services;
  - (e) Facts, matters, and reasons justifying the creation of the Committee and delegation of functions to it.
  - (f) The proposed terms of reference for the Committee, encompassing the matters above.

**Determination to establish section 355 Committee**

- 1.12. Where Council decides to establish a section 355 Committee, it will do so by resolution.

**2. Terms of Reference**

- 2.1. Each section 355 Committee will have terms of reference, which govern their composition, procedures, and operation.
- 2.2. Terms of reference for section 355 Committees shall, at a minimum, include:
  - (a) The name of the Committee;
  - (b) The functions delegated to the Committee and the Committee's responsibility;
  - (c) Limitations on functions delegated to the Committee;
  - (d) The composition of the Committee;
  - (e) The process for selection of Committee members;
  - (f) The responsibility of Committee members;
  - (g) The Committee's operating procedures
  - (h) A statement to the effect that the members of the Committee will be bound by Narrabri Shire Council's Code of Conduct.

**3. Commencement and dissolution of Committees**

- 3.1. Committees and their delegated functions will commence on the latter of:
  - (a) The date of the resolution to establish the Committee and delegate the functions; or
  - (b) Some other date set by the resolution or the Committee's terms of reference.
- 3.2. Committees shall cease to exist on the passage of a resolution of Council to that effect.
- 3.3. Upon the dissolution of the Committee, all of the functions delegated to the Committee will revert back to Council.



#### 4. Membership of Committees

- 4.1. Members of the Committee will be appointed by Council resolution in accordance with the terms of reference of the Committee.
- 4.2. Committee membership will commence on the latter of:
  - (a) The date of the resolution to appoint a member to the Committee by Council; or
  - (b) Some other date set by the resolution or the Committee's terms of reference.
- 4.3. Committee membership will terminate on the earlier of the following:
  - (a) The expiration of six months following an Ordinary Council Election;
  - (b) The death of the member;
  - (c) If the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or make an assignment of his or her remuneration for their benefit;
  - (d) If the member becomes a mentally incapacitated person;
  - (e) If the member resigns membership by notice in writing to the Committee;
  - (f) If the member is absent for more than three consecutive meetings without leave of the Committee;
  - (g) If the member ceases to be a member of the organisation which he/she represents, (representatives of organisations will be given preference) unless the Committee otherwise resolves;
  - (h) While serving a sentence of imprisonment, whether in full time custody or otherwise, except a sentence imposed for a failure to pay a fine;
  - (i) Council passes a resolution to remove the member from the Committee;
  - (j) If the member holds office of profit under the Committee, without prior approval of council;
  - (k) If the member fails to disclose a pecuniary interest in a matter with which the Committee is concerned and takes part in the consideration, discussion or votes on a question relating to the matter;
  - (l) If the member fails to comply with council's code of conduct; or
  - (m) Four years from the date of appointment.

#### 5. Finance

- 5.1. Section 355 Committees are subject to the same financial policies and procedures as internal operational sections of Council.

##### Control

- 5.2. The General Manager may direct section 355 Committees to process their financial records through Council's financial system.

##### Procurement

- 5.3. Section 355 Committees are to comply with Council's policies and procedures for procurement, particularly in terms of the governance requirements imposed depending on value of goods.

##### Accounting

- 5.4. Committees will comply with the below accounting procedures:
  - (a) A cheque account must be opened at a branch of a recognised bank or credit union with an office in Narrabri Local Government Area. The account will be in the name of the Committee.
  - (b) If Council provides a budget to the Committee, a balance of equal to the budget approved to the Committee will be made available for expenditure by the Committee (ie a bank account float). Note this delegation is available to the Committee as a whole and approval for expenditure needs to be noted in the meeting minutes.



- (c) If Council provides a budget to the Committee, Council will provide Committees with the delegation to approve financial transactions to the value of Council's determination.
- (d) Money received by the Committee must be banked as soon as reasonably practicable or within one week of receipt.
- (e) The Committee may draw on its account for such sums as it may require in the performance of its function.
- (f) Under no circumstances will the account be overdrawn.
- (g) Information on income and expenditure must be kept either electronically (preferable) or hard copy. An excel spreadsheet or suitable accounting software should be used. Or if the accounts must be kept manually, a suitable cashbook, receipt book, bank deposit book and petty cash will be maintained and kept up to date.
- (h) Receipting: Preferably, payments are accepted via direct deposit into the Committee's bank account. Where cash or cheque are received, receipts, in the name of the Committee, will be issued for charges and other monies received and duplicates of receipts will be retained for audit.
- (i) Purchasing: Payment should be made by EFT (electronic funds transfer), or only when necessary, can be made by cheque. In every case evidence of the need for the payment Tax Invoice is required to be obtained and attached to payment records. A credit card receipt is not a Tax Invoice, please ensure receipts say 'Tax Invoice' and clearly show any GST charged.
- (j) The Committee may authorise its Chairperson, treasurer and one other person to sign on its behalf on the basis that two authorisers/ signatories are required on each payment.
- (k) Records will be made available for inspection whenever required by an inspector of local government accounts, Council's auditor, Councillors, or an authorised officer of Council.
- (l) It is recommended the financial report summarising the income and expenditure and including a bank reconciliation be reported (where available), to each ordinary meeting of the Committee.
- (m) A quarterly report of the financial affairs must be provided to Council in line with GST reporting. At each quarter this report should include profit and loss statement, balance sheet and BAS and needs to be received by Council in the second week of the following month. (See Section 5.6 re GST)
- (n) The Committee will be entitled to spend the monies raised in the management of the facility under their control. These monies can only be expended strictly in accordance with conditions imposed in these Guidelines, by the Council, and their delegations, and only upon the facility of the Council for which the Committee has been constituted.
- (o) In the event that the Committee receives a financial contribution from Council, this payment will be made in the form of a grant and appropriate evidence of expenditure documentation will be required by Council.
- (p) An annual Profit and Loss Statement for the Committee must be submitted to Council within 30 days from the end of the financial year.

#### **Out of Pocket Expenses**

- 5.5. A Committee member cannot incur out of pocket expenses without the Committee's prior approval.
- 5.6. Committee members seeking reimbursement of out of pocket expenses under this policy must present invoices and receipts for those expenses to the Committee before reimbursement is to occur.

#### **6. Review**

- 6.1. This policy will be reviewed within 12 months of an Ordinary Council Election or from time-to-time on an as-needs basis.



## References

- *Local Government Act 1993* (NSW)
- *Local Government (General) Regulation 2021* (NSW).

## History

Minute Number	Meeting Date	Description of Change
41/2015	February 17, 2015	Adopted
164/2017	August 15, 2017	Reviewed
	September 2, 2021	Rebranded
	2022	Review



## SPORTING WALL OF FAME POLICY

<b>Responsible Department:</b>	Planning and Sustainability
<b>Responsible Section:</b>	Tourism and Cultural Services
<b>Responsible Officer:</b>	Manager Tourism and Cultural Services

### Objective

- To provide clear guidance on the Eligibility Criteria by which new nominations for the Sporting Wall of Fame will be assessed, and determined;
- To provide timeframes for accepting new nominations and upgrading the honour wall in Tibbereena Street, Narrabri; and
- Provide guidelines on the Panel who will assess the new nominations for inclusion.

### Introduction

In 2001, Narrabri was named in an Australia-wide competition run by the Nine Television Network as Australia's Sportiest Town. The award was made in recognition of the number of outstanding sportsmen and women who had been born in or who had lived in the Narrabri Shire.

In 2011, Narrabri Shire Council, in co-operation with Channel 9, constructed Narrabri Shire Sporting Wall of Fame to make a permanent record of the achievements of the town and district sportsmen and women including those who were part of the original honour bestowed upon the town in 2001. The Sporting Wall of Fame was erected at Leitch Oval in Tibbereena Street, Narrabri and listed 94 sportspeople who were successful in their chosen sport prior to 2002.

In August 2012, Council resolved to add a further 10 names to the Sporting Wall of Fame of sportspeople who were successful in their chosen sport between 2002 and 2012. These nominations were widely advertised including in the Namoi Valley Independent, The Courier, the Wee Waa News and online.

This Policy outlines the Eligibility according to four criteria; timeframes for new nominations; and the assessment of the nominations for inclusion on the Narrabri Shire Sporting Wall of Fame.

### Policy

#### 1. Eligibility Criteria

##### 1.1. Residential Status

Candidates must be able to prove

- (a) That they are a current resident of the Narrabri Shire, or previously resided in the Shire, during which time they learnt, developed or refined their acclaimed sporting talent.
- (b) Provide a letter, or some other form of evidence, from a local Narrabri Shire sporting association to prove clause 1.2.





### 1.2. Sporting Selection

Candidates must be able to prove

- (a) That they have been formally selected as a National / Australian representative, or
- (b) That they have been a National / Australian or World Champion or Olympic representative.

### 1.3. Recognition of Sport

Candidates must be able to show that the sport in which they have acclaimed performance is a sport which

- (a) Is recognised at a National / Australian level; and
- (b) It is a Sport that is currently listed on the Australian Sports Directory that is not obscure or novel and is longstanding and established.  
(refer [https://www.sportaus.gov.au/australian\\_sports\\_directory](https://www.sportaus.gov.au/australian_sports_directory)) see Annexure 1

### 1.4. Recognition of Sporting Achievement (s)

Candidates must be able to provide to the Assessment Panel / Council the following two documents:

- (a) A resume setting out the sporting representation / level of performance of the applicant; and
- (b) A formal letter, on official letterhead, signed by a delegate / authority from the National / Australian / World or Olympic association certifying the representation and / or level of performance of the nominee.

## 2. Timeframes for New Nominations

- 2.1. Council will call for nominations once every twelve (12) months and nominations will be collated for consideration and formal assessment by the panel who will convene every four (4) years, following the Summer Olympics. The nominating period will be open for a period of four (4) months to allow sufficient time for nominators to obtain supporting documentation. Nominations to open 1 March and close 30 June of the same year.

## 3. Nomination Process

- 3.1. Advertising for nominations for the Sporting Wall of Fame to begin late February and be widespread across the Shire and into neighbouring Shires and the local Radio Stations.
- 3.2. Nominations open from 1 March – 30 June of the same year.
- 3.3. Nominators to submit a nomination form and ensure all eligibility criteria is met.
- 3.4. Nominators to submit accompanying supporting documentation with the nomination form.
- 3.5. Late nominations will not be accepted. Nominators will need to apply next time nominations are called.
- 3.6. All nominations will be forwarded to the Assessment Panel for consideration.

## 4. Assessment Panel

- 4.1. An assessment panel will be formed in July to review and determine if the new nominations meet the four (4) Eligibility Criteria. The Assessment Panel will comprise five (5) panellists:
  - (a) One (1) Councillor
  - (b) One (1) representative from a multi-discipline sporting association
  - (c) One (1) The General Manager (or delegate)
  - (d) Two (2) Principals from local High Schools ie. One each from Narrabri High School and Wee Waa High School (or a delegate).
- 4.2. Only those nominations deemed to meet the full Eligibility Criteria will be recommended for inclusion on the Sporting Wall of Fame in the August Report to Council.
- 4.3. The delegated Council Officer will arrange for purchasing the plaques with the new inclusions and notify relevant nominees as to success or the grounds for which their nomination was declined. Unveiling of

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the new nominees for inclusion will take place as part of the Australia Day awards ceremony the following year the nominations are called for.

## References

- *Local Government Act 1993* (NSW).

## History

Minute Number	Meeting Date	Description of Change
093/2020	May 26, 2020	Draft Policy endorsed for Exhibition
137/2020	August 25, 2020	Policy formally adopted
	August 25, 2020	Rebranded
	2022	Reviewed



## WATER SERVICE CONNECTION POLICY

**Responsible Department:** Infrastructure Delivery  
**Responsible Section:** Water Services  
**Responsible Officer:** Manger Water Services

### Objective

To ensure that all connections to Council's Water System conform to requirements established in this Policy and that the property owner's responsibilities in relation to the connection are clearly defined.

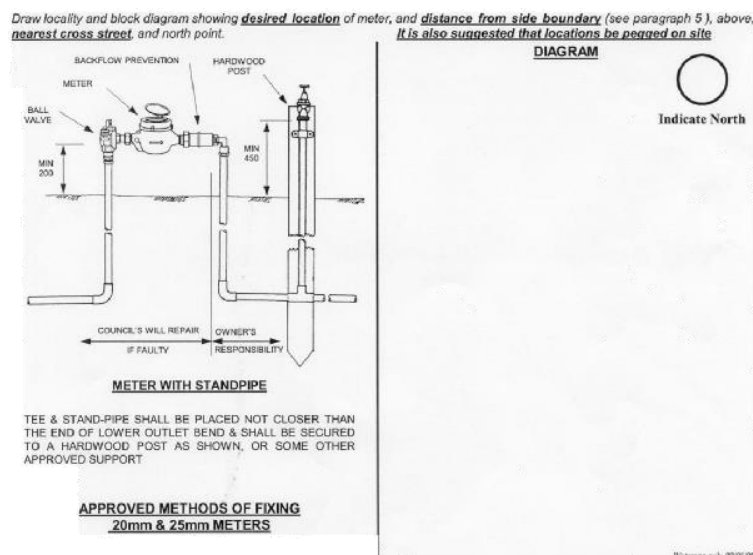
This Policy outlines the responsibilities of both consumers and Council regarding the following:

- Infrastructure that connects a property with potable water from Council's main;
- Installation, testing, and alteration of Water Meters; and
- Property owner's and consumers responsibilities and liabilities regarding access to Council's water service.

### Introduction

Council's Water Supply System transports potable water to registered water users. The integrity of the system enables Council to manage its legislated responsibilities.

Council's maintenance responsibility of a water service ceases at the outlet of a water meter or flow restricting device that has been fitted to a water meter by Council staff. The property owner is responsible for testable backflow prevention devices which do not form part of the meter.





## Policy

### 1. Definitions

Term	Meaning
<b>Potable Water Service</b>	The cold potable water supply pipeline from the water main to and including the water meter, automatic meter reading device, backflow prevention assembly and flow restricting advice where fitted.
<b>Fire Service</b>	A water service dedicated only to service fire hydrants, fire hose reels, fire service fitting, including water storages, installed solely for firefighting in and around a building or property. Under certain conditions part of a fire sprinkler system may be included. A fire service that can be used for other purposes is deemed to be a water service and shall be fitted with a water meter, automatic meter reading device and when deemed appropriate a backflow prevention assembly.
<b>Water Meter</b>	Automated devices that measure a property's consumption of potable water through Council's water service.
<b>Property Owner</b>	The person(s) or entity's name on the title of a property who is liable to pay Council for all rates and charges including water rates.
<b>Consumer</b>	The person(s) or entity who are the user of water provided through Council's water network to a property at which they are the primary resident of and who are responsible for payment (either directly to Council or indirectly to Council via the property owner or a real estate agent) for rates incurred through water usage.

### 2. Water Connections

- 2.1. Water connections to properties are to be either:
  - (a) a potable water service; or
  - (b) a fire service.
- 2.2. Combined water services, for both fire service and potable water service, are not permissible.
- 2.3. The size of fire services and potable water services (expressed in millimetres diameter) are to be determined entirely by the customer and standard plumbing specifications for service sizes.
- 2.4. Council will install potable water services and fire services following pre-payment of the appropriate charge (as established by the Fees and Charges within Council's current Operational Plan).
- 2.5. All potable water services will be metered. The size of the meter will be the same as the water connection pipe.
- 2.6. Water connections (including fittings, valves, and water meters) remain the property of Council, excluding backflow prevention devices that form part of the customers responsibility.
- 2.7. Council will maintain and repair all pipe work and fittings up to and including the water supply meter, automatic meter reading device, and or flow restricting device.
- 2.8. Council may replace the water connection pipe and the water meter from time to time with no additional charge to the customer.

### 3. Fire Services

- 3.1. Fire services can only be used for firefighting.
- 3.2. Fire Services may be tagged in the field by Council to indicate they are fire services.
- 3.3. Council can provide a fire service to a property upon the submission and subsequent approval of a Water Service Application Form.
- 3.4. Bonafide Fire Service will not attract a usage charge.



3.5. Regardless of an Annual Fire Certificate issued to a fire service, Council may deem the service to be a potable water service and apply the appropriate water services charges, if:

- (a) Registration indicates that the fire service is being used for purposes other than genuine firefighting, system checking or fire drills; and
- (b) Council has notified the property owner in writing of the intention to deem the service a water service.

#### **4. Connecting to Council's Water Supply System**

4.1. Connection to Council's Water Supply System will be approved and provided by Council, subject to the following conditions:

- (a) The application is made on the appropriate form and submitted to Council;
- (b) The appropriate payment is made in accordance with Council's Fees and Charges (as established within Council's current Operational Plan); and
- (c) The property owner has received advice from a licensed plumber regarding the recommended connection size and water pressure needs of the site, to ensure that the internal design of the plumbing (beyond the meter) is in accordance with AS3500.
- (d) The property owner has appropriate development consent to have water supplied to the property.

4.2. Installation of connections will be completed as follows:

- (a) All new 20mm and 25mm potable water services will include an inbuilt back flow prevention device to prevent backflow into Council's water supply system.
- (b) Potable water Service Connections larger than 25mm may require a testable backflow prevention device to be fitted with the type of device depending on the hazard rating of the property use as defined in the Narrabri Shire Council Backflow Prevention Device Policy.
- (c) Where a testable backflow prevention device is required in accordance with Narrabri Shire Council Backflow Prevention Device Policy, Customers are responsible for arranging the installation and maintenance of the backflow prevention devices. Backflow prevention devices must be installed:
  - (i) By authorised persons, who are accredited to carry out the installation in accordance with AS/NZS 3500:1; and
  - (ii) On the property owner's side of the meter prior to the water supply to the property being turned on.

4.3. Water supply may be disconnected for a short period of time (less than four hours) whilst performing works on the property's water connection.

4.4. Testing of testable back flow prevention devices must:

- (a) Be carried out at the cost of the property owner, unless the tests have been requested by Council for tests additional to compliance requirements, in which case Council will be responsible for the cost of testing; and
- (b) Be carried out by authorised persons, who are accredited to carry out testing procedures according to AS/NZS 3500:1 and AS/NZS 2845.1.

4.5. Council will endeavour to provide a service connection point at the location recommended by the licensed plumber however; Council reserves the right to determine the location of the service connection point.

4.6. The location of the connection point will be agreed prior to any internal plumbing occurring.

4.7. Council will not turn the water supply on from the main until all the requirements of this policy are met.

4.8. It is illegal for any person, other than Council, to turn the water on at the main.



## 5. Installation of Water Meters

- 5.1. Only water meters conforming to AS/NZS 3565 or having achieved patented approval under the relevant code are to be used in Council's water service connections
- 5.2. Council will supply and fit a water meter assembly and automatic meter reading device when installing a water supply connection to a property.
- 5.3. The size of the connection and the meter are to be determined by the customer and in accordance with AS/NZS 3500.
- 5.4. If an above ground water meter will adversely impact on the function of a driveway, formed walkway, gate, fence line or other such immovable structure or fixture the meter may be placed in a below ground pit.
- 5.5. The cost of the meter assembly, automatic meter reading device and associated installation works is borne by the property owner as determined by Council's current Fees and Charges (outlined in Council's Operational Plan).
- 5.6. Council will maintain ownership over a property's water meter(s).
- 5.7. Meters will be replaced as soon as possible after having passed their design life volumes, or as deemed necessary by Council.
- 5.8. Individual meters located just inside the property boundary are required on all Strata or Community Title units.
- 5.9. Property owners can collect a free frost cover (from Council's Administration building in Narrabri) to prevent damage to the water meter from frost. Property owners can place the protective covers over water meters themselves without tools or equipment.
- 5.10. In duplexes, flats or strata titled properties, there may be only one meter servicing all of the dwellings or one for each building. Additional meters water meters under Council's responsibility may be requested for a property by written request to, and approval by, Council, by application from the property owner or Owner's Corporation as appropriate.
- 5.11. If a property's meter is not able to be accessed at all times, Council may:
  - (a) Refuse to provide emergency repair services; or
  - (a) Undertake the relocation of the connection to a more accessible location, at the expense of the property owner.

## 6. Alteration of Water Meters

- 6.1. Council may consider a written request to alter the location or size of a water service connection and if approved the cost of the works will be met by the property owner in advance.
- 6.2. Any alteration to the water service on the property owner's side of the water meter is the responsibility of the owner of the connected property.
- 6.3. It is an offence under section 636 of the Local Government Act 1993 (NSW) to tamper or interfere with the normal operation of water meters.
- 6.4. Sale of new or used Council meters to the public is prohibited.

## 7. Testing of Water Meters

- 7.1. Water meters will be tested for accuracy by an independent laboratory upon payment of the relevant fee (as set by Council's current Fees and Charges with the Operational Plan).
- 7.2. Any fees paid to Council for the testing of a water meter will be reimbursed if the water meter is proven to be faulty or inaccurate.





- 7.3. A water meter is considered to be faulty or inaccurate if the margin of error is greater than  $\pm 3\%$ .
- 7.4. Council reserves the right to average a customer's water billing account from previous consumption figures where a water meter or automated meter reading device malfunctions or to estimate an account based on related available information.

## 8. Property Owner's Responsibility and Liability

- 8.1. It is the property owner's responsibility to ensure that:
- (a) The potable water service connection and the water meter, automated meter reading devices and backflow prevention assembly are adequately protected at all times;
  - (b) The Water Meter is readily accessible and readable at all times, in particular for meter reading and emergency repair purposes.
- 8.2. The property owner is liable to:
- (a) Engage a licensed plumber to repair or replace any pipe work that is not the responsibility of Council as outlined in the diagram above; and
  - (b) Reimburse Council for any costs incurred from:
    - (i) The property owner (or residents) damaging the water supply meter and associated pipe work and fittings owned by Council;
    - (ii) Council having to relocate a water meter that is not readily accessible; or
    - (iii) Council having to clear above ground obstructions located above a water meter on private property.
- 8.3. Council may recover from the property owner any costs arising as a result of clause 8.2 of this Policy.
- 8.4. Council may provide a new connection point due to damage causes (other than as a result of human interference from the property owner (or residents)), however the property owner will be required to adjust the pipework on the property side of the meter at their own cost.
- 8.5. Where a property owner is seeking financial assistance (in the form of a rebate) for an undetected leak on their property, the following conditions will apply:
- (c) The application must be for a residential property;
  - (d) The request must be in writing;
  - (e) The property owner must provide a statement signed by a licenced plumber who repaired the leak clearly showing why the leak was undetected by the resident of the property;
  - (f) The request must be made within 30 days of receipt of the water account or detection of the leak, whichever occurs first; and
  - (g) The leak must be repaired by a licenced plumber in accordance with AS/NZS 3500 at the property owner's cost within a reasonable timeframe from the date that the leak was discovered.

## 9. Damage Incurred by Town Water Supply

- 9.1. Council will take the following steps to assist residents who have articles of their laundry damaged by iron (rust) in the towns water supply.
- (a) Provide information in the form of this policy on Council's website.
  - (b) Provide a reasonable quantity of a commercial rust remover (and user instructions) to residents to remove rust stains from clothes. The product will be offered/provided when the resident brings the issue to the attention of Council staff.
  - (c) Residents will be offered one or both of the following:
    - (i) Citric Based Remover; or
    - (ii) Chemical Based Remover.



9.2. Council will not replace any items that are damaged as a result of Rust stains, however where a resident within 100m radius of planned work (that involves a shutdown to replace or install a water main) is not informed (as defined below) of the planned work, Council will reimburse dry cleaner expenses (up to the limit listed in Council Fees and Charges, \$50 per household at the time of drafting this policy) for any fabric item stained by rusty water, provided:

- (a) The damage occurred within 24 hours of the commencement of the planned work; and
- (b) The resident/visitor has first tried the commercial rust removers provided by Council; and
- (c) The damaged item has been identified by Council staff before it is dry cleaned.

## 10. Power to Enter Lands

10.1. Pursuant to Chapter 8 Part 2 of the Local Government Act 1993 (NSW), Council has the power to enter private property to perform its duties, including:

- (a) Installation of water services;
- (b) Carry out maintenance, repairs, and upgrades to Council's water supply network; and
- (c) Read water meters.

10.2. Where access to private property is required, Council will take reasonable steps to contact the property owner to notify their intention to enter lands. Notification may include:

- (a) A card in the property owners letterbox (or other appropriate visible location if a letterbox is not available) advising that Council intends to enter the land for works.

10.3. If the property owner cannot be contacted, Council may enter the property to perform its duties. In such cases, Council will place a card in the property's letterbox (or other appropriate visible location if a letterbox is not available) advising that Council has entered the land for works.

## 11. Review

11.1. This policy will be reviewed within 12 months of an Ordinary Council Election or from time-to-time on an as-needs basis.

## References

- *Local Government Act 1993* (NSW).
- *Local Government (General) Regulation 2021* (NSW).
- *Environment Planning and Assessment Act 1979* (NSW).
- *Plumbing and Drainage Act 2011* (NSW).
- *Plumbing and Drainage Regulation 2017* (NSW).
- AS/NZS 3500 – Water Supply Standards.
- AS/NZS 3565 – Meters for Water Supply – Cold Water Meters.
- AS/NZS 2845 – Mechanical Backflow Prevention Device.
- NSW Plumbing Codes.
- Narrabri Shire Council's Backflow Prevention Policy.



## History

Minute Number	Meeting Date	Description of Change
753/2009	October 20, 2009	Water Meter Policy - Adopted
26/2012	February 21, 2012	Water Meter Policy - Reviewed
607/2013	September 3, 2013	Water Meter Policy - Reviewed
853/2009	December 2009	Undetected Water Leak Policy - Adopted
26/2012	February 21, 2012	Undetected Water Leak Policy - Reviewed
607/2013	September 3, 2013	Undetected Water Leak Policy - Reviewed
164/2017	August 15, 2017	Undetected Water Leak Policy - Reviewed
637/2000	December 19, 2000	Water Service Connection Policy - Adopted
26/2012	February 21, 2012	Water Service Connection Policy Reviewed
607/2013	September 3, 2013	Water Service Connection Policy Reviewed
	February, 2018	Water Service Connection Policy Reviewed
	September 2, 2021	Water Service Connection Policy Rebranded
		Reviewed (merged with Council's Water Meter Policy and Undetected Water Leak Policy)



## FINANCIAL AND MEDICAL HARDSHIP POLICY

<b>Responsible Department:</b>	Corporate and Community Services
<b>Responsible Section:</b>	Financial Services
<b>Responsible Officer:</b>	Manager Financial Services

### Objective

This policy has been adopted to establish guidelines relating to cases of financial hardship and for the provision of a concession to provide relief to local residents required to operate a home dialysis machine in private households.

### Introduction

For the purpose of this policy:

- A home dialysis machine requirement will be advised by the resident's local doctor on an annual basis for each premise operating a home dialysis machine.

### Policy

#### 1. Eligibility

##### 1.1. Rates

1.1.1. Hardship may result from any of the following:

- Loss of employment by ratepayer or family member;
- Family breakdown;
- Illness of the ratepayer or family member;
- Death in the family;
- Loss of income due to natural disasters.

##### 1.2. Occupation of Property

1.2.1. The eligible person must occupy a dwelling on the property, for which a concession is sought, as their sole or principal place of abode. Concessions are not granted for vacant or unoccupied land.





### 1.3. Home Dialysis

- 1.3.1. A concession of 30kl per billing period (equivalent 120 kilolitres per financial year, or part thereof), will be provided to a local resident required to use a dialysis machine in their home.

### 1.4. Limitation

- 1.4.1. The eligible person is limited to one Hardship Rate Relief application per property owner inclusive of property owners in common).

## 2. Policy Statement

### 2.1. Concession Application

To apply for the financial hardship concession for rates the ratepayer must submit a signed and dated written application to Council stating the nature of the hardship and the estimated time that the hardship will be experienced.

***Council may request additional information to confirm the ratepayer's hardship status if it is deemed necessary.***

#### 2.1.1. Rates and Water Usage Charges Evidence

Evidence confirming the ratepayer's hardship status must accompany the application in one of the following forms:

- Evidence in writing from third parties such as the ratepayer's bank or accountant;
- Evidence in writing from a recognised financial counsellor;
- Statutory declaration from a person familiar with the ratepayer's circumstances who is qualified to provide Council with a clear unbiased assessment of the ratepayer's hardship status such as a carer or person holding the applicant's power of attorney.

#### 2.1.2. Home Dialysis

The concession will be granted on application, submitted in writing on or before 1st July each year and supported by a letter from the resident's local doctor verifying a home dialysis machine is in use at the property.

### 2.2. Concession Options

#### 2.2.1. Rates/Water Usage Charges



Once the ratepayer has submitted the application, the Financial Services Manager will make a recommendation to Council regarding the actions it should take in relation to the particular hardship case.

Available options are:

- Defer outstanding amounts for a set period of time;
- Charge an interest rate of 0% on overdue amounts for a set period of time;
- Arrange an appropriate payment schedule;
- Any combination of the above.

In all cases a written commitment to pay the outstanding amounts by the ratepayer must be entered into in the form of an arrangement or a commitment to commence an arrangement if the amount outstanding is deferred.

**Financial hardship cases will only be discussed in Closed Council or Committee Meetings.**

### **2.3. Continuing Hardship/Dialysis**

#### **2.3.1. Rates/Water Usage Charges**

If the ratepayer continues to experience hardship after the concession period approved by Council has expired, then a new application must be made by the ratepayer. In such circumstances evidence provided with the initial application may be used to confirm the ratepayer's hardship status, however, Council may request additional information to confirm the ratepayer's hardship status if deemed necessary.

#### **2.3.2. Home Dialysis**

An application to continue to receive the concession for home dialysis machine usage must be resubmitted annually and must contain a current statement from the resident's doctor as to the continuing usage of the home dialysis machine by the applicant.

### **2.4. Concession Withdrawal**

#### **2.4.1. Rates/Water Usage Charges**

The Financial Hardship Concession may be withdrawn for any of the following reasons:

- The ratepayer no longer owns the land;
- The ratepayer advises Council that hardship no longer applies;
- Defaulting on payment arrangements if an arrangement has been entered into;
- Council receives new information that proves the hardship no longer exists.





The General Manager reserves the right to withdraw any Financial Hardship Concession.

#### 2.4.2. Home Dialysis

The Home Dialysis Concession may be withdrawn for any of the following reasons:

- The recipient no longer resides within the Shire boundaries;
- The ratepayer advises Council that the concession is no longer required;
- Council receives new information that proves the concession is no longer required.

### References

- Local Government Act (NSW) 1993.

### History

Minute Number	Meeting Date	Description of Change
190/2008	April 15, 2008	Adopted
145/2010	April 20, 2010	Reviewed
210/2013	April 2, 2013	Reviewed
538/2014	August 19, 2014	Reviewed
164/2017	August 15, 2017	Reviewed
	September 1, 2021	Rebranded



## NON-COMPANION ANIMALS ON RESIDENTIAL PREMISES POLICY

**Responsible Department:** Planning, Strategy and People  
**Responsible Section:** Development  
**Responsible Officer:** Manager Development

### Objective

The objective of this Policy is to control and regulate the number of non-companion animals kept on a premises and to maintain the health standards of the premises and preserve the amenity of the neighbourhood whilst recognising the right of all property owners to enjoy the use of their premises provided that in so doing they do not conflict with the public interest.

### Introduction

Council regulates the number of animals kept on premises in accordance with the Local Government Act 1993 (the Act). Schedule 2, Part 5, Division 2 of the Local Government (General) Regulation 2005 (the Regulation) regulates the keeping of animals by specifying minimum standards. The standards apply to a person only if the Council has served an order under section 124 of the Act to that effect on the person and it is open to Council not to enforce the standards. This Policy provides a guide for Council officers in exercising their delegated authority to regulate the keeping of animals in the local government area.

### Policy

#### 1. Definitions

For the purpose of this Policy, the following definitions apply:

Term	Meaning
Non-companion animal	All animals not dogs or cats including bees and birds.

#### 2. Keeping of Swine

Swine must not be kept on premises within the R1 General Residential and RU5 Village zones under the Narrabri Local Environmental Plan 2012 (LEP).

Swine kept on premises outside these zones must not be kept (and swine's dung must not be deposited) within 60 metres (or such greater distance as the Council may determine in a particular case) of a dwelling, shop, office, factory, church or other place of public worship, workshop, school or public place in a city, town, village or other urban part of an area.





### 3. Keeping of Poultry

Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.

Poultry yards must at all times be kept clean and free from offensive odours.

Poultry must not be kept within 30 metres (or such greater distance as the Council may determine in a particular case) of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.

The floors of poultry houses must be paved with concrete or mineral asphalt or clean sand.

Poultry yards must be so enclosed as to prevent the escape of poultry.

### 4. Keeping of Horses and Cattle

Horses and cattle must not be kept within 9 metres (or such greater distance as the Council may determine in a particular case) of a dwelling, school shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food.

The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material, and must be properly graded to drain.

Horse yards and cattle yards must be so enclosed as to prevent the escape of horses and cattle.

### 5. Maximum Number of Non-Companion Animals

To maintain the amenity of residential and urban areas and the health and safety of neighbourhoods, Council may restrict the number of non-companion animals per residential property to reasonable levels when it is considered that the animals are impacting on residential amenity, e.g. noise, odour issues associated with poor hygiene, or poor management of animal wastes.

When this is demonstrated Council may restrict the number of non-companion animals per residential property. Whilst each situation will be assessed on its merits Council will use as a guide:

Animal	Recommended minimum distance from buildings	Recommended number in residential areas	Applicable regulations and other advisory matters
Birds	4m	20	Cages and aviaries must be of sufficient size and regularly cleaned. All birds to be kept in accordance with the "Code of



			<p>Ethics" produced by the Associated Bird keepers of Australia and printed by NSW Agriculture.</p> <p>All enclosures are to be maintained free of rodents and other vermin.</p> <p>All feed is to be stored in vermin-proof containers.</p> <p>A National Parks and Wildlife permit is required to keep many native birds. Exemptions include budgerigars, zebra finch, galah and sulphur crested cockatoo.</p>
Pigeons	5m	20	<p>Nuisance due to noise and also free flight of pigeons is to be minimised.</p> <p>Lofts must be constructed on hard paving of a smooth surface, graded to drain.</p> <p>Lofts are to be kept clean at all times. Manure is to be cleaned up daily and disposed of correctly.</p> <p>Open lofts are not permitted.</p>
Poultry	9m	2	<p>Local Government (Orders) Regulation 1993, Schedule 5 applies.</p> <p>Council may, by resolution, insist on greater distances than specified in particular cases.</p> <p>Roosters are not to be kept on residential premises (as crowing may cause offensive noise).</p>
Horses and cattle	9m	1 horse per 4000m <sup>2</sup> 0 other cattle	<p>Local Government (Orders) Regulation 1993 - Schedule 5 applies.</p> <p>Council may, by resolution, insist on greater distances than specified in particular cases.</p>
Rabbits	3m	2	<p>Permit may be required from NSW Agriculture.</p> <p>Must be a recognised domestic breed and kept in a rabbit-proof enclosure.</p> <p>The rabbits must not be vaccinated with the fibroma vaccine.</p> <p>Do not release into the environment.</p> <p>Restriction on number is imposed by the NSW Department of Agriculture under the Rural Lands Protection Act 1989.</p>



Animal	Recommended minimum distance from buildings	Recommended number in residential areas	Applicable regulations and other advisory matters
Sheep and Goats	9m	1 per 1000m <sup>2</sup>	Keeping goats and sheep on residential land is not encouraged. Sheep and goats are not to be slaughtered at the premises on which they are kept.
Pigs	N/A	0	Minimum land area for keeping pigs is 2 hectares. Local Government (Orders) Regulation 1993 – Schedule 5 applies. The keeping of pigs is not appropriate on residential properties.
Bees	As appropriate to ensure flight paths are a minimum of 2m above neighbouring properties	4 hives	Each hive is required to be registered with the Department of Agriculture. To be kept in accordance with the “Code of Practice for Beekeeping NSW”.

Where there are continuing impacts on residential amenity from non-companion animals on a particular premise, Council may enforce a further reduction in the number of animals.

To enforce this Council will utilise Order number 18 of section 124 of the Act.

## 6. Confidentiality of Complainants

People who report issues associated with the keeping of non-companion animals should not expect that their identities will remain confidential from the subject of their report in all circumstances. Council may have to disclose information that identifies them in the following cases:

- the disclosure is necessary to investigate the matter;
- their identity has already been disclosed to the subject of their report directly or in a publicly available document;
- the individual was consulted following receipt of a Government Information (Public Access) Act 2009 application and did not object to the disclosure;
- the individual consents in writing to their identity being disclosed;
- the disclosure is required to comply with principles of procedural fairness;
- the matter proceeds to court.

Council will take seriously any concerns an individual may have about their physical safety being endangered as a result of making a report. However, this may limit Council's ability to investigate the matter.



## References

- *Local Government Act (NSW) 1993.*
- *Local Government (General) Regulation 2005.*

In writing this Policy, Council has referred to the policies and other materials of numerous councils and other bodies.

We acknowledge the materials and assistance in writing this Policy from the following:

- Warringah Council Policy ENV-PL 320.
- NSW Ombudsman Model Compliance and Enforcement Model policy December 2015

## History

Minute Number	Meeting Date	Description of Change
222/2017	October 24, 2017	First version adopted
	June 2, 2020	Rebranded



# UNDETECTED WATER LEAK POLICY



**Responsible Department:** Infrastructure Delivery  
**Responsible Section:** Water Services  
**Responsible Officer:** Manager Water Services

## Objective

The Policy will allow staff to manage written requests for assistance in relation to the cost of an undetected water leak on private property.

## Introduction

Narrabri Shire Council receives requests from time to time for water accounts to be waived or rebated due to undetected water leakages on the customer's side of the meter. The requests have resulted from unexpected increases in the water consumption amount payable by the customer. (i.e., a water leak under a slab or underground or in a position that is not immediately or plainly noticeable).

If a resident is concerned that there might be a problem they can carry out their own checks by taking a water meter reading late of an evening and again the next morning, this will indicate a possible problem if a large amount of water is unaccounted for.

## Policy

1. Where the water customer is seeking financial assistance (in the form of a rebate) for an undetected leak on their property, the following conditions will apply: -
  - the application must be for a residential property
  - all requests must be in writing
  - the customer must provide a statement signed by a licenced plumber who repaired the leak clearly showing why the leak was undetected by the customer
  - a request for a rebate must be received within a reasonable timeframe from the date that the leak was discovered or within 30 days of receipt of the consumption account
  - in accordance with AS3500 all leaks must be repaired by a licenced plumber at the property owner's cost
  - the leak must be repaired within 2 weeks of being notified of the leak by Narrabri Shire Council through the use of an automatic meter reading device.

2. Assistance sought under the provisions of this policy will only be considered from the billing period commenced after 1 July 2017.
3. Rebates for water consumption charges are granted on a 'one off' basis. However, the rebate can be applied over two billing periods where there is evidence that the leak may affect the consumption charges over more than one reading cycle.
4. Where the rebate is granted, the following will apply: -
  - customers will be charged based on their average consumption for the period that the leak occurred.
  - the average consumption is calculated by averaging the three (3) previous billing periods or three (3) previous equivalent seasonal billing periods.
  - depending on the usage pattern that is evident. The most consistent record is used to calculate the average use.
  - rebates are applied to the billing period in which the leak occurred up to a maximum of two billing periods.
5. Narrabri Shire Council's Director Infrastructure Delivery is responsible for ensuring compliance with this policy and will determine all rebates.
  - All claims be investigated within 30 days of receipt. Where fees are to be abandoned as a consequence of the policy, it be referred to Council for abandonment by Resolution
  - All application to be registered in Council's Records Management system.

### History

MINUTE NUMBER	MEETING DATE	DESCRIPTION OF CHANGES
853/2009	December 2009	Adopted
26/2012	21 February 2012	Reviewed
607/2013	3 September 2013	Reviewed
164/2017	15 August 2017	Reviewed



## WATER BILLING POLICY

<b>Responsible Department:</b>	Corporate and Community Services
<b>Responsible Section:</b>	Financial Services
<b>Responsible Officer:</b>	Manager Financial Services

### Objective

To establish a debt collection program for unpaid water billing accounts and to provide guidelines for the General Manager and staff to efficiently control and manage outstanding water billing debts at a minimal cost to the Council and the ratepayers.

### Definitions

For debt recovery purposes, debts and considered to be overdue immediately after the due date of the account.

### Policy

- The Water usage, Sewer Discharge apportionment usage and Liquid Trade Waste usage account is issued to each consumer quarterly following the reading of water meters. The actual usage account provides relevant information including the past and present readings, the date the readings took place, the total consumption for the billing period, the number of days between readings, the consumption charge and the total due and date due.
- Accounts for water consumption must be paid within thirty days of the date of issue. For debt recovery purposes, debts are to be considered to overdue immediately after the due date of the account.
- Where the customer does not pay the account by the due date and no payment arrangement has been made with Narrabri Shire Council, a reminder notice will be issued requesting payment within seven to fourteen days to avoid future legal action.
- Where an account remains unpaid after the reminder notice due date, a Final Notice will be issued. This notice will advise the customer that disconnection/restriction of the water service will be made if the account is not settled within seven days of the Final Notice date. All services disconnected/restricted for non-payment of the account may be subject to a payment restriction fee, as set annually in Councils Fees and Charges, before services are reinstated. This fee will be charged by order of the General Manager or delegated staff.



- All disconnection/reconnection fees as well as the outstanding account must be paid in full before reconnection of the service.
- If Council is unable to restrict the supply to the premises, or payment has not been forthcoming following restriction, a letter of demand will be issued advising that failure to pay will result in legal action being initiated to recover the debt together with interest charges and legal costs accrued on the account. Failure to pay the outstanding balance will result in normal legal processes.

## References

- Narrabri Shire Council Debt Recovery Policy.
- Section 564 of the Local Government Act, 1993.
- Local Government (General) Regulation 2005- Reg 144 "Cutting off or Restricting Water Supply".

## History

Minute Number	Meeting Date	Description of Change
752/2009	October 20, 2009	Adopted
26/2012	February 21, 2012	Reviewed
75/2013	February 19, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	September 2, 2021	Rebranded



## WATER FLOW RESTRICTION POLICY

<b>Responsible Department:</b>	Corporate and Community Services
<b>Responsible Section:</b>	Financial Services
<b>Responsible Officer:</b>	Manager Financial Services

### Objective

The recovery of outstanding water charges through restriction of water supply.

### Introduction

Due to the large number of water accounts with outstanding balances Council needs to increase collection so that the water funds have satisfactory cash flow to complete capital works.

A flow restrictor is a device that can limit the water flow to a property, ie a washer with a small hole in it. Narrabri Shire Council proposes to use restrictors that limit the flow of water to 3 litres per minute thus allowing residents to meet basic hygiene needs.

### Policy

That Council will recover outstanding water charges through restriction of water supply as per Local Government (General) Regulation 2005- Reg 144 "Cutting off or Restricting Water Supply"; (<http://www.legislation.nsw.gov.au/>), by following the procedure below:

Excludes those on repayment arrangements and tenanted properties.

#### **Reminder letter** (with a Council officer nominated as a contact for enquiries)

- The Issued by Finance Officer Fourteen (14) days after due date of account. The reminder letter to include a copy of this "Water Flow Restriction Policy" and detail the outstanding amount.
- Allow Twenty-Eight (28) days to make payment/arrangements.
- Copy of letters to be file in Water Flow Restrictions file.

#### **Final Notice and intention to restrict flow**

- Issued Twenty-Eight (28) days after the reminder letter. The final notice to include a copy of the Reminder Letter and this "Water Flow Restriction Policy".
- Provide "Notice of Intention to Restrict" seven (7) days from the date of the Final Notice, without further notice.
- Notice to be Registered Mail or Hand Delivered. Copies to be provided to the Water Service Operations Manager.
- Restrictors will only be avoided if balance of account paid in full or arrangements made.
- Letters are to be filed in Water Flow Restrictions File.





#### Flow restrictor installation

- Restrictor to be installed on the existing water meter.
- Two water staff members are present at each installation.
- Only three litres per minute restrictors be utilised.

#### Flow restrictor removal

- The removal of the flow restrictor will only take place after the balance of the account is paid in full.
- The removal of the flow restrictor will take place as soon as possible but within two (2) working days from clearance of funds.
- Restrictors will be removed during normal working hours, unless otherwise instructed by the Director of Engineering Services.

#### Disconnection from the water supply

Should a Flow Restrictor be tampered with or an account be outstanding for six months after a flow restrictor has been fitted (ie not paid or no repayment negotiated), Council will issue a notice to disconnect as follows;

#### Notice to Disconnect

- Provide a written "Notice of Intention to Disconnect the Water Supply" seven (7) days from the date of this Notice, without further notice.
- Notice to be Registered Mail or Hand Delivered. Copies to be provided to the Water Service Operations Manager.

### References

- Local Government (General) Regulation 2005- Reg 144 "Cutting off or Restricting Water Supply".

### History

Minute Number	Meeting Date	Description of Change
752/2009	October 20, 2009	Adopted
75/2013	February 19, 2013	Reviewed
537/2014	August 19, 2014	Reviewed
164/2017	August 15, 2017	Reviewed
	September 2, 2021	Rebranded



# WATER METER POLICY



**Responsible Department:** Infrastructure Delivery  
**Responsible Section:** Water Services  
**Responsible Officer:** Manager Water Services

## Objective

The objective of this policy is to set out both Council's responsibility and Property Owners role in relation to the connection and maintenance of water meters.

Each individual property connected to Council's reticulated potable water supply, will be metered such that water demand can be measured, managed and be relied upon as a justifiable basis for water supply charges.

## Introduction

Water meters measure the amount of water used. This measurement helps to accurately charge customers for the water they've used. It also helps customers to gauge their water use.

Most houses have their own meter. This is usually located towards the front of the property, near the left or right boundary. In duplexes, flats or strata titled properties, there may be only one-meter servicing all of the dwellings or one for each building.

Council owns the water meter but it is the responsibility of the property owner to ensure that it is not damaged and accessible for reading.

Council installs water meters for domestic supply pursuant to the:

- Local Government Act 1993.
- Local Government (General) Regulation 2005.
- Water Act 2000.
- Plumbing & Drainage Regulation 2003.
- AS 3500.1.2.1998 (Water Supply) Section 5.3 (reference to proximity to other services (ie electrical cables, gas pipelines).
- AS 3565 Meters for Water Supply - Cold Water Meters.

Under Sections 191, 191A or 192 of the Local Government Act, 1993, Council has powers of entry to private property to carry out water supply work such as meter reading, repairs and maintenance. In the case of conducting repairs, Council will first take reasonable steps to contact the property owner. If the owner cannot be contacted, Council may enter the property and carry out the necessary work. In such cases, Council will place a card in the property's letterbox advising that Council has entered the property

## **Policy**

### **Installation**

Council is responsible to supply and fit a water meter assembly when installing a connection to Council's water supply, the cost of the meter assembly and installation is borne by the property owner as outlined in Councils Fees and Charges.

The size of the connection (and thus the size of the meter) is determined by Council, with reference to guidelines in AS 3500 New South Wales code of practice - Plumbing and drainage.

Generally, the water service is to be located in a position determined by Council in accordance with existing cross road conduits, mains tapings, and the like.

All meters are to be installed above ground. In cases where the Director Infrastructure Delivery determines that an above ground meter will adversely impact on the adequate function of a driveway, formed walkway, gate, fence line or other such immovable structure the meter will be placed in a pit.

Water meters are to be installed, maintained and replaced by Council (staff or contractors). The water supply may be disconnected for a few minutes whilst carrying out this work.

Only water meters conforming to AS3565 or having achieved patented approval under the relevant code are to be used in Council's water service connections.

All new connections shall be metered.

Domestic dwellings are to be serviced by one water meter only, with that connection being either a 20mm or 25mm water connection (25mm is the preferred minimum size meter).

Council's maintenance responsibility of a water service ceases at the outlet of a water meter or the outlet of a backflow prevention device that has been fitted to a water meter by Council staff.

### **Alteration**

Any alteration to the water service connection from, and including, the water meter back to the water main, is the responsibility of Council. The water service connection and its components (water meter, ball valve, and fittings) always remain the property of Council. Council may consider a written request to alter the location or size of a water service connection and if approved the cost of the works will be met by the property owner in advance.

Any alteration to the water service on the property owner's side of the water meter is the responsibility of the owner of the connected property.

It is an offence under Section 636 of Local Government Act, 1993 to tamper or interfere with the normal operation of water meters.

**Damage**

The property owner will be responsible for the cost to repair or replace a damaged water meter, associated fittings and assembly, unless the damage is the direct result of Council workmanship.

The possibility of household water meter breakage occurs with the onset of frosty conditions. Ice can swell and burst water meters, resulting in pipe damage and loss of water supply. Property owners can collect a free frost cover (from Council's Administration building in Narrabri) if their water meter is at risk of being damaged by frost (i.e. if the water meter is not in a sheltered area). Property owners can place the protective covers over water meters themselves without needing any tools or equipment. Council will record who collects the covers and the intended address, and reserves the right to reject requests for multiple covers.

**Replacement**

A comprehensive replacement program was completed by Narrabri Shire Council in August 2017. All existing meters were replaced new Elster V200 meters with automated meter reading technology. The V200 hybrid is suitable for both internal and below ground installation with advanced data features including; meter operation monitoring, water usage profiling, status alarms and tariffing. The meter display and output data will always be consistent.

Replacement is required as follows:

20mm – 40mm Elster V200, PR6 sensor and ADC-1 meters need replacing every 15 years

50mm and above Elster H4000, PR7 sensor and ADC-1 or higher meters need replacing every 15 years or as determined by Director Infrastructure Delivery.

**Accuracy**

Meters will be tested for accuracy by an independent laboratory on payment of the appropriate fee (and its clearance), for a meter test, (refer to current year fees and charges). Payment will be reimbursed if the meter is proven faulty or inaccurate (i.e. reads outside plus or minus 3 %).

Sale of new or used Council meters to the public is prohibited.

Council reserves the right to average a customer's water billing account from previous consumption figures where a water meter malfunctions or to estimate an account based on related available information.

**References**

- *Local Government Act 1993.*
- *Local Government (General) Regulation 2005.*
- *Water Act 2000.*
- *Plumbing & Drainage Regulation 2003.*
- AS 3500.1.2.1998 (Water Supply) Section 5.3 (reference to proximity to other services (ie electrical cables, gas pipelines).
- AS 3565 Meters for Water Supply - Cold Water Meters.

**History**

MINUTE NUMBER	MEETING DATE	DESCRIPTION OF CHANGE
753/2009	20 October 2009	Adopted
26/2012	21 February 2012	Reviewed
607/2013	3 September 2013	Reviewed
164/2017	15 August 2017	Reviewed



## CONTROLLED WORKS ON A FLOODPLAIN

<b>Responsible Department:</b>	Infrastructure Delivery
<b>Responsible Section:</b>	Design Services
<b>Responsible Officer:</b>	Manager Design Services

### Objective

To ensure floodplain development is consistent across the Shire and does not have any detrimental effect on Council's assets

### Introduction

Council has an enormous investment in infrastructure on floodplain access within its shire boundaries.

Damage due to flooding poses a severe financial risk to Narrabri Shire Council. As well as managing this financial risk Narrabri Shire Council is mindful of the need to encourage agricultural and commercial activity within its shire boundaries by providing a degree of certainty for those who chose to invest in the Shire.

### Policy

- 1.1. Narrabri Shire Council will object to the issuing of any licence to carry out Controlled Works (Water Act 1912 No. 44), unless the applicant can demonstrate to the Director Engineering Services that the Controlled Work will not.
  - Detrimentially affect the ability of Council to drain water away from its roads and other assets.
  - Encroach within 5m of the shared boundary with Council and thus affect Council's and the applicant's ability to maintain the existing natural surface levels on the shared boundary.
  - Cause predicted flow depths across Council's Assets in the Design Flood Event (Designated Flood) to increase by more than 50mm, when compared to flow depths without the Controlled Works, and thus will not increase the time Council's asset is submerged.
  - Cause predicted velocities across Council's Assets in the Design Flood Event (designated flood) to increase by more than 50% (or to a maximum value 0.5m/sec), when compared to flow depths without the Controlled Works, and thus will not increase the potential for damage to occur to Council's Asset."



- 1.2. The Designated Flood is defined in the interim Department of Environment and Climate Change Policy which covers all areas outside the Narrabri – Wee Waa Floodplain Management Plan.
- 1.3. Narrabri Shire Council will object to the renewing of any licence to carry out Controlled Works (Water Act 1912 No. 44) after the 31<sup>st</sup> of December 2010, unless the applicant can demonstrate to the Director Engineering Services that the Controlled Work does not.
  - Detrimentially affect the ability of council to drain water away from its roads and other assets.
  - Encroach within 5m of the shared boundary with Council and thus will affect Council's and the applicant's ability to maintain the existing natural surface levels on the shared boundary.
- 1.4. The onus of proof is with the applicant and the method of proof will be:
  - For items 1 and 2 a detailed survey showing the location of the existing or proposed works and relevant contours, prepared by an appropriately experienced and qualified consultant, or an assessment is provided by the Department of Environment and Climate Change to the satisfaction of the Director Engineering Services.
  - For items 3 and 4 a flood study report prepared in accordance with the NSW State Government's guidelines, by an appropriately experienced and qualified consultant, or an assessment is provided by the Department of Environment and Climate Change to the satisfaction of the Director Engineering Services.
  - Upon receipt of a notice from the Department of Environment and Climate Change, Barwon Region in relation to a licence for flood plain works under Part 8 Section 167 (1) (a) of the Water Act 1912, the Director Engineering Services will present a report to Council, if the application does not meet the specific criteria listed in this policy."

## References

- Local Government Act (NSW) 1993.
- Water Act 1912.

## History

Minute Number	Meeting Date	Description of Change
506/2007	August 7, 2007	Adopted
365/2009	July 7, 2009	Reviewed
26/2012	February 21, 2012	Reviewed





210/2013	April 2, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	September 2, 2021	Rebranded



## EXTRACTIVE INDUSTRIES POLICY

<b>Responsible Department:</b>	Planning, Strategy and People
<b>Responsible Section:</b>	Development
<b>Responsible Officer:</b>	Manager Development

### Objective

To ensure outcomes pertinent to the community's economic, environmental, social and civic leadership wellbeing are in harmony with the community's wishes.

To ensure that the mining and extractive industry does not have an unacceptable impact on the environmental attributes, human health and amenity of the area in which the mining and extractive industry is to operate.

To ensure that private and public decisions relating to the mining and extractive industry exploration, development and operation are guided by careful evaluation to avoid adverse impacts to human health.

To ensure quadruple bottom line considerations of environmental, social, economic and civic leadership cumulative impact of mining and extractive industry exploration and development within the Shire of Narrabri are beneficial to the community at large.

To ensure key assets and defining values of cultural heritage, native title, biodiversity, communities, ground water, surface water and prime agricultural land are not compromised from the impact of the mining and extractive industry.

### Introduction

Narrabri Shire Council recognises that the mining and extractive industry exploration and development has the potential to deliver substantial benefits to the Narrabri Shire, the region, the state and the nation during and after the life of the mining and extractive activity, such as:

- Provision of energy;
- Direct and indirect employment leading to;
  - Regional prosperity and wealth creation;
  - Retention of young people and population growth in the shire; and
  - Improved infrastructure.
- Increased local expenditure on goods and services;
- Private sector funding for community development;
- Increased gross regional product;





- Increased gross state and national product; and
- Tax revenue streams to government.

Narrabri Shire Council recognizes that the mining and extractive industries are not sustainable in the long term and that they compete for a wide range of resources including (but not limited to) the natural resources of land, air and water and in particular may:

- Make a significant contribution to greenhouse gas emissions;
- Impact on the natural landscape, with rehabilitation resulting in lower value natural habitat;
- Alter geological structure resulting in land use change;
- Impact on groundwater flows due to subsidence of landform or the interception of aquifers;
- Impact on community health;
- Impact on the availability of affordable housing; and
- Result in other social impacts.

All of which must be assessed as part of the state based (and if applicable commonwealth) planning approval process.

## Policy

### 1. Roles and Responsibilities

1.1 In line with the roles and responsibilities of Narrabri Shire Council on behalf of the local community, the community at large and in line with our obligations to the state and federal governments, the Narrabri Shire Council has a responsibility to:

- Assume a leadership role in negotiating outcomes that provide benefit to our community;
- Acknowledge that the minerals in the Shire belong to the people of NSW and that exploration for minerals, gas and energy resources will continue;
- Ensure that impacts on Narrabri Shire Council infrastructure are adequately compensated for in the immediate and future life of that asset;
- Adopt a position requiring that mining proposals are designed to have no final void;
- Effectively lobby state and federal government to financially support the infrastructure needed to adequately deal with additional local mining and extractive industries;
- Actively encourage and support the local establishment of service industries to the mining and extractive industries operating in our shire;
- Ensure, in regard to the community's environmental assets, that the appropriate oversight body, whether government or private, is engaging effectively and is communicating with Council and that processes are put in place to independently obtain baseline data on air and water quality;
- Demand a 'Nil' effect position in regard to the quality of surface water, domestic, stock and irrigation aquifers used by our community;
- Demand a 'Nil' net effect on above ground environmental assets;
- Ensure Health and Environmental Impact Assessments are conducted for all significant Mining and extractive industries during the approval process;



- Support individual property rights in regards to unwelcome drilling, exploration and/or extraction activities; and
- Support the ten (10) International Council of Mining and Metals (ICMM) principles that are:
  - **Implement and maintain ethical business practices and sound systems of corporate governance;**
    - develop and implement company statements of ethical business principles, and practices that management is committed to enforcing;
    - implement policies and practices that seek to prevent bribery and corruption;
    - comply with or exceed the requirements of host-country laws and regulations;
    - work with governments, industry and other stakeholders to achieve appropriate and effective public policy, laws, regulations and procedures that facilitate the mining, minerals and metals sector's contribution to sustainable development within national sustainable development strategies.
  - **Integrate sustainable development considerations within the corporate decision making process**
    - integrate sustainable development principles into company policies and practices;
    - plan, design, operate and close operations in a manner that enhances sustainable development;
    - implement good practice and innovate to improve social, environmental and economic performance while enhancing shareholder value;
    - encourage customers, business partners and suppliers of goods and services to adopt principles and practices that are comparable to our own provide sustainable development;
    - training to ensure adequate competency at all levels among our own employees and those of contractors
    - support public policies and practices that foster open and competitive markets
  - **Uphold fundamental human rights and respect for cultures, customs and values in dealings with employees and others who are affected by our activities;**
    - ensure fair remuneration and work conditions for all employees and do not use forced, compulsory or child labour;
    - provide for the constructive engagement of employees on matters of mutual concern;
    - implement policies and practices designed to eliminate harassment and unfair discrimination in all aspects of our activities;
    - ensure that all relevant staff, including security personnel, are provided with appropriate cultural and human rights training and guidance;
    - minimize involuntary resettlement, and compensate fairly for adverse effects on the community where they cannot be avoided;
    - respect the culture and heritage of local communities, including Indigenous Peoples.
  - **Implement risk management strategies based on valid data and sound science;**



- consult with interested and affected parties in the identification, assessment and management of all significant social, health, safety, environmental and economic impacts associated with our activities;
  - ensure regular review and updating of risk management systems;
  - inform potentially affected parties of significant risks from mining, minerals and metals operations and of the measures that will be taken to manage the potential risks effectively;
  - develop, maintain and test effective emergency response procedures in collaboration with potentially affected parties.
- **Seek continued improvement of our health and safety performance;**
    - assess the positive and negative, the direct and indirect, and the cumulative environmental impacts of new projects – from exploration through closure;
    - implement an environmental management system focused on continual improvement to review, prevent, mitigate or ameliorate adverse environmental impacts;
    - rehabilitate land disturbed or occupied by operations in accordance with appropriate post-mining land uses;
    - provide for safe storage and disposal of residual wastes and process residues;
    - design and plan all operations so that adequate resources are available to meet the closure requirements of all operations.
  - **Contribute to conservation of biodiversity and integrated approaches to the land use planning;**
    - respect legally designated protected areas;
    - disseminate scientific data on and promote practices and experiences in biodiversity assessment and management;
    - support the development and implementation of scientifically sound, inclusive and transparent procedures for integrated approaches to land use planning, biodiversity, conservation and mining.
  - **Facilitate and encourage responsible product design, use, re-use, recycling and the disposal of our products;**
    - advance understanding of the properties of metals and minerals and their life-cycle effects on human health and the environment;
    - conduct or support research and innovation that promotes the use of products and technologies that are safe and efficient in their use of energy, natural resources and other materials;
    - develop and promote the concept of integrated materials management throughout the metals and minerals value chain;
    - provide regulators and other stakeholders with scientifically sound data and analysis regarding our products and operations as a basis for regulatory decisions
    - support the development of scientifically sound policies, regulations, product standards and material choice decisions that encourage the safe use of mineral and metal products.



- **Contribute to the social, economic and institutional development of the communities in which we operate; and**
  - engage at the earliest practical stage with likely affected parties to discuss and respond to issues and conflicts concerning the management of social impacts;
  - ensure that appropriate systems are in place for ongoing interaction with affected parties, making sure that minorities and other marginalized groups have equitable and culturally appropriate means of engagement;
  - contribute to community development from project development through closure in collaboration with host communities and their representatives;
  - encourage partnerships with governments and non-governmental organizations to ensure that programs (such as community health, education, local business development) are well designed and effectively delivered;
  - enhance social and economic development by seeking opportunities to address poverty.
- **Implement effective and transparent engagement, communication and independently verified reporting arrangements with our stakeholders.**
  - report on our economic, social and environmental performance and contribution to sustainable development;
  - provide information that is timely, accurate and relevant;
  - engage with and respond to stakeholders through open consultation processes.

## History

Minute Number	Meeting Date	Description of Change
932/2013	December 3, 2013	Adopted
164/2017	August 15, 2017	Reviewed
	September 1, 2021	Rebranded





## LAUNDRY STAINED BY RUST IN THE TOWN WATER SUPPLY POLICY

<b>Responsible Department:</b>	Infrastructure Delivery
<b>Responsible Section:</b>	Water Services
<b>Responsible Officer:</b>	Manager Water Services

### Objective

This policy describes Council's position in relation to claims for compensation from residents (or visitors) whose washing is stained as a result of iron deposits that naturally occur in the Shires various town water supplies. This policy applies to all town water users in the Narrabri Shire Council area. Council is to provide current information on the effect of the naturally occurring iron deposits on washing, information on how deal with same on a personal level, information how to make the information widely available.

### Introduction

Iron and manganese are common metallic elements found in the earth's crust. Water percolating through soil and rock can dissolve minerals containing iron and manganese and hold them in solution. Iron and manganese are non-hazardous elements that are a nuisance in a water supply because of the staining properties

Oxidation of dissolved iron particles in water changes the iron to white, then yellow and finally to red-brown solid particles that settle out of the water. These sediments are responsible for the staining properties of water. These precipitates or sediments may be severe enough to block water pipes.

Iron can affect the flavour and colour of food and water. It may react with tannins in coffee, tea and some alcoholic beverages which affects both taste and appearance.

Iron will cause reddish-brown staining of laundry, porcelain, dishes, utensils and even glassware. Soaps and detergents do not remove these stains, and use of chlorine bleach and alkaline builders (such as sodium and carbonate) may intensify the stains.

Iron and manganese deposits will build up in pipelines, reservoirs and filters and this reduces the available quantity and pressure of the water supply. When built up iron deposits and the velocity of water flow reach a critical point, or when work is carried out on pipelines, the iron deposits are disturbed and transported to various outlets.

Source: <http://www.water-research.net/iron.htm#options>



When Iron (rust) stains occur on clothes the following is recommended:

- **Do not dry them in the dryer** before treating the stains. Heat sets the stains and makes them difficult or impossible to remove. *Heat and chlorine bleach make the problem worse;*
- Rewash the clothes immediately in clear water with a heavy duty detergent. If the water in your water system is still discoloured, do re-laundering at another residence where the water is clear, if possible. If this does not work then;
- Launder with a commercial rust remover (such as RoVer®, Rit Rust Remover®, Iron-Out®, Miracle-Rid-Iron®, or Whink® Rust Stain Magic, Pro-Laundry Whitener™). The important ingredient in these products is an acid which is usually either oxalic or hydrofluoric acid (these acids can cause skin or eye irritation, burns, or poisoning). The active ingredients combine with the iron and loosen it from the fabric, then hold it in suspension in the wash water. The compounds are poisonous if ingested. They must be used carefully and according to the manufacturers' instructions. When finished **rinse the clothes thoroughly** as any acid remaining may deteriorate fabrics;
- Commercial rust removers are intended for use only on white or colourfast fabrics. **Test** coloured clothes for colourfastness before attempting to remove rust stains with commercial removers.

Source: <http://ohioline.osu.edu/hyg-fact/5000/5539.html>

Another remedy (not endorsed by Council but provided for information) to treat a load of laundry is:

- Use a five gallon bucket and pour in a gallon of white vinegar with 2-3 gallons of hot water. Add two cups of salt and mix thoroughly. (You'll want to set this bucket of vinegar mix either out in the back yard or in the garage in a well ventilated area because it will smell pretty vinegary!) Then put the clothing in by batches - 4-5 t-shirts, dishtowels with wash cloths - use your own judgment. Just be sure there's enough solution to thoroughly soak all of the stained items;
- Allow the garments or fabrics to "brew" in the vinegar solution overnight. Then drain and launder according to manufacturer's recommendations for the fabrics.

*Note: 1 gallon is approximately equal to 4.5 litres.*

Source: <http://www.mrsclennw.com/tips/removing-rust-stains.html>

## Policy

### 1. Council's Assistance for Damaged Items Due to Iron (Rust) in the Towns Water Supply

#### 1.1. Council will take the following steps to assist residents who have articles of their laundry damaged by iron (rust) in the towns water supply.

- 1.1.1. Provide information in the form of this policy on Council's website.



- 1.1.2. Provide a sufficient quantity of a commercial rust remover (and user instructions) to residents to remove rust stains from clothes. The product will be offered/provided when the resident brings the issue to the attention of Council staff.
- 1.1.3. Residents will be offered one or both of the following:
  - Citric Based Remover;
  - Chemical Based Remover.
- 1.2. Council will not replace any items that are damaged as a result of Rust stains, however where a resident within 100m radius of **planned work** (that involves a shut down to replace or install a water main) is not informed (as defined below) of the planned work, Council will reimburse dry cleaner expenses (up to the limit listed in Council Fees and Charges, \$50 per household at the time of drafting this policy) for any fabric item stained by rusty water, provided:
  - The damage occurred within 24 hours of the commencement of the planned work; and
  - The resident/visitor has first tried the commercial rust removers provided by Council; and
  - The damaged item has been identified by Council staff before it is dry cleaned.

## 2. Informing Residents of Planned Work on a Water Main

- 2.1. Planned work on a water main refers to work to replace or install a water main. It does not refer to work that routinely flushes a water main or repairing a damaged water main, (even if the damage is done whilst Council staff are working adjacent to, or in the vicinity of, a water main, but did not plan to disturb the water main).
- 2.2. When Council staff plans to shut down and replace or install a water main, staff will provide the following information:
  - An estimate of the start and finish times for the shutdown;
  - The details of the person to contact in relation to the shutdown;
  - Advise the resident to flush their line when the water supply is restored until the water becomes clear, preferably opening their front garden tap;
  - Alert the resident to the increased possibility of rust stains in laundry, 24 hours after the restoration of the water supply;
  - Advise the resident that Councils website contains a policy on "Laundry Stained by Rust in the Town Water Supply".
- 2.3. When fifty properties or less, are involved the information will be supplied by a letter box drop. In instances where more than fifty properties are involved the information shall be provided via a public notice in the local paper.

## 3. Flushing a Water Service After a Disturbance (Planned or Otherwise)



- 3.1. Council will not reimburse a resident the cost to flush their line following a disturbance in the line (planned or otherwise) which results in rusty water being delivered to a resident, because of the trivial cost involved (ie approximately 8.75 cents).
- 3.2. The average time a resident will need to flush their lines after a disturbance is about 5 minutes. The average flow of water in the various town water supplies is about 35 litres per minute. This equates to 175 litres needed to flush a house system at 83 cents per kilolitre.

#### 4. Issuing of Commercial Rust Remover

- 4.1. To minimise the inconvenience to a resident the commercial rust remover will be delivered to the resident by a Council employee within 24 hours of the request being made (the product must be received by an adult). All issues of commercial rust removers must be registered on Councils Customer Services Request system. If the commercial rust remover is available in retail stores without a Material Safety Data Sheet (MSDS) being supplied, Council will not supply a MSDS.

#### 5. Reimbursing of Dry-Cleaning Costs

- 5.1. Must be approved by the General Manager or a department Director.

#### References

- Local Government Act (NSW) 1993.

#### History

Minute Number	Meeting Date	Description of Change
680/2007	October 2, 2007	Adopted
714/2009	October 20, 2009	Reviewed
26/2012	February 21, 2012	Reviewed
607/2013	September 3, 2013	Reviewed
165/2017	August 15, 2017	Reviewed
	September 1, 2021	Rebranded



## OPTIC FIBRE INSTALLATION ON COUNCIL LAND POLICY

<b>Responsible Department:</b>	Infrastructure Delivery
<b>Responsible Section:</b>	Design Services
<b>Responsible Officer:</b>	Manager Design Services

### Objective

- To maintain guidelines for the installation of Optic Fibre Cables in Narrabri Shire's road reserves previously set;
- Monitor activities known to Council to assist in their compliance with Council policy;
- Maintain the relevant technical information of Council's website.

### Policy

#### 1. Installation of Optic Fibre Cables

1.1. Narrabri Shire Council is generally opposed to the installation of Optic Fibre Cables in the Shire's road reserves. The reason being that cables are difficult to detect and relocate and thus can significantly hinder the future development of Council's infrastructure.

**1.2. There are however some sites that are more critical than others. Where the General Manager (or delegate) determines that the installation of an Optic Fibre Cable will not be detrimental to the development of the Shires Assets, conditional approval can be given, by the General Manager, for the installation as follows:**

1.1.1. The depth of the cable must be a minimum of 1.2m below the existing table drain;

1.1.2. Where it is intended that the cable will cross a sealed road or watercourse the cable shall be under bored and laid within a conduit;

1.1.3. The cable must be parallel to the current road centreline (+/-500mm) and as close as possible to the property boundary or current edge of heavy vegetation line;

1.1.4. Indicator tape must be placed above the cable to the satisfaction of the General Manager;

1.1.5. No work is to be conducted on site without a Council representative to verify the cables installation  
**This requirement may be waived by the General Manager if the alignment of the optic fibre is greater than 25m from the centre of the road and it is deemed that the installation of the optic**



**fibre will not compromise any road realignment works that Council may wish to undertake as a part of its future works programmes;**

1.1.6. The contractor is to prepare a Project Plan (authorised by a suitably qualified engineer) addressing Quality, Environmental and Safety (including Traffic) issues, and this plan is to be approved by the General Manager before commencement of works;

1.1.7. That a works-as-executed plan showing the horizontal and vertical location of the cables be lodged with Council;

1.1.8. The contractor is to reimburse Council's supervision costs.

1.3. Variations to this conditional approval must be resolved at a meeting of the Council.

## History

Minute Number	Meeting Date	Description of Change
639/2005	September 20, 2005	Adopted
46/2007	July 3, 2007	Reviewed
366/2009	July 7, 2009	Reviewed
26/2012	February 21, 2012	Reviewed
210/2013	April 2, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	August 31, 2021	Rebranded

**1 CONFIDENTIAL (CLOSED COUNCIL) MEETING****RECOMMENDATION**

That Council move into Closed (Public Excluded) Meeting of Council and that the press and members of the public be asked to leave the room whilst Council considers the following items:

**1.1 Inland Rail Narromine to Narrabri (N2N) Section - Draft Master Inland Rail Development Agreement (MIRDA) and Proposed Utility Service Relocation Works**

This matter is considered to be confidential under Section 10A(2) - (d)(i) and (f) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

**1.2 Northern NSW Inland Port (N2IP) - Draft Funding Deed**

This matter is considered to be confidential under Section 10A(2) - (c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**RECOMMENDATION**

That Council move out of Closed (Public Excluded) Meeting and that the resolutions from the Closed (Public Excluded) Meeting be read out to those present by the General Manager or their nominee.