



Policy Register

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1.0 Policies – Procedure for Consideration and Adoption

POLICY TITLE: POLICIES – PROCEDURE FOR CONSIDERATION AND ADOPTION

FILE REF: SC67

REVIEW DATE: MARCH 2026

OBJECTIVES

To provide a process for the identification, development and review of appropriate policies and procedures that facilitates an effective governance and control environment.

Australian Standard AS 8000-2003 on Good Governance Principles states that *“The governance requirements created by the entity’s operations need to be identified, managed and where necessary policies and procedures established”*.

POLICY STATEMENT

Any policy proposal shall, as near as it is practicable to do, be committed to the standard format of the Council’s Policy Register before being submitted for formal consideration of the Council.

IDENTIFICATION OF POLICY NEEDS

Policy needs will continue to be identified by the Council, management, and staff as well as any internal and external audit activities.

DEVELOPMENT AND ISSUE OF POLICIES

- (i) The development of new and amended policies is the responsibility of the General Manager in conjunction with the Management Executive.
- (ii) Any new or amended Policies that, in the Council’s opinion, may impact on residents and ratepayers and/or on the provision of services to the community, are to be placed on public exhibition for a period of not less than 28 days, and any submissions received will be considered by Council prior to adoption of the Policy.
- (iii) Sub-section (iv) will also apply to any Policies required by legislation to be placed on public exhibition prior to adoption e.g. Payment of Expenses and Provision of Facilities to the Mayor and Councillors.

DISSEMINATION OF COUNCIL POLICIES AND STAFF AWARENESS

- (iv) Subject to adoption by the Council, new and amended policies are to be disseminated to all staff and incorporated into the Policy Manual.
- (v) A current and up to date Policy Manual is to be maintained and be accessible to all staff.
- (vi) A copy of the Policy Manual will also made available on the Council’s Website.

POLICY UPDATE AND REVIEW PROCESS

- (vii) In order to ensure that policies remain relevant a program of ongoing review of policies not later than every three years will be developed and maintained.
- (viii) Individual policies will be reviewed and amended in advance of the scheduled review date when circumstances warrant. This may be prompted by factors such as a change in legislation, a change in government policy or as a result of a need identified by the Council, management and staff or internal and external audit activities.
- (ix) The General Manager is authorised to update those Policies that require only minor amendments that do not alter the substance or intent of the Policy. Some Policies for example only need a position title or the name of an Act referenced in the document to be updated.
- (x) Those Policies that require more significant changes will be subject to a separate report to Council.

*Confirmed by Council 20 March 2023
Refer minute 47/23*

*Adopted by Council 16 March 2020
Refer minute 49/20*

1.0 Policies – Procedure for Consideration and Adoption (cont'd)

*Adopted by Council 20 March 2017
Refer minute 54/17*

*Adopted by Council 17 August 2009
Refer minute 283/09*

*Adopted by Council – 19 April 2004
Refer Minute No. 24056*

*Adopted by Council – 15 May 2000
Refer Minute No. 22204*

1.1 Payment of Councillors and Mayoral Fees, Expenses & Facilities

POLICY TITLE:	PAYMENT OF COUNCILLORS AND MAYORAL FEES, EXPENSES & FACILITIES
FILE REF:	SC67
EXPIRY DATE:	WITHIN 12 MONTHS AFTER THE COMMENCEMENT OF THE NEXT TERM OF COUNCIL

PART 1 – PURPOSE OF THE POLICY

The purpose of this policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by the Mayor and Councillors. The policy also ensures that the facilities provided to assist the Mayor and Councillors to carry out their civic duties are reasonable. Reference in this policy to the Mayor and Councillors includes Administrators.

DEFINITIONS

Definitions in this policy are as follows:

- “Accompanying person” shall mean spouse, partner or accompanying person.
- “Act” shall mean the Local Government Act 1993 (as amended).
- “Conference” shall mean any conference, seminar, congress, forum, workshop, course, meeting, deputation, information and training session or events related to the industry of local government and held within Australia.
- “Policy” shall mean “Policy 1.1 Payment Councillors and Mayoral Fees, Expenses and Facilities”.
- “Regulation” shall mean the Local Government (General) Regulation 2021.

OBJECTIVES AND COVERAGE OF THE POLICY

- (i) to provide for the fair and equitable payment and re-imburement of certain expenses not considered to be included in the annual fees payable to the Mayor and Councillors, where such expenses are incurred by the Mayor and Councillors in discharging the functions of civic office;
- (ii) to provide adequate facilities for use by the Mayor and Councillors to enable them to discharge the functions of civic office; and
- (iii) this Policy is separate to the payment of Annual Fees to the Mayor and Councillors.

MAKING AND ADOPTION OF THE POLICY

This policy is made and adopted in accordance with the requirements of the Act, Chapter 9, Part 2, Division 5, Sections 252-254A.

Section 217 of the Local Government (General) Regulation 2021 requires the Council to include in its Annual Report:

- a) Details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons while representing the council (including visits sponsored by other organisations),
- b) Details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:
 - (i) The provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors’ homes (including equipment and line rental costs and internet access costs but not including call costs),
 - (ii) Telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors’ homes,
 - (iii) The attendance of councillors at conferences and seminars,
 - (iv) The training of councillors and the provision of skill development for councillors,
 - (v) Interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
 - (vi) Overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,

1.1 Payment of Expenses and Provision of Facilities to the Mayor and Councillors (cont'd)

- (vii) The expenses of any spouse, partner (whether of the same or opposite sex) or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW* prepared by the Office of Local Government from time to time,
- (viii) Expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions.

LEGISLATIVE PROVISIONS

This policy is made under Sections 252 to 254A of the Act, which requires that the Council must annually adopt such a policy.

OTHER GOVERNMENT POLICY PROVISIONS RELATED TO THIS POLICY

- Department of Local Government Guidelines for payment of expenses and provision of facilities.
- Model Code of Conduct.
- Office of Local Government Circulars to Councils.
- ICAC Publications.

APPROVAL ARRANGEMENTS

All approvals under this Policy shall be made by the General Manager or, in extenuating circumstances, jointly by the Mayor or Deputy Mayor and the General Manager.

PART 2 – PAYMENT OF EXPENSES

ANNUAL FEES – MAYOR, DEPUTY MAYOR AND COUNCILLORS

2.1 Fees Payable to Councillors

That the Council shall, prior to 30 June each year, set by resolution the annual fees to be paid, monthly in arrears, to a Councillor for the following year commencing 1 July, provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal. Such payment shall be subject to Section 254A of the Local Government Act and any specific resolution of the Council under Section 254A.

2.2 Fees payable to the Mayor

The Council shall, prior to 30 June each year, set by resolution the annual fee to be paid to the Mayor for the following year commencing 1 July provided that such fee shall be within the range for the council determined annually by the Local Government Remuneration Tribunal.

2.3 Fees payable to the Deputy Mayor

The Deputy Mayor shall be paid a daily pro-rata fee equivalent to the daily Mayoral fee calculated under Clause 2.2, for the periods of time when the Mayor advises that he/she is prevented by absence, illness or otherwise from acting in, or when the Mayor requests the Deputy to act in, the office of the Mayor. The amount of the fee so paid to the Deputy Mayor shall be deducted from the Mayor's annual fee.

2.4 No deduction under this Policy from fees

Unless otherwise provided, the payment of, or reimbursement of, expenses and the facilities which may be provided under this Policy, shall be provided without reduction from the annual fees payable to the Mayor and Councillors, as determined by the Council under 2.1, 2.2 or 2.3 above.

PAYMENT OF EXPENSES GENERALLY

2.5 Fees to Administrators

This will be determined by the Minister for Local Government.

2.6 Allowances and expenses

No allowances other than those expressly contained in this policy are payable to the Mayor or Councillors.

2.7 Reimbursement and reconciliation of expenses

- a) All reimbursements are subject to the provision of receipts and are on a per Councillor basis.
- b) Advanced payment must be reconciled by the Councillor and acquitted for by receipts or refund.

1.1 Payment of Expenses and Provision of Facilities to the Mayor and Councillors (cont'd)

- c) In the event of any dispute regarding the payment of expenses or use of facilities, the matter will be referred to the Mayor or Deputy Mayor and General Manager for resolution.
- d) Council will not reimburse any expenses incurred by Councillors attending political fund-raising functions.
- e) Council will not reimburse expenses of a general nature – expenses must be ancillary to Councillors performing their functions as a Councillor.
- f) If a Councillor wishes to provide a gift or benefit to some person/s such will be provided by the individual Councillor and not reimbursed by the Council.

ESTABLISHMENT OF MONETARY LIMITS AND STANDARDS

Monetary limits or standards of facilities are specified in this policy.

Spouse, partner and accompanying persons' expenses

2.8 The Council shall meet the following costs of an accompanying person:

- a) Local Government NSW Annual Conferences
The costs of registration and any official conference dinners of the Mayor's or Councillor's accompanying person in attending the annual conference of Local Government NSW, but excluding any travel expenses, additional accommodation expenses and any optional personal tours which shall be the personal responsibility of the individual Councillor.
- b) Official Council Functions within Lockhart Shire Council area
Costs incurred by the Mayor or a Councillor on behalf of, or by, an accompanying person in attending official Council functions of a formal and ceremonial nature within the Lockhart local government area, such as Australia Day Awards ceremonies, Citizenship ceremonies, Mayoral receptions and charitable functions formally supported by the Council.
- c) Official Local Government Functions outside the area
Expenses associated with the attendance of the accompanying person of the Mayor or of a Councillor when they are representing the Mayor in attending an official function of the Council or carrying out official ceremonial duties, whilst accompanying the Mayor outside the Lockhart local government area, but within New South Wales.

2.9 Other Conferences

- a) Where the Mayor or Councillor is accompanied at a conference, other than the Local Government NSW annual conference, and any other conferences under 2.8 above, all costs for, or incurred by, the accompanying person, including travel, any additional accommodation costs, breakfast, meals, registration and/or participation in any conference programs, are to be borne by the Mayor, Councillor or accompanying person and not by the Council.
- b) Accompanying person's registration or accompanying person's program fees are to be paid to the conference organiser, etc. and paid at the time of registration.
- c) Where the Council meets, on account, any expenditure or cost on behalf of an accompanying person attending a conference, such expenditure must be repaid to the Council by the Mayor or Councillor/accompanying person, within 14 days of being invoiced for such expenditure.

SPECIFIC EXPENSES FOR MAYOR AND COUNCILLORS

Conferences and Training Courses held in Australia

The Mayor and Councillors may be nominated and authorised to attend conferences and training courses by:

- a) the Council, through resolution duly passed in each open session at a Council meeting;
- b) the Mayor or Deputy Mayor and General Manager jointly, in the event of extenuating circumstances; or
- c) the Mayor or Deputy Mayor and General Manager jointly, where such conference is for one day or less, or does not involve an overnight stay.
- d) in accordance with the Council's Training and Professional Development for Councillors programme.

Council is mindful of the need to provide continuous training and development to Councillors and will continue to provide in its Annual Budget sufficient funds to allow Councillors to attend Training and Development courses. The attendances at these courses will be authorised in accordance with the requirements of this Policy.

2.10 Substitute Attendee

By the adoption of this Policy authority is hereby delegated to the Mayor or Deputy Mayor and General Manager jointly to nominate and authorise a substitute Councillor to attend any conference in lieu of the Mayor or a nominated and authorised Councillor.

1.1 Payment of Expenses and Provision of Facilities to the Mayor and Councillors (cont'd)

What Conferences may be Attended

The conferences to which this Policy applies shall generally be confined to:

- Local Government NSW (LGNSW), Local Government Women's Association (LGWA), and Australian Local Government Association (ALGA) conferences, NSW Public Libraries Conference and other special "one-off" conferences called for or sponsored by any of those Associations;
- Annual conferences of the major professions in Local Government;
- Regional Organisation of Councils conferences and Joint Organisation of Councils conferences;
- Conferences which further training and development efforts of the Council and of Councillors, or which relate to or impact upon the Council's functions; and
- Conferences or meetings of organisations or bodies to which a Councillor has been elected or appointed as a delegate or member of the Council.

PART 3 – CONFERENCE COSTS

The Council shall pay or reimburse the Mayor or a Councillor:

3.1 Registration

All normal registration costs, including costs relating to official luncheons, dinners and tours/inspections which are relevant to the interests of the Council.

3.2 Accommodation

Accommodation costs including the night before and/or after the conference where that is necessary due to travel and/or conference timetables. Council will normally meet the cost of accommodation by a Council order or credit card. However, if a Councillor meets this cost, reimbursement will be made on the production of receipts.

3.3 Travel

- a) All reasonable travel costs to and from the conference location and venue by aircraft or suitable Council vehicle, or if they are not available or if it is more convenient, by the use of a private vehicle.
- b) Where travel is by motor vehicle it should be undertaken by Council vehicle or by private vehicle subject to prior approval jointly by the Mayor or Deputy Mayor and General Manager.
- c) Where private vehicle is used under (b) above, the Mayor or Councillor may claim the "kilometre" allowance at the date of travel as per the Local Government (State) Award.
- d) Hire cars, taxi fares and parking costs are reasonably required in attending conferences.

3.4 Out-of-pocket Expenses

Out-of-pocket expenses to the value of \$100 per day associated with the attendance at a conference upon presentation of a claim and receipts for the following:

- a) Any hotel/motel charges associated with the conference other than accommodation;
- b) All telephone or facsimile calls related to Council business;
- c) Reasonable lunches, dinners and other meals incurred whilst travelling to or from the conference and other meals occurring during the conference but not included in the conference registration fee;
- d) Incidental expenses, e.g. parking, taxi fares, motorway or bridge tolls; and
- e) Any optional activity in a conference program but excluding any pre- or post-conference activities.

In extenuating circumstances the Mayor or Deputy Mayor and General Manager may approve additional out-of-pocket expenses associated with attending a conference on Council's behalf.

3.5 Travel Bonus and Loyalty Points Schemes

The Mayor and Councillors shall not be entitled to claim travel bonus or other loyalty points relating to air travel or other expenses incurred by them. The Mayor or Councillor must surrender any bonus or points to the airline or service provider before reimbursement of the expense by Council.

3.6 Conference Costs – Payment in Advance

- a) The Council will normally pay registration fees, accommodation costs and airline tickets direct to conference organisers/ travel agents in advance. Where this is not possible a cash advance equivalent thereto may be paid in advance to the attendee for payment to the appropriate party.
- b) Any cash advance must be properly accounted for and reconciled with receipts on the prescribed voucher form within one (1) month after such conference.

1.1 Payment of Expenses and Provision of Facilities to the Mayor and Councillors (cont'd)

LOCAL TRAVEL COSTS – WITHIN LOCKHART LOCAL GOVERNMENT AREA

If available, a suitable vehicle or vehicles will be provided by the Council for use on official duties connected with the office of Councillor.

3.7 Use of Private Vehicles by Councillors

A Councillor who elects to use a registered, private vehicle may claim a kilometre allowance in accordance with the Local Government (State) Award for use of a private vehicle when used to attend a conference and official engagements and functions where the Councillor has been authorised by the Council to do so or is deputising for the Mayor.

TRAVEL COSTS OUTSIDE OF LOCKHART LOCAL GOVERNMENT AREA – USE OF MAYOR'S AND COUNCILLORS' PRIVATE VEHICLES

The Mayor, or a Councillor, who elects to use a registered private vehicle may claim a kilometre allowance for use of private vehicles when used by the most direct route to travel between their place of residence within Lockhart local government area, and return, to:

- a) Attend any conference as defined in the Policy held outside the Lockhart local government area and return, where use of the private vehicle is authorised by the Mayor or Deputy Mayor and General Manager.
- b) Kilometre rates for use of a private vehicle under this Policy will be paid at the rate set by the Local Government (State) Award, as at the date of travel. Such rate shall be deemed to cover and include any claims for accidental damage or repairs to a vehicle and any loss of no claim bonus and any excess not covered by insurance.
- c) Payment is subject to a claim on the prescribed claim form being lodged by the Mayor or Councillor, and made no later than three (3) months after the travel occurred. Claims lodged for travel occurring more than three (3) months before the claim is lodged shall not be paid.
- d) The driver will be responsible for any traffic or parking fines while travelling in a private or Council vehicle when on Council business.

PART 4 – CARE AND OTHER RELATED EXPENSES

4.1 Child and carers costs – Councillors

- a) Council will reimburse the Councillor's cost to a maximum of \$80 to cover a four (4) hour engagement of a "baby-sitter" or carer where required to allow the Councillor to attend any Council, Standing Committee, Advisory Committee Meeting or a Council workshop (as defined in the Code of Meeting Practice).
- b) The four (4) hours period shall include the period of 30 minutes prior to and after the conclusion of the meeting or workshop.
- c) An additional hourly rate of up to \$15 per hour will be paid for meetings and workshops that go beyond the 4 hours engagement period referred to above.
- d) Reimbursement claims under this clause must be supported by receipts.

PART 5 - INSURANCE EXPENSES AND OBLIGATIONS – MAYOR AND COUNCILLORS

The Mayor and Councillors may receive the benefit of insurance cover to the limit specified in Council's insurance policies for the following:

5.1 Personal Accident

Personal accident and sickness whilst the insured person is engaged in or on any activity directly or indirectly connected with or on behalf of the Council including whilst travelling directly to and from such activity. Personal accident insurance also provides specified benefits for lost income arising from total disablement and partial disablement. The Policy also provides limited cover for a Councillor's accompanying partner/spouse. The cover does not include medical expenses.

5.2 Councillors' and Officers' Liability (Including Employment Practices Liability)

Applies to cover expenses incurred by Councillors in respect of claims made against them for any alleged wrongful acts arising out of their official capacities (but excludes cover for statutory penalties).

5.3 Statutory Liability

Applies to cover penalty and defence costs payable by Councillors to any regulatory authority pursuant to any Act for a (not deliberate) wrongful statutory breach, whilst acting within the scope of their duty.

5.4 Property - Personal Effects - Council Premises

Councillors are covered for limited loss or damage of personal effects stored on Council's premises subject to the terms and exclusions of the Council's Property Policy and an excess to be paid by Council.

1.1 Payment of Expenses and Provision of Facilities to the Mayor and Councillors (cont'd)

- 5.5 Commercial Motor Vehicles Policy - Personal Property; Travelling
Councillors are provided with limited cover for personal property and private baggage, whilst travelling on authorised Council business. A number of restrictions and sub-limits apply.
- 5.6 Indemnity of each insured person(s) (Mayor/Councillors) for all costs, charges, expenses and defence costs but excluding fines and penalties incurred in relation to any prosecution (criminal or otherwise) of any insured person(s), attendance by any insured person(s) at any official investigation, examination, inquiry or other proceedings ordered or commissioned during the period of insurance by any official body or institution that is empowered to investigate the affairs of the Council by reason of any wrongful act wherever or whenever committed or allegedly committed by the insured person(s) in their capacity as insured person(s), but subject to any limitations or conditions set out in the policy of insurance which is, at the direction of the Council.
- 5.7 Legal assistance for Mayors and Councillors
- a) Legal Assistance for Mayor and Councillors. Subject to 5.7 b)(III) below, legal assistance will be provided to the Mayor and Councillors in the event of an enquiry, investigation or hearing, into the conduct of a Councillor by:
- The Independent Commission Against Corruption.
 - The Office of the Ombudsman.
 - The Department of Local Government.
 - The Police.
 - The Director of Public Prosecutions.
 - The Local Government Pecuniary Interest Tribunal
 - Conduct Review Committee/Reviewer
- b) Subject to 5.7 b)(III) below
- (i) Legal assistance will be provided to the Mayor and Councillors in respect of legal proceedings being taken by or against them arising out of or in connection with the Mayor and Councillor's performance of their civic duties or exercise of their functions as a Mayor or Councillor.
- (ii) Council by resolution may reimburse the Mayor and such Councillor after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis.
- (iii) Legal assistance and reimbursement as specified above will only be provided upon resolution of the Council and subject to the following conditions:
- The amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Mayor or Councillor on any basis and
 - The enquiry, investigation, hearing or proceeding results in a finding substantially in favour of the Mayor or Councillor and
 - The amount of such reimbursement is limited to the equivalent of the fees being charged by the Councillors' Solicitors.

PART 6 - ADDITIONAL MAYORAL EXPENSES

The Mayor shall be entitled to receive the benefit of the following facilities, and payment of and reimbursement of expenses:

- 6.1 Transport
- a) (i) The Mayor will not be provided with a Mayoral vehicle. In the event of the Mayor requiring a vehicle to attend to his civic duties on request to the General Manager, the General Manager will provide a Council owned vehicle to the Mayor for this purpose.
- (ii) Car Allowance – where the Mayor elects to provide his/her own vehicle for any functions related to the Office of Mayor for the Mayoral term, he/she is entitled to claim payment of a car allowance in accordance with the Local Government (State) Award.
- b) Where the Deputy Mayor, at any time, is required to act in the Office of Mayor, the provisions of Part 6.1 apply.
- 6.3 Secretarial Services including typing, photocopying, printing, postage, facsimile, computer and telephone facilities.
- 6.4 Administrative assistance associated with any Council functions, meetings, publications and the like.
- 6.5 Office, Council and Standing Committee meetings, and Civic and Mayoral Reception refreshments.
- 6.6 Entrance costs and complimentary tickets including that of an accompanying person for official functions where the Mayor has been invited to that function in his/her capacity as Mayor.
- 6.7 Home telephone rental and all Council related telephone costs subject to submission of appropriate documentation.

1.1 Payment of Expenses and Provision of Facilities to the Mayor and Councillors (cont'd)

PART 7 - PROVISION OF FACILITIES

Councillors are entitled to payment of expenses or re-imbusement of the following expenses, and to receive the benefit of the following facilities generally:

- 7.1 Reasonable refreshments associated with Council and Council Committee meetings, workshops and meetings with the Mayor or Councillors with Parliamentary representatives, visiting dignitaries and other delegations.
- 7.2 Stationery comprising business cards, writing pads and pens, name badges etc.
- 7.3 An iPad or tablet with internet access.
- 7.4 A corporate sports coat and corporate polo shirt during the term of the Council.
- 7.5 Secretarial services to facilitate the discharge of functions of civic office.
- 7.6 Entrance cost and complimentary tickets including that of an accompanying person for official functions (where invited as a Councillor).
- 7.7 Meals and Refreshments including meals on evenings of Council meetings and official dinners, light refreshment at committee and working party meetings.

PART 8 - PROVISION OF EQUIPMENT AND FACILITIES FOR MAYOR AND COUNCILLORS

- 8.1 No other equipment and facilities will be made available to the Mayor and Councillors apart from what is contained in this policy.

PART 9 - OTHER MATTERS

ACQUISITION AND RETURN OF FACILITIES AND EQUIPMENT BY COUNCILLORS

All equipment provided to Councillors under this policy shall remain the property of the Council and be returned in good order to the Council upon the Mayor or Councillor ceasing to hold civic office.

STATUS OF THE POLICY

*Confirmed by Council – 19 April 2022
Refer Minute No. 82/22*

*Confirmed by Council – 19 December 2016
Refer Minute No. 351/16*

*Confirmed by Council – 17 August 2015
Refer Minute No. 196/15*

*Confirmed by Council - 18 August 2014
Refer Minute No. 228/14*

*Reviewed by Council - 17 June 2014
Refer Minute No. 154/14*

*Confirmed by Council – 17 February 2014
Refer Minute No. 23/14*

*Reviewed by Council – 18 November 2013
Refer Minute No. 357/13*

*Confirmed by Council 19 November 2012
Refer Minute No. 415/12*

1.2 Media

POLICY TITLE: MEDIA
FILE REF: SC300; SC67
EXPIRY DATE: OCTOBER 2026

OBJECTIVE

This Policy sets out the roles and responsibilities of elected members and staff in relation to responding to media enquiries.

GENERAL PRINCIPLES

The Policy applies to:

- Elected members and staff
- All forms of media (print, verbal, electronic, social, etc.)
- All times of day (24 hours a day, seven days a week)

For the purposes of this Policy, media contact includes:

- Providing information via media releases or statements
- Letters to the editor
- Responding to media enquiries over the phone and via email
- Interviews or briefings
- Disclosing information to the media
- Comments on talkback radio
- Addressing a seminar, conference or community group where the media are present
- Media activities for events, reports and launches

In its dealings with the media the Council will endeavour to:

- Be a reliable source of information.
- Never provide false information.
- Be as co-operative as possible.
- Be available.
- Check second hand sources of “facts” or opinions for accuracy before repeating.
- Provide up to date information.
- Always give a direct and honest answer.
- Respond promptly.

POLICY STATEMENT

The Mayor is the official spokesperson for Council and is to be available to receive requests and provide appropriate background and follow up to the media.

The Mayor may handle media inquiries directly and where required seek input from Councillors and Council officers. 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.

When engaging with the media councillors:

- must not purport to speak for the Council unless authorised to do so.
- 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).

1.2 Media (cont'd)

- must uphold and accurately represent the policies and decisions of the Council”.

Councillors must carefully identify the role in which they speak.

As members of the community, Council staff have a right to enter into public debate in their private capacity. However, Council staff must clearly indicate that the views expressed are their own and must not give the impression that their comments are made on behalf of Council.

The General Manager may handle media inquiries directly and where required seek input from the Mayor, Councillors and Council officers.

Directors may handle media enquiries relating to matters within their area of responsibility.

When the Mayor, Councillors, General Manager or Directors are speaking in an official capacity “for the Council” and not expressing a personal view, they must express and support Council’s entire policy on the issue at hand.

*Adopted by Council 16 October 2023
Refer minute 188/23*

*Adopted by Council 19 October 2020
Refer minute 216/20*

1.3 Rescinded – Public Interest Disclosures

1.4 Code of Conduct

POLICY TITLE: CODE OF CONDUCT

FILE REF: I05-005

REVIEW DATE: SEPTEMBER 2023

OBJECTIVE

To define in accordance with the Local Government Act 1993, a code of conduct to be observed by Councillors, members of staff and delegates of the Council.

POLICY STATEMENT

To assist Councillors, members of staff and delegates:

- to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence;
- to provide a practical means of identifying and resolving situations which involve conflict of interest or improper use of their positions; and
- to act in a way which enhances public confidence in the system of local government.

The Council formally adopts the [Model Code of Conduct](#) and the Procedures for the Administration of the Model Code of Conduct prescribed by the Local Government (General) Regulation on 7 August 2020.

In accordance with Policy 1.7 Fraud Control Policy and the Fraud Control Action Plan:

- The General Manager is responsible for arranging organisation wide training on the Code of Conduct on a regular basis;
- New employees are required to 'sign-off' on the Code of Conduct upon commencement and following the induction process; and
- Existing employees are required to "sign-off" on the Code of Conduct on an annual basis.

*Adopted by Council, 19 April 2022
Refer minute 79/22*

*Adopted by Council, 21 September 2020
Refer minute 193/20*

*Adopted by Council 4 February 2019
Refer minute 22/19*

*Adopted by Council 20 March 2017
Refer minute 55/17*

*Adopted by Council 17 August 2009
Refer minute 283/09*

*Council formally adopted the June 2008 Model Code of Conduct issued by the Department of Local Government at its meeting on 21 July 2008
Refer Minute 210/08*

1.5 Privacy Management Plan

POLICY TITLE: PRIVACY PLAN

FILE REF: SC67

REVIEW DATE: MAY 2026

OBJECTIVES

- a) To comply with Section 33 of the Privacy and Personal Information Protection Act 1998, which requires all Councils to prepare a Privacy Management Plan, and
- b) To enable the Council to fulfill its statutory functions and responsibilities under the Local Government Act 1993 in a manner that seeks to comply with the Privacy and Personal Information Protection Act 1998 (PPIPA).

POLICY STATEMENT

That the Model Privacy Management Plan for Local Government – January 2013, and The Privacy Code of Practice for Local Government – December 2019 are adopted for purposes of Council operations.

*Adopted by Council 15 May 2023
Refer Minute No. 79/23*

*Adopted by Council 15 June 2020
Refer Minute No. 115/20*

*Adopted by Council 19 June 2017
Refer Minute No. 146/17*

*Confirmed by Council 17 August 2009
Refer Minute No. 283/09*

*Adopted by Council – 15 April 2002
Refer Minute No. 23077*

1.6 Statement of Business Ethics

POLICY TITLE: STATEMENT OF BUSINESS ETHICS

FILE REF: SC67

EXPIRY DATE: MARCH 2026

FOREWORD

This statement provides guidance for the private sector when doing business with Lockhart Shire Council.

It outlines Lockhart Shire Council's ethical standards and our expectation that goods and service providers and contractors will comply with these standards in all their dealings with us. The Statement also outlines what goods and service providers and contractors can expect of Lockhart Shire Council.

The protection of the public interest and the prevention of breaches of public trust are among Lockhart Shire Council's primary concerns.

Lockhart Shire Council aims to promote integrity, ethical conduct and accountability.

Lockhart Shire Council's procurement policies and business ethics are designed to be consistent with State Government policy.

Lockhart Shire Council staff are expected to maintain high standards of integrity and ethical conduct, consistent with the positions of trust they hold, and Lockhart Shire Council expects no less of the service providers and contractors that undertake work for Council.

This Statement is designed to ensure that business relationships between Lockhart Shire Council and private sector service providers and contractors are fair and productive for all.

OUR KEY BUSINESS PRINCIPLES

The principle of best value for money is at the core of all Lockhart Shire Council's business relationships with private sector suppliers of goods and services.

Best value for money does not automatically mean the lowest price. Rather, Lockhart Shire Council will balance all relevant factors including initial cost, whole-of-life costs, quality, reliability and timeliness in determining true value for money.

Part of obtaining best value also includes ensuring all our business relationships are honest, ethical, fair and consistent.

Our business dealings will be transparent and open to public scrutiny wherever possible.

WHAT YOU CAN EXPECT FROM US

Lockhart Shire Council will ensure that all its policies, procedures and practices related to tendering, contracting and the purchase of goods or services are consistent with best practice and the highest standards of ethical conduct.

Our staff are bound by the Council's Code of Conduct. When doing business with the private sector, Lockhart Shire Council staff are accountable for their actions and are expected to:

- Use public resources effectively and efficiently.
- Deal fairly, honestly and ethically with all individuals and organisations.
- Avoid any conflicts of interest (whether real or perceived).

In addition, all Lockhart Shire Council procurement activities are guided by the following core business principles:

- All potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to submit bids.
- All procurement activities and decisions will be fully and clearly documented to provide an effective audit trail and to allow for effective performance review of contracts.
- Energy efficient equipment, products containing recycled materials and environmentally friendly products will be purchased wherever reasonably possible.
- Tenders will not be called unless Lockhart Shire Council has a firm intention to proceed to contract.
- Lockhart Shire Council will not disclose confidential or proprietary information.

1.6 Statement of Business Ethics (cont'd)

WHAT WE ASK OF YOU

We require all private sector providers of goods and services to observe the following principles when doing business with Lockhart Shire Council:

- Comply with Lockhart Shire Council's procurement policies and procedures.
- Provide accurate and reliable advice and information when required.
- Declare actual or perceived conflicts of interest as soon as you become aware of the conflict.
- Act ethically, fairly and honestly in all dealings with Council.
- Take all reasonable measures to prevent the disclosure of confidential Lockhart Shire Council information.
- Refrain from engaging in any form of collusive practice, including offering Lockhart Shire Council employees inducements or incentives designed to improperly influence the conduct of their duties.
- Refrain from discussing Lockhart Shire Council business or information in the media.
- Assist Lockhart Shire Council to prevent unethical practices in our business relationships.

WHY IS COMPLIANCE IMPORTANT?

By complying with our Statement of Business Ethics, you will be able to advance your business objectives and interests in a fair and ethical manner. As all Lockhart Shire Council suppliers of goods and services are required to comply with this statement, compliance will not disadvantage you in any way.

Complying with Lockhart Shire Council's principles will also prepare your business for dealing with the ethical requirements of other public sector agencies, should you choose to do business with them.

You should also be aware of the consequences of not complying with Lockhart Shire Council's ethical requirements when doing business with Council. Demonstrated corrupt or unethical conduct could lead to:

- Termination of contracts.
- Loss of future work.
- Loss of reputation.
- Matters being referred to ICAC.
- Matters being referred for criminal investigation.

GUIDANCE NOTES

Gift and benefits

In general, Lockhart Shire Council expects its staff to decline gifts, benefits, travel or hospitality offered during the course of their work.

You should refrain from offering any such 'incentives' to Lockhart Shire Council staff.

Lockhart Shire Council only permits its staff to accept gifts if:

- It does not create a situation, real or perceived, that any person or body, through the provision of a gift, hospitality or benefits of any kind, is securing or attempting to influence or secure a favour from staff or the Council.
- Gifts are token and of nominal value.
- Refusing a gift is likely to be perceived as rude or offensive.

Gifts and benefits Register

- Council will maintain a Gifts and Benefits Register.
- Where a gift or benefit of more than token value is received in circumstances where it cannot reasonably be refused or returned, the details of the gift must be disclosed to your supervisor, General Manager or the Mayor (in the case of councillors) and recorded in the Gifts and Benefits Register held by Council. The gift or benefit must be surrendered to the Council unless the nature of the gift or benefit makes this impractical.

CONFLICTS OF INTEREST

All Lockhart Shire Council staff are required to disclose any potential conflicts of interest. The Lockhart Shire Council extends this requirement to all our business partners, contractors and suppliers.

1.6 Statement of Business Ethics (cont'd)

Confidentiality

All Lockhart Shire Council information should be treated as confidential unless otherwise indicated.

Communication between parties

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.

USE OF LOCKHART SHIRE COUNCIL EQUIPMENT, RESOURCES AND INFORMATION

All Lockhart Shire Council equipment, resources and information should only be used for its proper official purpose.

Contracting employees

All contracted and sub-contracted employees are expected to comply with Lockhart Shire Council's Statement of Business Ethics. If you employ sub-contractors in your work for Lockhart Shire Council, you must make them aware of this Statement.

INTELLECTUAL PROPERTY RIGHTS

In business relationships with Lockhart Shire Council, parties will respect each other's intellectual property and will formally negotiate any access, license or use of intellectual property.

WHO TO CONTACT

If you have any questions regarding this Statement or to provide information about suspected corrupt conduct, please contact Lockhart Shire Council directly by letter, phone, fax or email at the contact details provided.

Public officials reporting corrupt conduct, maladministration or serious waste of public funds are protected by the Public Interest Disclosures Act 1994. This Act protects public officials disclosing corruption-related matters from reprisal or detrimental action and ensures disclosures are properly investigated and dealt with.

Lockhart Shire Council Contact Details

ADDRESS	65 Green Street, Lockhart NSW 2656
POSTAL	PO Box 21, Lockhart NSW 2656
EMAIL	mail@lockhart.nsw.gov.au
TELEPHONE	(02) 6920 5305
FACSIMILE	(02) 6920 5247
BUSINESS HOURS	8.30am – 5.00pm Monday to Friday
WEBSITE	www.lockhart.nsw.gov.au

REFERENCE DOCUMENTS

This policy should be read in conjunction with the following documents:

- Policy 1.4 – Code of Conduct
- Policy 1.18 – Public Interest Disclosures and Reporting System
- Policy 1.19 – Local Preference Purchasing Policy
- Policy 1.24 – Bribes, Gifts and Benefits Policy
- Policy 2.31 – Procurement Policy

*Confirmed by Council 20 March 2023
Refer minute 47/23*

*Adopted by Council 16 March 2020
Refer minute 49/20*

Revised by General Manager in February 2017

*Amended by Council 17 August 2009
Refer minute 283/09*

*Adopted by Council – 21 February 2005
Refer Minute No. 24494*

1.7 Fraud Control

POLICY TITLE: FRAUD CONTROL

FILE REF: SC67

REVIEW DATE: SEPTEMBER 2025

1. PRINCIPLES

This policy is applicable to Councillors, staff and delegates. It is designed to protect public funds and assets, protect the integrity, security and reputation of the Council and its staff, and maintain a high level of services to the community.

There are four (4) elements to Council's Policy namely:

- i. Prevention
- ii. Detection
- iii. Reporting and
- iv. Investigation

Fraud control is the protection of Council's assets from fraudulent exploitation. The desired outcome of this fraud control policy is elimination of cases of fraud involving staff and elimination, by all possible efforts, of fraud against Council generally.

2. DEFINITIONS

For the purpose of this Policy, the Australian Standard 8001-2008 on fraud and corruption control's definition of fraud has been adopted. Specifically, fraud is defined as:

"Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity."

Some examples of fraud include:

- Unauthorised use of Council plant and equipment or other Council resources;
- Private use of Council's inventory and stores;
- Claiming unworked overtime on time sheets;
- Providing confidential Council information to unauthorised persons or bodies;
- Allowing contractors to not fully meet contract requirements
- Improper use of information for personal benefit;
- Deliberate falsification, concealment or use of falsified documentation.

"Corrupt conduct" is defined by Section 8 of the Independent Commission Against Corruption (ICAC) Act 1988 as:

- a) "Any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or;
- b) any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or;
- c) Any conduct of a public official or former public official that constitutes or involves a breach of public trust, or;
- d) Any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person."

3. RESPONSIBILITY

All Councillors and Management personnel are responsible for fostering an environment, within their areas of control, which makes active fraud control a responsibility of all staff and for issuing clear standards and procedures to encourage the minimisation and deterrence of fraud. More specifically the division of responsibility is as follows:

1.7 Fraud Control (cont'd)

- a) Council – responsible for ensuring appropriate policies are in place and reviewed regularly including:
 - Fraud Control Policy
 - Code of Conduct
 - Statement of Business Ethics
 - Public Interest Disclosure and Reporting Policy
 - Reporting on fraud control activities in the Annual Report
- b) General Manager – responsible for:
 - Ensuring a Fraud Risk Assessment is undertaken
 - Developing a Fraud Control Action Plan
 - Arrange fraud awareness training for all staff at regular intervals
 - Authorising internal investigations of suspected fraud
 - Keeping the Mayor informed of any internal fraud investigations.
- c) Directors – responsible for:
 - Advising the General Manager of any reports of suspected fraud or corruption
 - Promoting an ethical climate and maintaining awareness amongst staff of their obligation to always act honestly, in accordance with Council's Codes and Policies and in compliance with the law.
- d) All staff – responsible for:
 - Acting ethically, in accordance with Council's Codes and Policies and in compliance with the law;
 - Reporting any suspicions of fraud or corrupt conduct to their Director.
 - Participating in fraud awareness training arranged by Council.
 - "Signing-off" on the Code of conduct on an annual basis.

4. PREVENTION

Council is committed to preventing fraud at its origin. Fraud flourishes in an environment where there are insufficient controls to prevent waste, abuse and mismanagement. Council believes that an emphasis on fraud prevention, rather than fraud investigation, will lead to a reduction of these opportunities for waste, abuse and mismanagement.

In this regard a Fraud Risk Assessment will be undertaken with mitigation measures identified and implemented to minimise the risk of fraud and increase the likelihood of detection.

Council recognises that fraud prevention requires the maintenance of an ethical climate, which encourages all staff to be active in protecting Council's funds and assets, and in reporting any breaches of accepted standards. Directors and managers must be mindful of their responsibility to foster and develop in their areas the highest standards of ethical behaviour and commitment to a highly ethical workforce culture.

Awareness and education is also important for the prevention of fraud. In this regard Council's Information for New Employees Handbook and induction procedures will contain information regarding Council's Values, Business Ethics, Code of Conduct, Fraud Control Policy and Public Interest Disclosures and Reporting Policy.

5. DETECTION

Detection relies on having appropriate internal controls and reporting mechanisms in place including the following:

- A Fraud Risk Assessment identifying mitigation measures to minimise the risk of fraud and increase the likelihood of detection.
- An independent check by Council's Internal Auditor that the mitigation measures identified in the Fraud Risk Assessment are in place and working effectively.
- A strategic and tactical Internal Audit Plan with Internal Audit reviews focusing on selected areas of activity.
- A system for reporting suspected fraud or corrupt conduct and making protected disclosures.

6. REPORTING

Internal Reporting

Any suspected instances of fraud or corruption from either internal or external sources should be reported by staff to their Director.

Any suspicions of fraud or corrupt conduct involving a Director should be reported to the General Manager.

Any suspicions of fraud or corrupt conduct involving the General Manager should be reported to the Mayor.

1.7 Fraud Control (cont'd)

The information provided in each case should include wherever possible:

- Details of and relating to the suspected offence; and
- Details of the suspected offender(s) where known.

For a report of any wrong-doing to be a protected disclosure in accordance with the Public Interest Disclosures Act, the report has to be made to a person or position prescribed in Policy 1.18 - Public Interest Disclosures and Reporting System.

Management recognises that the reporting of fraud is a sensitive issue (especially against work colleagues). To affirm the integrity of this function, therefore, management will ensure the confidentiality of information passed to any member of the Management Executive. It will achieve this by maintaining the confidentiality of both the complainant and suspect, and by avoiding rumours, morale problems and the possibility of willful destruction of evidence.

External Reporting

In determining whether a particular matter, fraudulent or otherwise, is of sufficient seriousness that it should be referred to an external agency for investigation, a preliminary assessment/investigation of the alleged case of fraud will be undertaken to ensure that sufficient facts have been disclosed from which there is a reasonable cause to believe an offence has been committed, or attempted to be committed, and the matter is of a fraudulent nature within the terms of the definition of fraud given in Section 2;

In the event that there is a reasonable suspicion that, in a particular matter, an offence has occurred, and that the matter may have implications for another organisation, then a report on that matter, excluding personal information unless prima facie evidence exists, will be provided to the relevant organisation at the earliest opportunity.

External agencies to which wrong doing can be reported include:

- NSW Independent Commission Against Corruption - for corrupt conduct
- NSW Ombudsman – for maladministration
- NSW Office of Local Government – for serious and substantial waste in local government
- NSW Information Commissioner for disclosures about a government information contravention
- NSW Police – for criminal matters.

Annual Reporting

The Council will report on its fraud control activities in its Annual Report prepared pursuant to Section 428 (1) of the Local Government Act, 1993.

7. INVESTIGATION

The General Manager is responsible for authorising internal investigations and informing external persons or bodies are appropriately notified.

Where the initial investigation discloses a serious or complex situation beyond the Council's resources and investigative capabilities, the General Manager may, in consultation with the Mayor, engage external assistance to undertake the investigation.

In the case of any instance of alleged fraud, any such accusations shall be brought to the attention of the person against which such allegations are made at the earliest opportunity and any such person shall, in a case of an investigation in to any such alleged conduct, be entitled to obtain independent Union and/or legal advice regarding such matters.

Council recognises that in such circumstances where the allegation of fraud carries the imputation of criminal conduct, then such employees' right to silence shall be recognised.

8. RELATED DOCUMENTS

Policy 1.4 - Code of Conduct

Policy 1.6 - Statement of Business Ethics

Policy 1.18 - Public Interest Disclosures and Reporting System

Adopted by Council on 19 September 2022
Refer Minute No. 198/22

Adopted by Council 17 August 2009
Refer Minute No. 283/09

Adopted by Council on 16 September 2019
Refer Minute No. 268/19

Adopted by Council – 21 August 2006
Refer Minute No. 268/0

Adopted by Council on 19 June 2017
Refer Minute No. 147/17

1.8 Rescinded – Expenses – Tidy Towns Awards Weekend

RESCINDED 19 OCTOBER 2020
Resolution No. 216/20

1.9A Records Management

POLICY TITLE: RECORDS MANAGEMENT

FILE REF: SC67

EXPIRY DATE: DECEMBER 2026

PURPOSE

1. This policy sets out a framework for the creation and management of records within the Lockhart Shire Council. The Council is committed to establishing and maintaining recordkeeping practices that meet its operational needs, accountability requirements and legislative requirements.

POLICY STATEMENT

1. The Council's records are a major component of its corporate memory. They are a vital asset that supports ongoing operations and provides valuable evidence of business activities and transactions over time.
2. The Council recognises its regulatory responsibilities as a public agency and is committed to the principles and practices set out in the Australian Standard for Records Management (AS ISO 15489) to the extent appropriate for the organisation.
3. The Council is committed to implementing appropriate recordkeeping practices and systems to ensure the creation, maintenance and protection of accurate and reliable records. All practices concerning recordkeeping within the Council are to be in accordance with this policy and its supporting procedures.

SCOPE

1. This policy applies to all Lockhart Shire Councillors and employees.
2. It applies to records which are created, collected, processed, used, sentenced, stored and disposed of in the conduct of all Council's business and all business applications used by Council to create records including email, database applications and websites.

LEGISLATIVE AND POLICY CONTEXT

1. Council will maintain recordkeeping systems that capture and maintain records with appropriate evidential characteristics in accordance with its obligations under applicable legislation including the following: -
 - a) Copyright Act 1968 (Clth)
 - b) Electronic Transactions Act 200 (Clth)
 - c) Evidence Act 1995 (NSW)
 - d) Government Information (Public Access) Act 2009 (NSW)
 - e) Local Government Act 1993 (NSW)
 - f) Privacy & Personal Information Protection Act 1998 (NSW)
 - g) State Records Act 1998 (NSW)
2. This Policy should be read in conjunction with the following Council policies: -
 - a) 1.5 Privacy Plan and Privacy Code of Practice
 - b) 1.23 Cyber Security and Information Systems Security
 - c) 3.22 Gathering Information
 - d) 3.26 Computer, Internet, Email and Social Media Policy

RECORDKEEPING SYSTEMS

1. The Council's primary recordkeeping system is the HPE Content Manager (CM) Electronic Document and Records Management System (EDRMS).
2. Where appropriate, paper-based records sent or received by the organisation are captured within this system through digital imaging. Relevant electronic communications (email) sent or received by the Council are also recorded in Content Manager.

1.9A Records Management (cont'd)

3. The Council also has a range of secondary systems that are used to manage specific electronic records as follows: –
 - a) Practical - financial and accounting system which maintains information on financial transactions and reporting including local government rates and charges.
 - b) Intramaps - Geographic Information System.
 - c) Univerus – Asset Management System
 - d) Pulse – Employee Performance Reviews
 - e) Damstra – WHS management system
 - f) LG Software Solutions – cloud based specialised accounting software
4. The recordkeeping systems manage the following processes: –
 - a) the creation or capture of records within the recordkeeping system
 - b) the storage of records
 - c) the protection of record integrity and authenticity
 - d) the security of records
 - e) access to records
 - f) the disposal of records
5. A Quick Reference Guide provided by HPE Content Manger as well as Business Rules and Naming Conventions developed by Council facilitate the efficient and effective use of the Content Manager EDRMS.

STORAGE AND SECURITY

1. Council hardcopy files are stored both on site at Council's Administration Building and offsite at the Lockhart Railway Station building. Files from 2008 onwards are kept on the premises with older files stored at the Lockhart Railway Station building. With respect to the records physically stored on site:
 - a) Files from 2008 onwards are kept in the Strong Room.
 - b) Original certificates of title, legal documents, Confidential Council meeting agenda and minutes prior to 2016 and former employee personnel files are kept in a locked section in the Strong Room.
 - c) Confidential Council meeting agenda and minutes post 2016 are kept in a locked cabinet by the Executive Assistant to the General Manager.
 - d) Open Council meeting agenda and minutes are kept in the Strong Room.
 - e) Current employee files are kept in a locked filing cabinet in the Human Resources Co-ordinator's office.

RESPONSIBILITIES

1. Council
Council is responsible for the adoption and regular review of the Records management policy and for providing the resources required for the protection, safe custody and return of all State records under its control, ensuring accessibility to all equipment or technology dependent records.
2. General Manager
The General Manager is responsible for implementing Council's Records Management Policy and ensuring Council's compliance with the requirements of the NSW State Records Act 199.
3. Director Corporate and Community Services
The Director Corporate and Community Services is operationally responsible for the efficient management of Council records (physical and electronic) including the effective management and system administration of the EDRMS and for providing advice and training in relation to Council's records management policies and procedures.
4. Directors and Managers
Each Director and Manager are responsible for ensuring that their staff:
 - a) Respond to correspondence and action requests in a timely manner and that this information is also recorded in the (EDRMS).
 - b) Comply with Council's Records Management Policy.
 - c) Receive training on records management and use of Council's EDRMS (Content Manager).

1.9A Records Management (cont'd)

- d) Who have access to information of a confidential nature, are instructed as to their rights and obligations when dealing with such matters.

5. All Staff

- a) The State Records Act 1998 requires public officials to *"make and keep full and accurate records' of their business activities."*
- b) The Ombudsman's Good Conduct and Administrative Practice Guidelines for Public Authorities 2017 states that:
"Public officials must make and keep full and accurate records of their official activities. Agencies and their staff must create and maintain records as evidence of business activities and transactions."
- c) The Model Code of Conduct for Local Councils in NSW 2020 states that:
"Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures."
- d) Accordingly, all staff are responsible for:
 - i. Creating records that document:
 - Decisions made.
 - Verbal decisions and instructions or commitments given, including telephone conversations.
 - Business activities they are involved in.
 - Meetings and other events.
 - ii. Registering records into the EDRMS in accordance with the Business Rules and naming Conventions applying from time to time.
 - iii. Ensuring all corporate emails are registered to the EDRMS.
 - iv. Handling hard copy records and information sensibly and with care, so as to avoid damage to the records.
 - v. Not relinquishing control over, damaging, altering, destroying or losing records of Council.
 - vi. Accessing records from within the EDRMS.
 - vii. Maintaining confidentiality of records they have access to, in accordance with Council's Code of Conduct, and the requirements of the Government Information (Public Access) Act, and Privacy and Personal Information Protection Act.

DISPOSAL OF RECORDS

1. Records must be protected, maintained, findable, and useable for their entire retention period, as outlined in the General Authority 39 (GA 39), Local Government Records.
2. Records cannot be disposed of other than in accordance with the State Records Act 1998 and GA 39.
3. Records cannot be disposed of without the concurrence of the Director Corporate and Community Services.
4. If files have been classified as State Archives, they are transferred to the State Records Authority in accordance with relevant guidelines e.g. open or closed access provisions.
5. Physical destruction of records shall be undertaken by methods appropriate to the confidentiality or otherwise of the records.
6. An auditable trail documenting all destruction of records shall be maintained by the Records Section.
7. If destruction is undertaken by third parties, then certificates of destruction shall be obtained for all destruction undertaken.

MONITORING AND COMPLIANCE

1. Council shall demonstrate that recordkeeping systems are designed and operating according to best practice, its records are captured in the corporate system, and all systems are performance tested on a regular basis to ensure that the objectives of the system are being met.
2. Compliance with the Records Management Policy, and its related policies and procedures, throughout the Council, shall be monitored by the Director Corporate and Community Services.
3. The monitoring of compliance with the Records Management Policy, and its related policies, shall be subject to internal audit and related evaluations from time to time.

1.9A Records Management (cont'd)

4. Council shall make its records available to meet accountability requirements, such as auditors, regulatory authorities and investigative bodies.
5. Ensure the quality of information captured into the corporate system is maintained.

GLOSSARY

Archive means the whole body of records of continuing value of an organisation, sometimes called 'corporate memory'.

Business activities is an umbrella term covering all the functions, processes, activities and transactions of an organisation and its employees.

Capture is a deliberate action which results in the registration of a record into a recordkeeping system. For certain business activities, this action may be designed into electronic systems so that the capture of records is concurrent with the creation of records.

Classification is the systematic identification and arrangement of business activities and/or records into categories according to logically structured conventions, methods and procedural rules represented in a classification system.

Disposal refers to a range of processes associated with implementing records retention, deletion or destruction of records in or from recordkeeping systems. They may also include the migration or transmission of records between recordkeeping systems, and the transfer of custody or ownership of records.

Disposal Authority is a formal instrument that defines the retention periods and consequent disposal actions authorised for classes of records which are described in it.

Document refers to recorded information or object which can be treated as a unit.

Electronic Records are records communicated and maintained by means of electronic equipment.

Recordkeeping is the making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information.

Recordkeeping systems are information systems that capture, manage and provide access to records through time.

Records are the information created, received, and maintained as evidence and information by an organisation or person in pursuance of legal obligations or in the transaction of business.

Records Management is the field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records.

Registration is the act of giving a record a unique identifier on its entry into a system.

Confirmed by Council 18 December 2023

Refer minute 235/23

Adopted by Council 21 December 2020

Refer minute 267/20

Confirmed by Council 17 August 2009

Refer minute 283/09

Adopted by Council – 17 September 2007

Refer Minute No. 296/07

1.9B Records Management (Councillors)

POLICY TITLE: RECORDS MANAGEMENT (COUNCILLORS)

FILE REF: SC67

EXPIRY DATE: DECEMBER 2026

PURPOSE

1. The purpose of this document is to ensure that full and accurate records of the activities and decisions of Councillors, in the course of their official duties for Council, are created, managed and disposed of appropriately to meet the Council's organisational needs and accountability requirements.
2. HPE Content Manager is the Electronic Data Records Management System (EDRMS) adopted by Council to manage all of Council's corporate documents. A record management program has been established by Council in accordance with section 12 (2) of the State Records Act 1998. This document provides part of the framework for that program and should be read in conjunction with Policy 1.9A Records Management Policy.

SCOPE

1. This document has been specifically developed to assist Councillors in meeting their recordkeeping responsibilities. Council employees should refer to Council's Policy 1.9A Records Management Policy.
2. All Councillors must comply with this document in their conduct of official business for Council. Official business includes business relevant to the performance of the function and duties of the office of Councillor. This document applies to records in all formats, including electronic records.

POLICY STATEMENT

1. Records are a vital asset to council. Many records created and received by Councillors have the potential to:
 - a) support the work of Councillors and Council's program delivery, management and administration.
 - b) help Councillors and Council to deliver customer services in an efficient, fair and equitable manner.
 - c) provide evidence of Councillors' actions and decisions and establish precedents for future decision making.
 - d) protect the rights and interests of the Council, Councillors and its clients and rate payers.
2. Unlike employees, Councillors do not have direct access to Council's physical and electronic records and do not have the ability to register documents into, or retrieve documents from, Council's designated EDRMS, Content Manager. This policy provides guidance and support in ensuring that where appropriate, records created and received by Councillors are captured, registered, stored and managed in accordance with relevant legislation, most notably the State Records Act 1998.

STATE RECORDS

1. Public offices are bound by the State Records Act 1998 which establishes rules for best practice for recordkeeping in NSW Government, encouraging transparency and accountability. Councils are identified as public offices under section 3 (1) of the Act. When discharging functions of Council, Councillors are subject to the State Records Act when they create or receive "State records".
2. A "State" record is 'any record made and kept or received and kept, by any person in the course of the exercise of official functions in a public office, or for any purpose of a public office, or for the use of a public office'.
3. Examples of State records that may be created or received by Councillors in the course of their official duties for Council include (but are not limited to):
 - a) correspondence, including emails, regarding Council matters.
 - b) a petition received from a community group.
 - c) declarations concerning a Councillor's pecuniary interests.
 - d) speech notes made for addresses given at official Council events.
 - e) complaints, suggestions or enquiries by residents and ratepayers about Council services.
4. Conversely, records which are created, sent or received by Councillors when they are not discharging functions of Council are not considered to be State records for the purposes of the State Records Act 1998.

1.9B Records Management (Councillors)(cont'd)

5. Examples of records that are not State records include (but are not limited to):
 - a) records relating to political or electoral issues e.g. lobbying for votes, supportive emails from members of the community regarding elections or political stances.
 - b) communications regarding matters of personal/general interest rather than Council interest e.g. information from environmental or other interest groups not specific to issues being considered by Councillors or Council.
 - c) records relating to attendance at sports functions, church fetes, community functions when the Councillor is not representing Council.
 - d) personal records of councillors such as personal emails, character references for friends, nomination for awards, letters to local newspapers etc that are not related to Council business.
6. The official email address established for Councillors (i.e. @lockhart.nsw.gov.au) should be used in the course of carrying out official duties for Council and only for this purpose. A councillor's private email address should be used when not discharging functions of Council.

CAPTURE AND REGISTRATION OF RECORDS

1. Records of Council business that are created or received by Councillors (with the exception of those sent from Council as they are already captured) should be saved into official Council recordkeeping systems as soon as is practicable so that Council can assist with their long-term management as follows:
 - a) Paper records - Records created or received in paper format should be forwarded to Council by post or handed in to the General Manager or at the front counter of the Administration Building marked "Attention - Executive Assistant". This could be done on a monthly basis on Council meeting days. If records are of a sensitive or confidential nature, the Councillor should alert the General Manager or Director of Corporate and Community Services to this fact prior to sending so that appropriate security controls can be applied.
 - b) Email and Electronic Records - Email and other electronic records should be forwarded to Council promptly for registration. Emails should be forwarded to councillorrecords@lockhart.nsw.gov.au. If records are of a sensitive or confidential nature, the Councillor should alert the General Manager or Director of Corporate and Community Services to this fact prior to sending so that appropriate security controls can be applied.
 - c) Records received from Councillors for registration will be registered into Council's designated EDRMS, Content Manager in accordance with Policy 1.9A Records Management and the relevant Business Rules and Naming Conventions.
 - d) Mail addressed to Councillors and received at Council's Administration building is placed in the Councillors tray for delivery with business papers and other correspondence. Paper based mail which is clearly marked for councillors is not opened. Mail for councillors which is not clearly marked will be opened and re-addressed as appropriate.

ACCESS TO COUNCIL RECORDS

1. Unlike employees, Councillors do not have direct access to Council's physical and electronic records and do not have the ability to register documents into, or retrieve documents from, Council's designated EDRMS, Content Manager.
2. Councillors and Council staff are bound by the Code of Conduct, preventing unauthorised access or disclosure of Council records. Council has adopted the Model Code of Conduct notified in the Government Gazette (No. 172) on 7 August 2020. Section 8 of the Code of Conduct deals with access to information and Council resources.
3. Councillors need to have access to information held by Council to help them make informed decisions on matters under their consideration. This information should be relevant and appropriate to the discharge of their obligations. As a first step, Councillors should contact the Director in whose area the matter is administered. If the Director is not able to give access, then contact the Public Officer (Director of Corporate and Community Services) or the General Manager.
4. Councillors wishing to access records in relation to a matter of personal interest have the same rights as other members of the public. Access may be obtained, for example, under: -
 - a) the Privacy and Personal Information Protection Act 1998
 - b) the Health Records and Information Privacy Act 2002
 - c) the State Records Act 1998, or
 - d) the Government Information (Public Access) Act 2009

*Adopted by Council 18 December 2023
Refer minute 235/23*

*Adopted by Council 21 December 2020
Refer minute 267/20*

1.10 Investment

POLICY TITLE: INVESTMENT
FILE REF: SC306
EXPIRY DATE: OCTOBER 2026

OBJECTIVE

The purpose of this Policy is to ensure that surplus cash funds are invested efficiently to achieve the optimal balance between risk and return.

LEGISLATIVE BASIS

Section 625 of the Local Government Act provides councils with the power to invest surplus cash funds. Section 625 provides as follows:

- 1) "A council may invest money that is not, for the time being, required by the council for any other purpose."
- 2) "Money may be invested only in a form of investment notified by order of the Minister published in the Gazette."

INVESTMENT LIMITS

Investment of Council funds is to be in accordance with the Order of the Minister published in the Government gazette from time to time for the purposes of section 625 (2) of the Local Government Act 1993 and the following policy guidelines:

- a) All investments must be denominated in Australian dollars.
- b) The investment shall be secured at all times as to both principal and interest.
- c) No Institution shall hold more than 30% of Council's total investments at the time the investment was made.
- d) Building Societies and Credit Unions are designated as authorised deposit taking institutions by the Australian Prudential Regulation Authority and therefore comply with the Minister's Investment order. The maximum amount of funds invested with an individual Building Society/Credit Union will be 5% of Council's total investments at the time the investment was made. Not more than 30% of Council's portfolio should be held with Building Societies/Credit Unions in total at the time of placing each investment.

MARKET TESTING

Three (3) quotations shall be obtained from authorised deposit taking institutions whenever placing a short term (1-30 days), medium term (31-90 days) or long term (91-180 days) deposit.

The term of the deposit will depend on Council's funding requirements and risk profile at the time of placing each investment but shall not exceed 180 days.

MONITORING AND REPORTING

In accordance with clause 212 of the Local Government (General) Regulation, The Director Corporate and Community Services shall provide a written report at each monthly Council meeting setting out the details of all money that the Council has invested. The report must be made up to the last day of the month immediately preceding the Council meeting.

*Adopted by Council 16 October 2023
Refer Minute 187/23*

*Amended by Council 17 August 2009
Refer minute 283/09*

*Adopted by Council 19 October 2020
Refer minute 216/20*

*Adopted by Council – 15 October 2007
Refer Minute No. 336/07*

*Amended by Council 16 October 2017
Refer minute 263/17*

1.11 Section 355 Committees

POLICY TITLE:	SECTION 355 COMMITTEE FUNCTIONS
FILE REF:	SC62; SC67
REVIEW DATE:	WITHIN 12 MONTHS AFTER THE COMMENCEMENT OF THE NEXT TERM OF COUNCIL

OBJECTIVES

To recognise and define the establishment and function of Section 355 Committees within Lockhart Shire.

POLICY STATEMENT

A Section.355 Committee is a Council-approved committee of volunteers who accept the responsibility for the carrying out of a Council function or the management of a Council-owned community facility in the Shire.

LEGISLATIVE CONTEXT

Establishment

Committees are established by a resolution of Council pursuant to section 355 of the Local Government Act. Section 355 states that:

“A function of a council may, subject to this Chapter, be exercised:

(a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or

(b) by a committee of the council, or...”

The Council may dissolve any such Committee at any time.

Each such appointment and delegation is to be reviewed in the first twelve months of each term of office. Committees are able to be re-established.

Delegation of Function

Once a committee is established by a Council resolution, the Council may, pursuant to section 377 of the Local Government Act, delegate certain functions to that committee. Section 377 states that:

(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following...”

Community based committees provide a mechanism by which interested persons can have an active role in the provision/management of Council facilities or services. This provides a twofold benefit by giving protection to the committee operating under the banner of Council, and by providing Council with assistance in the carrying out of its functions by being able to tap into resources available in the community.

LIMITATION OF POWERS

Committee established pursuant to Section 355 may not make decisions concerning the following:

- (a) Borrowing of any monies without the express written consent of Council on each such occasion.
- (b) The sale, lease or surrender of any land and or other property vested in its care under the provisions of the Local Government Act 1993 (as amended).
- (c) The acceptance of tenders which are required to be called by Council (Tenders over the value of \$250,000.00). The committee may invite and accept quotations for minor works, goods and services covered within the scope of its authority or as agreed with Council.
- (d) The payment or making of any gift, to its members. This includes the payment of allowances or travelling expenses incurred whilst attending committee meetings.
- (e) The payment of any monies outside the scope of the committee's function.
- (f) The carrying out of any works on or to the facility including alterations, reconstructions or construction without the prior consent of Council. (This does not include minor maintenance works.)

1.11 Section 355 Committees (cont'd)

- (g) Unreasonably withholding consent for the letting of the facility to any organisation which agrees to comply with and adhere to the rules adopted for use of the facility, providing an acceptable letting period is available.
- (h) Vote monies for expenditure on the works, services or operations of Council.

The exercise by the committee of its power and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the committee. The committee will observe any Rules and Regulations made by the Council, in relation to the facility/function under its management and control. If at any time the committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the committee signed by the General Manager or his/her representative.

FINANCIAL ASSISTANCE

Council will provide financial assistance in the form of an annual subsidy to those section 355 committees which have been delegated care, control and management of a Council facility e.g. recreation ground, public hall etc.

The amount of the subsidy will be reviewed annually in conjunction with the adoption of the Annual Operational Plan and Budget.

Any requests for financial assistance in addition to the annual subsidy received from section 355 committees will be referred to Council for determination in accordance with section 356 of the Local Government Act 1993.

PROCEDURE MANUAL

Council shall prepare a Procedures Manual for Section 355 Committees to provide comprehensive guidelines for Committee to follow. The Manual may include, but not be limited to, provisions relating to the code of conduct, accountability and transparency, meeting practice, financial arrangements, keeping of records and the like.

SCHEDULE OF SECTION 355 COMMITTEES

The Committees hereby established by Council pursuant to section 355 of the Local Government Act, and the authority delegation to the respective Committees, are listed in Schedule 1 of the Policy.

*Adopted by Council – 19 April 2022
Refer Minute No 83/22*

*Adopted by Council – 19 November 2018
Refer Minute No 301/18*

*Adopted by Council – 21 August 2017
Refer Minute No 185/17*

*Adopted by Council – 20 July 2009
Refer Minute 247/09*

SCHEDULE 1

SECTION 355 COMMITTEES AND DELEGATIONS

COMMITTEE	DELEGATION
Bidgeemia Hall Management Committee	Care, control and management of Bidgeemia Hall
General Manager Performance Review Panel	Conducting reviews of the General Manager's performance, reporting the findings and recommendations of those reviews to the Council and development of the General Manager's performance agreement.
Lockhart and District Historical Society	Care, control and management of the Dorothy Golder Museum.
Lockhart Recreation Ground Management Committee	Care, control and management of Lockhart Recreation Ground
Lockhart Showground and Racecourse Management Committee	Care, control and management of Lockhart Showground and Racecourse
Magnolia Lodge Tenancy Advisory Committee	Determine applications from prospective tenants for occupancy of the Magnolia Lodge units.
Milbrulong Hall Management Committee	Care, control and management of Milbrulong Hall
Osborne Recreation Ground Management Committee	Care, control and management of Osborne Recreation Ground
Pleasant Hills Hall Management Committee	Care, control and management of Pleasant Hills Hall
Pleasant Hills Recreation Ground Committee	Care, control and management of Pleasant Hills Recreation Ground
The Rock Hall Management Committee	Care, control and management of The Rock Hall
The Rock Observatory Management Committee	Care, control and management of The Rock astronomical observatory.
The Rock Recreation Ground Management Committee	Care, control and management of The Rock Recreation Ground and the community meeting space and gym at the Rock Swimming Pool Amenities Building.
The Rock Showground and Racecourse Management Committee	Care, control and management of The Reserve for Showground and Racecourse at The Rock.
Tootool Recreation Reserve Management Committee	Care, control and management of Tootool Recreation Reserve
Tootool Roadside Rest Stop Management Committee	Care control and management of the Tootool Roadside and Rest Stop and associated facilities.
Tourism and Economic Development Steering Committee	Provide advice and make recommendations to Council in relation to tourism and economic development matters.
Yerong Creek Hall Management Committee	Care, control and management of Yerong Creek Hall
Yerong Creek Recreation Ground Management Committee	Care, control and management of Yerong Creek Recreation Ground and mowing of roadsides adjacent to the Recreation Ground.

1.12 Debt Recovery Procedures

POLICY TITLE: DEBT RECOVERY PROCEDURES

FILE REF: SC67; SC209

REVIEW DATE: APRIL 2026

OBJECTIVES

1. Ensure effective control over debts owed to Council.
2. Be sympathetic and helpful to those ratepayers and other debtors suffering genuine financial hardship.
3. Fulfill the statutory requirements of the Local Government Act with respect to the recovery of rates and other debts.
4. Maximise cash flow.

POLICY STATEMENT

1. OUTSTANDING RATES

- 1.1 Recovery action shall be instituted if current rates are not paid by the due date and the outstanding amount is over \$600.00 unless arrangements have been made for payment by instalments either pursuant to Section 562 of the Local Government Act (the "Act") or by mutual agreement with Council's Officers when payment of rates would cause hardship.
- 1.2 Recovery action shall also be instituted for the recovery of outstanding rates, where one month after service of the rate notice there remains an amount outstanding from previous rating years and the ratepayer has not entered into a mutual agreement with Council's Officers as referred to in paragraph 1.1 to reduce the liability.
- 1.3 Recovery action may include letters, telephone calls, Reminder Notices or Notices of Demand, Summonses, Writs, Garnishee Orders, Section 569 Notices, Warrant of Apprehension, Notices to wind up a company and sale of land for overdue rates under Section 713 of the Act.

The process for the recovery of outstanding rates will consist of:

- i) An overdue notice from Council advising that the account is overdue and should be paid within seven days or legal action may be taken. The notice is to include an option to contact Council to make an arrangement in order to pay the account, should the ratepayer be experiencing difficulties meeting payments.

A similar notice is to be sent to pensioners. The notice will be termed a reminder notice and will carry appropriate terminology without referring to legal action at this stage. Refer to Policy Statement 3 for further information on recovery action for pensioners.

- ii) Should the account not be paid within the fourteen days a letter is to be sent advising that legal action will commence unless the amount is paid within 7 days.
- iii) Should the account not be paid within the seven days the account will be referred to one of Council's preferred Debt Collection Recovery Agencies or Council's Solicitors for Legal action to commence.

- 1.4 Ratepayers who because of hardship wish to enter into a mutual agreement with Council to pay rates by instalments, other than Section 562, shall supply to Council's Officers such information as is required by them to determine the matter.
- 1.5 Where a ratepayer who has made arrangements to pay rates in instalments by mutual agreement with Council's Officers does not meet their full obligations under the agreement, the agreement is terminated and legal action shall be immediately instituted for the recovery of any outstanding rates.
- 1.6 Any agreement entered into with a ratepayer for the payment of outstanding rates other than pursuant to Section 562 of the Act, shall endeavour to ensure that all rates outstanding are fully paid by 31st May of the rating year in which the agreement is entered into, and an agreement for payment of outstanding rates shall not extend beyond two years during which time all later levied rates shall be liquidated.

2. INTEREST CHARGES

- 2.1 Interest will be charged on overdue rates in accordance with Section 566 of the Act by the maximum allowable under the Act.
- 2.2 Extra charges may be written off in accordance with Section 567 of the Act by Council resolution or by delegation of authority to the General Manager.

1.12 Debt Recovery Procedures (cont'd)

3. REBATES/PENSIONERS

- 3.1 Eligible pensioners shall be required to pay the amounts of rates remaining following any statutory reduction in rates granted under the Act. Such amounts remaining may be paid by instalments pursuant to Section 562 of the Act.
- 3.2 Council's Officers shall take into account the limited income of eligible pensioners and may enter into a mutual agreement with them for the payment of rates by arrangement but within the rating years in which the rates were levied.
- 3.3 Where payment of rates is likely to cause extreme hardship to an eligible pensioner, the General Manager upon the recommendation of the Director of Corporate and Community Services may allow rates and interest charges to accrue against the property until the estate of the pensioner is settled.

Before allowing rates and interest charges to accrue against a property in accordance with paragraph 3.4, Council's Officers shall obtain from the ratepayer relevant financial and other details in order to determine that the payment of rates and interest charges would cause extreme hardship.
- 3.4 In relation to pensioners with outstanding debts, each case will be treated on its merits with a preference to deferring the debt given to the pensioner wherever possible.

4. SUNDRY DEBTORS

- 4.1 Monthly statements are to be forwarded to Sundry Debtors. Amounts outstanding for more than thirty days are to be regarded as overdue.
- 4.2 Where amounts are outstanding for more than thirty days credit or services may be stopped. Where it is not practicable to cease a service or credit, a letter (other than a statement) is to be forwarded to the debtor advising that legal action will commence should the debt not be finalised within fourteen days.
- 4.3 Where applicable recovery action is to be taken where amounts of \$100.00 or more are outstanding for more than sixty days. The account to be referred to one of Council's preferred Debt Collection Recovery Agencies or Council's Solicitors for Legal action to commence.
- 4.4 A monthly report on outstanding Sundry Debtor amounts to be provided to the Director Corporate and Community Services for review.

It should be noted the use of external Debt Collection Agencies will only be utilised following Council's best internal efforts.

REFERENCE DOCUMENTS

This policy should be read in conjunction with the following documents:

- Policy 2.33 – Pensioner Concession.

Adopted by Council 17 April 2023
Refer minute 60/23

Adopted by Council 18 May 2020
Refer minute 91/20

Reviewed by General Manager in February 2017.

Adopted by Council 20 July 2009
Refer minute 246/09

1.13 Asset Management

POLICY TITLE: ASSET MANAGEMENT

FILE REF: SC67

REVIEW DATE: MAY 2025

OBJECTIVES

1. To set guidelines for implementing consistent asset management processes throughout Lockhart Shire Council that is based on service delivery needs and integrated into Council's corporate and financial planning and reporting processes.
2. To ensure that assets used to support the services delivered by Lockhart Shire Council are sustainable and continue to function at a level of service determined by Council and accepted by the broader community.
3. To ensure adequate provision is made for the long-term replacement of major assets by:
 - a) Ensuring that Council's services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.
 - b) Safeguarding Council assets including physical assets and employees by implementing appropriate asset management strategies and appropriate financial resources for those assets.
 - c) Creating an environment where all Council employees take an integral part in overall management of Council assets by creating and sustaining an asset management awareness throughout the Council.
 - d) Meeting legislative requirements for asset management.
 - e) Ensuring resources and operational capabilities are identified and responsibility for asset management is allocated.
 - f) Demonstrating transparent and responsible asset management processes that align with demonstrated best practice.

SCOPE

1. This Policy provides guidance in relation to asset management to the Council, councillors, management and staff as well as section 355 committees which are involved in the operation, maintenance, renewal, upgrade or disposal of a council asset.
2. This Policy applies to the following classes of assets:
 - a) Community facilities
 - i. Caravan Parks
 - ii. Council Offices
 - iii. Medical/Dental
 - iv. Museums/Galleries
 - v. NSW RFS and SES facilities
 - vi. Public Amenities
 - vii. Public Swimming Pools
 - viii. Public Halls
 - ix. Public Parks
 - x. Recreation Grounds
 - xi. Aged, Rental, Staff and Youth Accommodation
 - xii. Showgrounds
 - xiii. Works Depots

1.13 Asset Management (cont'd)

- b) Transport assets
 - i. Bridges
 - ii. Culverts & Causeways
 - iii. Footpaths
 - iv. Kerb & Gutter
 - v. Road pavements and surfaces
 - vi. Street Furniture and Streetscapes
 - vii. Bulk Earthworks
 - viii. Stormwater & flood mitigation
- c) Plant
 - i. Minor Plant - equipment.
 - ii. Major Plant & Trucks – graders, loaders, rollers, tippers, crew cab trucks.
 - iii. Vehicles - cars, twin cabs, utilities.
- d) Sewer Assets
 - i. Lockhart Sewerage Scheme - gravity mains rising mains, pump stations and trickling filter sewerage treatment works, low pressure systems and pump units.
 - ii. The Rock Sewerage Scheme - gravity mains, rising mains, pump stations and aeration ponds filter sewerage treatment works, low pressure systems and pump units.
 - iii. Yerong Creek Sewerage Scheme - low pressure system including rising mains, sewerage pumps on individual properties and sewerage treatment works.

POLICY STATEMENT

1. Council is committed to implementing a systematic asset management methodology in order to apply appropriate asset management best practices across all areas of Council. This includes ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's priorities for service delivery.
2. Council will adopt a strategic approach to asset management which will ensure that the Council delivers the highest appropriate level of service through its assets. This will provide positive impact on:-
 - a) Members of the public and staff;
 - b) Council's financial position;
 - c) The ability of Council to deliver the expected level of service and infrastructure;
 - d) The political environment in which Council operates; and
 - e) The legal liabilities of Council.

PRINCIPLES

1. A consistent Asset Management Strategy must exist for implementing systematic asset management and appropriate asset management best-practice throughout all Departments of Council.
2. As custodian of a wide range of assets Council will adopt the following principles:
 - a) Sustainability – preserving Council's assets (maintaining their overall condition) for future generations.
 - b) Planning - development and maintenance of asset management plans for each class of asset to which this Policy applies.
 - c) Integration – incorporating asset management plans and asset management principles into long term financial and corporate planning including the Community Strategic Plan and Delivery Plan.
 - d) Liability management – ensuring that existing assets are safe for use by the current generation with particular reference to the Civil Liability Act 2002.
 - e) Monitoring - an inspection regime will be used as part of asset management to ensure agreed service levels are maintained and to identify asset renewal priorities.

1.13 Asset Management (cont'd)

- f) Prioritisation - asset renewals required to meet agreed service levels and identified in infrastructure and asset management plans and long term financial plans will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.
- g) Review - systematic and cyclic reviews will be applied to all asset classes to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Standards.
- h) Future life cycle costs will be reported and considered in all decisions relating to new services and assets and upgrading of existing services and assets.
- i) Consultation - future service levels will be determined in consultation with the community.
- j) Training – ensure that staff with asset management responsibilities are trained in asset management principles, practices and processes.

RESPONSIBILITY

1. Council is responsible for adopting the Asset Management Policy and Asset Management Plans, determining levels of service in consultation with the community, and allocating resources for the management of Council's assets.
2. The General Manager is responsible for overseeing and implementing the Asset Management Policy and Asset Management Plans with the agreed resources and reporting on the status and effectiveness of asset management within Council.

LEGISLATION

Legislation applicable to this policy includes:

- Local Government Act 1993.
- Local Government (General) Regulation 2005.
- Civil Liability Act 2002

RELATED DOCUMENTS

- Community Strategic Plan – 2017 to 2027
- Delivery Plan - 2017 to 2021
- Long Term Financial Plan – 2018 to 2027
- Asset Management Plan – Community Facilities
- Asset Management Plan – Transport
- Asset Management Plan – Sewerage Services
- Asset Management Plan – Plant

*Reviewed by Council 16 May 2022
Refer minute 103/22*

*Reviewed by Council 18 March 2019
Refer minute 67/19*

*Adopted by Council 19 October 2009
Refer minute 375/09*

1.14 Use of Council's Corporate Logo

POLICY TITLE: USE OF COUNCIL'S CORPORATE LOGO

FILE REF: SC67

REVIEW DATE: OCTOBER 2026

OBJECTIVES

The Council's corporate logo represents Lockhart Shire Council's heritage and therefore should be reserved generally for official purposes and where approval has been given by Council.

The corporate logo is to provide Council with a consistent and recognisable corporate image.

POLICY STATEMENT

The Council's corporate logo shall be used only by Council for the official business of the Council.

Local, community organisations within the Shire may make written application to the Council for the use of Council's logo. However, details on such use must be provided with any application.

In general, applications received from community groups for the use of Council's corporate logo will be considered by the Council however, in extenuating circumstances, the Mayor, Deputy Mayor and General Manager may give approval for the use of the corporate logo between Council meetings.

*Adopted by Council – 16 October 2023
Minute No. 187/23*

*Adopted by Council – 19 October 2020
Minute No. 216/20*

Reviewed by General Manager in February 2017

Adopted by Council – 19 April 2010
Minute No. 127/10

1.15 Rescinded – Presentations at Council Meetings

RESCINDED 16 OCTOBER 2023
Resolution No: 187/23

1.16 Rescinded – Donations/Contributions to Community Groups & Individuals

RESCINDED 16 OCTOBER 2023
Resolution No. 187/23

1.17 Rescinded – Councillors’ Access to Information

RESCINDED 19 JUNE 2017
Resolution No. 148/17

1.18 Public Interest Disclosures

POLICY TITLE: PUBLIC INTEREST DISCLOSURES

FILE REF: SC67

REVIEW DATE: SEPTEMBER 2026

Due to its length, this policy is kept as a stand-alone document and can be found on Council's website:

<https://lockhart.nsw.gov.au/council/council-policies-plans-reports/>.

Amended by Council – 19 February 2024

Refer Minute No. 29/24

Adopted by Council – 18 September 2023

Refer Minute No. 169/23

Adopted by Council – 15 May 2023

Refer Minute No. 79/23

Adopted by Council – 15 June 2020

Refer Minute No. 115/20

Amendments Adopted by Council – 18 November 2013

Refer Minute No. 355/13

Amendment Adopted by Council - 15 December 2011

Refer Minute No. 420/11

Adopted by Council – 19 September 2011

Refer Minute No. 311/11

1.19 Local Preference Purchasing

POLICY TITLE: LOCAL PREFERENCE PURCHASING

FILE REF: SC325

REVIEW DATE: JUNE 2025

OBJECTIVES

To ensure that Council achieves the best 'overall value-for-money' in its procurement of goods and services, while (where possible) giving preference to local suppliers, and non-local suppliers using local content to support the Shire's economic development.

POLICY STATEMENT

The Council's Local Preference Purchasing Policy recognises that 'overall value-for-money' is about broader economic benefits to the Shire and not just the lowest price. The Council acknowledges that economic benefits flow to all local businesses where Council maximises opportunities for local suppliers to compete for Council's business on the basis of value-for-money.

The Council's Local Preference Purchasing Policy aims to use Council's procurement actions to encourage and support local suppliers and support economic activity within the Shire where it is efficient to do so, while achieving the Council's overall 'value-for-money' objectives. This approach seeks to maximise overall community benefit for the Shire.

DEFINITIONS

In this Policy (unless the context indicates otherwise):

- 1) "Local content" means goods or services procured from a local supplier or employees living permanently in the Lockhart Shire.
- 2) "Local supplier" means a business, contractor or industry:
 - a) either permanently based in, or employing permanent staff operating from, permanent premises situated within the Shire boundaries for not less than six months prior to the date of the Procurement request; and
 - b) registered or licensed in New South Wales.
- 3) "Net cost" means, in relation to a quotation, tender or expression of interest, the total amount quoted or offered by a supplier for the supply of goods or services, including any freight or delivery charges and excluding GST and any discounts or rebates offered by the supplier.
- 4) "Procurement request" means a request for quotations or a public tender process pursuant to section 55 of the Local Government Act 1993.

POLICY STATEMENT

To assist local industry and local economic development, the Council will:

- 1) Encourage a 'buy local' culture within the Council;
- 2) Encourage local suppliers to participate in Council business by advertising in local newspapers and other means considered appropriate;
- 3) Ensure that procurement policies and procedures do not disadvantage local suppliers;
- 4) Ensure transparency in Council procurement practices;
- 5) Encourage use of local suppliers by contractors, whenever goods or services have to be sourced from outside the Shire;
- 6) Consider the non-price value-for-money considerations set out in this Policy; and
- 7) Apply a price preference discount in favour of local suppliers, as set out in this Policy.

NON-PRICE VALUE-FOR-MONEY CONSIDERATIONS

Council acknowledges that in assessing 'overall value-for-money', the following non-price considerations should be taken into account (where relevant) in relation to a Procurement Request:

- 1) Availability and access to after-sales service and maintenance;
- 2) Quality, type and availability of goods or services;

1.19 Local Preference Purchasing Policy (cont'd)

- 3) Advantages in dealing with a local supplier, including administrative and operational efficiency;
- 4) The proportion of local content to be supplied;
- 5) Whole-of-life costs of the purchase or contract;
- 6) Compliance with specifications, guidelines and requirements;
- 7) The supplier's knowledge, experience and ability to fulfil the requirements of the contract or purchase;
- 8) The supplier's commitment to supporting local businesses and the local economy through sub-contracting and other supplier arrangements;
- 9) The health and safety of Council employees particularly when purchasing machinery and equipment or other goods or services to be used by staff in the course of their employment.
- 10) Net benefits to the Shire, including economic benefits; and
- 11) All other factors relevant to consideration of the particular tender.

Notwithstanding the Council's Local Preference Purchasing Policy, an assessment of responses to a procurement request must consider all of the above factors, in conjunction with price and locality considerations.

PRICE PREFERENCE DISCOUNTS

- 1) For the purposes of comparing the price tendered by local and non-local suppliers, the price preference discount set out below will be applied and given to:
 - a) Local suppliers submitting responses to a Procurement Request which are assessed in relation to this policy; and
 - b) Non-local suppliers submitting responses to a Procurement Request, which include use of local content and which are assessed in relation to this policy.
- 2) For local suppliers submitting responses to a Procurement Request, Council will assess their response as if their total net cost bid was reduced by 5%. Discounts will be limited to a maximum of \$15,000 (i.e. 5% or \$15,000 whichever is the lesser).
- 3) For non-local suppliers submitting responses to a Procurement Request, if at least 25% of the net cost of their response includes or is attributable to local content, Council will assess such response as if the total net cost attributable to local content were reduced by 5%. Discounts will be limited to a maximum of \$15,000 (i.e. 5% or \$15,000 whichever is the lesser).
- 4) Notwithstanding 1), 2) and 3) above, and the other criteria contained in this policy, the General Manager will have the discretion to accept a quote from a local business that is no more than \$250 higher than the quote from a non-local business.
- 5) To be eligible for either discount, suppliers must specifically detail and explain in their response to a procurement request the particular facts upon which they rely to establish their eligibility for the discount and must provide any evidence of such eligibility as reasonably required by the Council.
- 6) All Procurement Request documents issued by Council must clearly state whether and how a price preference for local suppliers will be applied so that all tenderers are aware of Local Preference Purchasing Policy prior to submitting a response to a Procurement Request.
- 7) As price is only one factor for consideration in the evaluation of a response to a procurement request, the application of the discount does not guarantee that the supplier receiving the discount will be successful.
- 8) If the Local Preference Purchasing Policy is applied in a procurement process, the cost to the community of applying the policy, and a brief statement of the rationale behind the policy, should be recorded at the time of the procurement decision.
- 9) All procurement processes resulting in local preferences being applied must be capable of identification and verification through Council's audit or internal control mechanism.

OVERALL LOCAL PREFERENCE

- 1) In the event that:
 - a) The net costs bid by a local supplier and a non-local supplier are equal (after calculating any applicable discounts in accordance with this policy);
 - b) Both suppliers otherwise meet the criteria and requirements of the Procurement Request; and
 - c) Each supplier (and its goods and/or services) is otherwise regarded as being 'equal', taking into account the non-price value-for-money considerations set out above,Preference will be given to the local supplier.

1.19 Local Preference Purchasing Policy (cont'd)

- 2) To avoid doubt, normal processes of assessment of non-price considerations still apply, and this policy does not require that the lowest cost tender is necessarily successful. The purpose of this policy is to give preference to local suppliers (compared to non-local suppliers) where all else is equal.

IMPLEMENTATION

Examples of how the Policy may be implemented are shown below.

Example 1

A tender for the supply of goods and services attracts the following bids:

- a) Bid A of \$9,750 (net cost) is received from a non-local supplier, which is using non-local supplies and services. No price preference discount applies.
- b) Bid B of \$10,000 (net cost) is received from a local supplier within the Shire. A 5% price preference discount applies to the net cost, which is discounted to \$9,500 for comparison purposes.

The local price preference discount is applied as follows:

TENDERS RECEIVED	PREFERENCE	CALCULATION	TOTAL BID (FOR EVALUATION ONLY)
Bid A (non-local supplier) \$9,750	No preference applicable	n/a	\$9,750
Bid B (local supplier) \$10,000	5% price discount is applied	Less 5% of \$10,000 = \$500	\$9,500

Bid B is successful, subject to all other considerations being met. Price paid is \$10,000.

Example 2

A tender for contract attracts the following bids:

- a) Bid A of \$490,000 (net cost) is received from a non-local supplier, which includes local content of \$150,000. Since local content comprises more than 25% of the net cost, a 5% price preference discount applies to the local content component of the bid. The discounted total net cost of the bid is therefore \$482,500 for comparison purposes.
- b) Bid B of \$497,500 (net cost) is received from a local supplier. A 5% price preference discount applies to the total net cost of the bid. The discount is limited to the maximum discount of \$15,000. The total discounted net cost of the bid becomes \$482,500 for comparison purposes.

The local price preference discount is applied as follows:

TENDERS RECEIVED	PREFERENCE	CALCULATION	TOTAL BID (FOR EVALUATION ONLY)
Bid A (non-local supplier) \$490,000	5% price discount is applied to the local content	Less 5% of \$150,000 = \$7,500	\$482,500
Bid B (local supplier) \$497,500	5% price discount is applied	Less 5% of \$497,500 = \$24,875 limited to \$15,000	\$482,500

Because Bid B comes from a local supplier, and on the basis that all other considerations were equal, Bid B is successful even though the discounted prices were equal. Price paid is the original \$497,500, with the application of the policy costing the Council a notional \$7,500 (i.e. Council could have purchased from non-local supplier for \$490,000).

Amended by Council – 20 June 2022
Refer Minute No. 118/22

Amended by Council – 18 March 2019
Refer Minute No. 45/19

Adopted by Council – 16 September 2013
Refer Minute No. 281/13

1.20 Related Party Disclosures

POLICY TITLE: RELATED PARTY DISCLOSURES

FILE REF: SC67

EXPIRY DATE: FEBRUARY 2027

1. OBJECTIVES

From 1 July 2016, Council is required to disclose Related Party Relationships and Key Management Personnel (KMP) compensation in its Annual Financial Statements.

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 - Related Party Disclosures.

2. DEFINITIONS

"Act": means the Local Government Act 1993.

"AASB 124": means the Australian Accounting Standards Board, Related Party Disclosures Standard.

"Close family members" of a person: are those family members who may be expected to influence, or be influenced by, that person in their dealings with the Council and include:

- a) that person's children and spouse or domestic partner;
- b) children of that person's spouse or domestic partner; and
- c) dependents of that person or that person's spouse or domestic partner.

Refer also Section 11 Procedures.

"Entity": can include a body corporate, a partnership or a trust, incorporated association, or unincorporated group or body.

"Key Management Personnel (KMP)": as defined in Section 5 of this Policy.

"KMP Compensation": means all forms of consideration paid, payable, or provided in exchange for services provided, and may include:

- 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;
- Post-employment benefits such as pensions, other retirement benefits, postemployment life insurance and post-employment medical care;
- 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; and
- Termination benefits.

"Material": (materiality) 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 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.

"Ordinary Citizen Transaction": means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Council.

"Possible (Possibly) Close Family Members of a person": are those family members who could be expected to influence, or be influenced by, that person in their dealings with the Council and include:

- a) that person's brothers' and sisters';
- b) aunts, uncles, and cousins of that person's spouse or domestic partner;

1.20 Related Party Disclosures (cont'd)

- c) dependents of those persons' or that person's spouse or domestic partner as stated in (b); and
- d) that person's or that person's spouse or domestic partners', parents' and grandparents.

Refer also Section 11 Procedures.

"Related Party": defined in Section 6 of this Policy.

"Related Party Transaction": is a transfer of resources, services or obligations between Council and a related party, regardless of whether a price is charged.

"Regulation": means the Local Government (General) Regulation 2005

"Significant": (significance) 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.

"Remuneration": 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.

3. RELATED LEGISLATION AND DOCUMENTS

- Australian Accounting Standard AASB124 related party disclosures (AASB124)
- Australian Accounting Standard AASB10 consolidated financial statements (AASB10)
- Local Government Act 1993
- Local Government (General) Regulation 2005
- Council Code of Conduct Policy.

4. POLICY STATEMENT

Council is committed to responsible corporate governance, including compliance with laws and regulations governing related party transactions.

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.

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. Alternatively, one party may refrain from trading with Council because of the significant influence of another—for example, a local supplier may be instructed by its parent not to engage in supplying goods to Council.

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.

AASB 124 provides that Council must disclose all material and significant Related Party Transactions and outstanding balances, including commitments, in its Annual Financial Statements. Generally, disclosure will only be made where a transaction has occurred between Council and a related party of Council. In addition the transaction must be material in nature or size, when considered individually or collectively.

When assessing whether such transactions are significant the following factors will be taken into consideration:

- significance in terms of size;
- was it carried out on non-market terms;
- is it outside normal day-to-day council operations;
- was it subject to council approval;
- did it provide a financial benefit not available to the general public;
- was the transaction likely to influence decisions of users of the Annual Financial Statements.

1.20 Related Party Disclosures (cont'd)

Regard must also be given for transactions that are collectively, but not individually significant.

To enable Council to comply with AASB 124 Council's KMP, as defined in Section 5 of this Policy, are required to declare details of any Related Parties and Related Party Transactions. Such information will be retained and reported, where necessary, in Council's Annual Financial Statements.

5. KEY MANAGEMENT PERSONNEL (KMP)

AASB 124 defines KMP's as "those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly".

For Council's purposes and the purposes of this Policy KMP's are considered to include:

- 1) Mayor
- 2) Councillors
- 3) General Manager
- 4) Director of Engineering
- 5) Director Corporate and Community Services
- 6) Director Planning and Environment

6. IDENTIFICATION OF RELATED PARTIES

A related party is a person or entity that is related to the entity that is preparing its financial statements.

For Council's purposes and the purposes of this Policy, related parties of Council are:

- a) Entities related to Council;
- b) Key Management Personnel (KMP) of Council
- c) Close family members of KMP;
- d) Possible close family members of KMP's; and
- e) Entities or persons that are controlled or jointly controlled by KMP, or their close family members, or their possible close family members.

Also a person or entity is a related party of Council if any of the following apply:

- they are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others);
- they are an associate or belong to a joint venture of which Council is part of;
- they and Council are joint ventures of the same third party;
- they are part of a joint venture of a third party and council is an associate of the third party;
- they are a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council;
- they are controlled or jointly controlled by Close members of the family of a person;
- they are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of Council; or
- they or any member of a group of which they are a part, provide KMP services to Council.

7. RELATED PARTY TRANSACTIONS

All transactions between Council and related parties, whether monetary or not, are required to be identified. Such transactions may include:

- Purchase or sale of goods;
- Purchase or sale of property and other assets;
- Rendering or receiving services;
- Leases;

1.20 Related Party Disclosures (cont'd)

- transfers of research and development;
- transfers under licence agreements;
- transfers under finance arrangements (including loans and equity contributions in cash or in kind);
- provision of guarantees or collateral;
- commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised);
- Quotations and/or tenders;
- Commitments; and
- Settlements of liabilities on behalf of Council or by Council on behalf of the related party.

8. EXEMPTIONS

Related party transactions excluded from disclosure requirements on the basis of Ordinary Citizen Transactions are;

- Any valid discounts and fee waivers that are available to the party as an ordinary citizen and is available to any ordinary citizen in the same circumstance, and
- Any service or benefit occurring within normal employee, customer or supplier relationships and at arm's length; and
- are not material or significant;

9. DISCLOSURES

Council must disclose all material and significant Related Party Transactions in its annual financial statements and include the following detail:

- a) The nature of the related party relationship; and
- b) Relevant information about the transactions including:
 - (i) The amount of the transaction;
 - (ii) The amount of outstanding balances, including commitments,
 - (iii) Provision for doubtful debts related to the amount of outstanding balances; and
 - (iv) The expense recognised during the period in respect of bad or doubtful debts due from related parties.

10. MATERIALITY

Materiality thresholds are reviewed annually as part of the audit process and reported related party disclosures will be in compliance with the framework of the Australian Accounting Standard AASB124 and other relevant standards, as required.

The following matters must be considered in determining the materiality and significance of any related party transactions:

- Significance of transaction in terms of size;
- Whether the transaction was carried out on non-market terms;
- Whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets;
- Whether the transaction is disclosed to regulatory or supervisory authorities;
- Whether the transaction has been reported to senior management; and
- Whether the transaction was subject to Council approval.

Regard must also be given for transactions that are collectively, but not individually significant.

11. PROCEDURES

The method for identifying the close family members, possible close family members and associated entities of KMP will be by KMP self-assessment. KMP have an ongoing responsibility to advise Council immediately of any Related Party Transactions.

1.20 Related Party Disclosures (cont'd)

The preferred method of reporting is for KMP to provide details of Related Parties and Related Party Transactions to the Director Corporate and Community Services.

Information provided will be reviewed in accordance with the Council's operational requirements and held on a centralised register.

Should a KMP have any uncertainty as to whether a transaction may constitute a related party transaction, they should contact the Director Corporate and Community Services for clarification.

12. PRIVACY

Information provided by KMP 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 legal reasons only.

13. POLICY REVIEW

This policy will be reviewed when any of the following occur:

- a change of Councillors, General Manager or other KMP;
- organisation restructure;
- the related legislation/documents are amended or replaced;
- other circumstances as determined from time to time by a resolution of Council; and
- changes to the Local Government Code of Accounting Practice and Financial Reporting.

14. TRAINING AND COMMUNICATION

This Policy will be provided to KMP in the initial awareness-raising and data collection, and as part of new Councillor inductions.

Internal training on supporting this Policy shall be scheduled as required.

*Amended by Council – 19 February 2024
Refer Minute No. 29/24*

*Adopted by Council – 19 April 2022
Refer Minute No. 81/22*

*Adopted by Council – 15 June 2020
Refer Minute No. 115/20*

*Adopted by Council – 19 June 2017
Refer Minute No. 149/17*

1.21 Investment Attraction Incentives

POLICY TITLE: INVESTMENT ATTRACTION INCENTIVES POLICY

FILE REF: SC67

REVIEW DATE: AUGUST 2025

OBJECTIVES

The Investment Attraction Incentive Policy is aimed at supporting an economy and business operating environment that encourages investment. This Policy establishes Lockhart Shire Council's framework with respect to investment attraction and support for business in the region.

Through this Policy Council will deliver targeted strategies and programs to support economic growth. The policy is focused on targeted investment support, whereby the nature and scale of the proposed investment will stimulate significant economic benefits diversity and value-add to the wider regional economy beyond the growth of the business itself.

Lockhart Shire Council's investment attraction incentives are designed to attract investment in key strategic industries and designed to stimulate significant and sustainable economic growth, diversify our industry base and value add to our regional economy.

This policy does not apply to cases where investment assistance is required by Council to support a business threatened by closure or downsizing.

POLICY STATEMENT

For the purpose of this Policy, investment attraction, or incentives to invest, involves pro-active and strategic targeting of investment support. It involves initiatives to support an environment which encourages investment and/ or incentives which specifically encourage or achieve a required activity.

Council's support for new investment in the Lockhart Shire may be provided in a number of ways both non-financial and financial including but not limited to:

- Non-financial assistance, including (but not limited to) dedicated business officer assistance, fast-tracked development application process, assistance and support with property location, business support networks and marketing; and
- Financial assistance, including (but not limited to) interest free vendors terms, a discount on the price of industrial land, a discount on the price of residential land purchased in conjunction with an industrial lot, waiving of development application fees and deferred payment of infrastructure charges

These incentives are available for strategically important projects within identified industries and locations which will diversify the economy, support jobs growth and investment growth and provide a net community benefit.

The level of incentive applicable to a development and/or project will be determined by the eligibility criteria contained within the Policy. Council will ensure that any incentives are provided in a transparent, equitable and risk-averse manner. Under this Policy, Council's investment support adopts an approach to ensure that the Policy delivers net community benefits and contributes to the long term economic sustainability of Lockhart Shire.

Direct Financial Incentive Offers must be supported by a resolution of Council.

INVESTMENT ATTRACTION INCENTIVES PACKAGE

The Investment Attraction Incentives Package is a discretionary scheme which seeks to attract and support projects that will deliver the greatest benefits to the Lockhart Shire.

The focus of the incentives package is on projects that will:

- Create new jobs and investment;
- Value-add through enhanced supply chains;
- Generate growth within key strategic industries and locations;
- Demonstrate innovation and environmental sustainability; and
- Diversify and make the local economy more sustainable.

1.21 Investment Attraction Incentives (cont'd)

The Investment Attraction Incentives Package is specifically targeted to businesses in the following industries:

- Agricultural Production
- Manufacturing and Light Industry
- Transport and Logistics
- Visitor Economy – New Visitor Accommodation and/or Experiences

ELIGIBILITY CRITERIA

All applications for Direct Financial Incentives will be assessed in accordance with the Investment Attraction Incentive Policy.

The level of incentive applicable to a development and/or project will be determined by set eligibility criteria and may include (but not be limited to) Projects that:

- Provide a significant net economic and community benefit to Lockhart Shire.
- Are identified as a key strategic industry for the Shire where incentives are applicable.
- Are within an identified location where incentives are applicable.
- Sustainable and result in jobs growth, may involve relocation to the Lockhart Shire region and are innovative and environmentally responsible.
- Diversify the region's economic base and value-add to business.
- Fill and identified gap or need in the local economy.

The following projects, activities and organisations are not eligible for direct financial assistance:

- A project that does not fit within the Infrastructure Charges Incentives Administrative Policy and Investment Attraction Incentive Policy eligibility criteria for identified targeted industries and/or location.
- A project of a government department or agency, government-owned corporation or regional development organisation.
- A project which can be more appropriately funded by another government program.

Council's Investment Attraction Incentives Package does not apply to cases where investment assistance is required by Council to support a business threatened by closure or down-sizing. Financial assistance will not be provided retrospectively.

THE INCENTIVES

The Investment Attraction Incentives Package is aimed at attracting investment in key industries and locations which will encourage jobs, growth and investment in the Lockhart Shire.

The Incentives Package is available to businesses wishing to relocate and/or expand operations within the Lockhart Shire Local Government Area.

INCENTIVE	DESCRIPTION
Dedicated Business Assistance Officer	A dedicated Business Assistance Officer will act as a single point of contact for prospective investors, providing continuity of advice and assistance in helping to meet individual business requirements.
Fast Tracked Development Application Process	Guaranteed development application assessment timeframes including provision of pre-lodgment meetings, dedicated assistance, and guidance. Guaranteed 10 day turn around on low complexity applications, house and shed applications and concurrence agency assessments, not requiring further referral or public notification.
Property Location Assistance	Assistance provided to prospective investors searching for ideal development sites or building premises within the Lockhart Shire.
Guided Familiarisation Tours	Provision of a guided familiarisation tour to highlight the region's unique characteristics and business potential.
Business Case Assistance	Assistance provided to prospective investors in obtaining the local economic and business data needed in preparation of project analysis and viability studies.
Business Welcome Information Package	Provision of a package of information pertinent to business operations in the

1.21 Investment Attraction Incentives (cont'd)

INCENTIVE	DESCRIPTION
Industry Networking	Lockhart Shire to prospective investors or relocating employees. Provision of information and contact details for regional Industry Bodies and Business Enterprise Groups including an introductory meeting.
Business Support	Access to Murray-Riverina NSW Business Chamber, Riverina Business Enterprise Centre and Service NSW – Business to provide support through disciplines including accounting, legal, marketing, financial planning, banking, business mentoring, real estate, construction and more.
Financial Incentives *	Financial incentives may include but not be limited to: <ul style="list-style-type: none">– Waiving or discounting of development application fees.– Deferred payment of developer contributions and/or infrastructure charges.– Access to free co-operative regional marketing campaigns.– Free assessment of trade waste discharge requirements.– Attractive vendor terms on purchase of Council owned industrial or residential land.– Discounted sale price on multiple lot purchases of Council owned industrial or residential land.– Other financial incentives considered appropriate in the circumstances and based on the merit of individual applications.
Business Profile, Marketing & Connectivity	Access to business profile and marketing assistance through Council's website, business networks including but not limited to Regional Development Australia, Murray-Riverina NSW Business Chamber, Riverina Business Enterprise Centre and Lockhart Shire Council.
Community Engagement	Provision of general public relations/media advice and assistance and/or participation in marketing/awareness campaigns to assist with community engagement for relevant projects.

* Any financial incentives approved by Council may be subject to conditions. In particular, the deferral of any developer contributions and/or infrastructure charges payable in accordance with a development consent issued by Council may be subject to:

- Execution of an appropriately worded agreement prepared by Council's solicitor.
- Lodgement with Council of a bond, bank guarantee or other appropriate surety.
- Registration of a caveat in favour of the Council on the title of the subject land.
- Where the development involves the subdivision of land, lodgement of the survey plan with the Land Titles Office within 30 days of it being certified by Council.

APPLICATION AND ASSESSMENT PROCESS

Applications for Direct Financial Assistance through the Investment Attraction Incentives Policy are to be made formally through an application process.

Projects will undergo a rigorous assessment to ensure only eligible projects that will provide a net economic and community benefit to the Lockhart Shire will be assisted.

Criteria considered during the evaluation of applications may include:

- The nature of the proposed business.
- Expected economic impact of the project/business.
- Capital investment.
- Employment generation (including indigenous employment).
- Income generation for residents.
- Level to which the proponent/project contributes to economic diversity.

1.21 Investment Attraction Incentives (cont'd)

- Economic sustainability of the project.
- Growth potential of the business.
- Level of innovation or research.
- Development capabilities.
- Ability to leverage additional economic growth in the future.
- Anticipated environmental impacts of the project.
- Timing of the project.
- Evidence of competing locations.

Proponents must provide a fully completed application form together with relevant supporting documentation as outlined in the application form. Council Officers can provide detailed advice on eligibility and guidance with the application process and documentation. Acceptance of a signed application does not guarantee approval for either all or part of the incentive being sought.

RELATED LEGISLATION AND DOCUMENTS

Lockhart Shire Investment Attraction Incentives Scheme Guidelines.

Lockhart Shire Investment Attraction Application Form.

Section 356 of the Local Government Act: - Can a council financially assist others?

- 1) "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.
- 2) 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 the council's proposal to pass the necessary resolution has been given.
- 3) However, public notice is not required if:
 - a) the financial assistance is part of a specific program, and
 - b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area."

*Adopted by Council – 15 August 2022
Refer Minute No. 169/22*

*Adopted by Council – 15 April 2019
Refer Minute No. 79/19*

*Adopted by Council – 19 June 2017
Refer Minute No. 127/17*

1.22 Legislative Compliance

POLICY TITLE: LEGISLATIVE COMPLIANCE

FILE REF: SC67

EXPIRY DATE: NOVEMBER 2026

INTRODUCTION

A compliance program is an important element in the corporate governance and due diligence of an organisation. This policy sets out the structural, operational and maintenance elements of an effective compliance program.

OBJECTIVES

The aim of an effective compliance program is to:

- a) Prevent, and where necessary, identify and respond to, breaches of applicable laws, regulations, codes and organisational standards
- b) Promote a culture of compliance within the organisation
- c) Assist the organisation in remaining or becoming a good corporate citizen

COMMITMENT

Lockhart Shire Council is committed to fulfilling the community's expectations and being a good corporate citizen through compliance with all applicable laws, regulations, codes and organisational standards.

IMPLEMENTATION

The General Manager will have overall responsibility for compliance.

A compliance framework will be maintained identifying the more significant laws and regulations applying to the Council (refer Schedule 1) and reporting obligations (refer Schedule 2).

The compliance framework will allocate responsibility for individual compliance tasks within the organisation.

Compliance obligations are to be integrated into the day-to-day operational procedures of the organisation.

MONITORING AND MEASURING

The Audit and Risk Committee (to be established), will work closely with the Internal Auditor, to assist the Council in exercising due care, diligence and skill in discharging its oversight and monitoring responsibilities, especially regarding financial reporting, risk management and compliance with legislation and Council policies.

An Internal Audit Plan will be maintained and will include an ongoing program for the internal review of the Council's activities including periodic reviews of its compliance program.

Compliance failures and complaints will be investigated in order to rectify breaches and prevent systematic and recurring problems.

Council policies will be subject to periodic review by the Council in accordance with a predetermined timetable (refer Schedule 3).

CONTINUAL IMPROVEMENT

The Compliance program and the compliance framework referred to in Schedule 1 will be regularly reviewed and continually improved by:

- a) Incorporating periodic internal audit reviews focusing on compliance in the Council's Internal Audit Plan and monitoring the work of the Internal Auditors in their reports to the Audit Committee especially noting the risk ratings attached.
- b) Regular review of Council policies in accordance with a pre-determined timetable (refer Schedule 2);
- c) Remaining abreast of changes in legislation and policies of Government by subscribing to Office of Local Government (OLG) Circulars, retaining membership of LGNSW and participating in conferences, seminars and other events hosted by OLG, LGNSW, Local Government Professionals Australia, RERO and other local government industry bodies.

*Adopted by Council 20 November 2023
Refer minute 219/2023*

*Adopted by Council 16 November 2020
Refer minute 239/2020*

**Schedule 1
Compliance Framework**

Legislation/Award	Responsibility
New South Wales	
Anti-Discrimination Act 1977	Council General Manager Director Corporate and Community Services Director of Engineering Human Resources Co-ordinator
Biodiversity Conservation Act 2016	Director of Engineering Director of Planning and Environment
Biosecurity Act 2015	Director of Engineering Director of Planning and Environment Environmental Officer
Companion Animals Act 1998	Director of Engineering Director of Planning and Environment Compliance Officer
Contaminated Land Management Act 1997	Director of Engineering Director of Planning and Environment
Crown Land Management Act 2016	General Manager Director Corporate and Community Services Director of Engineering
Disability Inclusion Act 2014	Council General Manager Director Corporate and Community Services Director of Engineering
Environmental Planning & Assessment Act 1979	Director of Engineering Director of Planning and Environment
Government Information (Public Access) Act 2009	Director Corporate and Community Services
Heavy Vehicle National Law	Director of Engineering
Heritage Act 1977	Director of Engineering Director of Planning and Environment
Impounding Act 1993	Director of Engineering Director of Planning and Environment Compliance Officer
Library Act 1989	General Manager Director Corporate and Community Services
Local Government Act 1993	Council General Manager Director Corporate and Community Services Director of Engineering
Local Government (NSW) State Award 2017	General Manager Director Corporate and Community Services Director of Engineering Human Resources Co-ordinator
Privacy & Personal Information Protection Act 1998	Director Corporate and Community Services
Protection of the Environment Operations Act 1997	Director of Engineering Director of Planning and Environment
Public Health Act 2010	Director of Engineering Director of Planning and Environment

1.22 Legislative Compliance (con't)

Legislation/Award	Responsibility
Public Interest Disclosures Act 1994	General Manager Director Corporate and Community Services
Residential Tenancies Act 2010	Director Corporate and Community Services
Roads Act 1993	Director of Engineering
Rural Fires Act 1997	General Manager Director of Engineering
State Emergency & Rescue Management Act 1989	Director of Engineering
State Emergency Services Act 1989	Director of Engineering
State Records Act 1998	Director Corporate and Community Services
Valuation of Land Act 1916	Director Corporate and Community Services
Waste Minimisation and Management Act 1995	Director of Engineering Director of Planning and Environment
Work Health and Safety Act 2011	Council General Manager Director Corporate and Community Services Director of Engineering Human Resources Co-ordinator
Commonwealth	
A New Tax System (Goods and Services Tax) Act 1999	Director Corporate and Community Services
A New Tax System (Pay As You Go) Act 1999	Director Corporate and Community Services
Fair Work Act 2009	General Manager Director Corporate and Community Services Director of Engineering Human Resources Co-ordinator
Fringe Benefits Tax Assessment Act 1986	Director Corporate and Community Services
National Heavy Vehicle Law	Director of Engineering
Native Title Act 1993	Director of Engineering

**Schedule 2
Reporting Obligations**

Reporting Requirement	Recipient	Due Date	Responsibility
Active Transport Completion Report	Roads & Maritime Services	30 June	Director of Engineering
Annual Report	Minister for Local Government	30 November	General Manager
Block Grant Annual Report	Roads & Maritime Services	July	Director of Engineering
Building Approvals	Long Service Leave Corporation	Monthly	Director of Planning & Environment
Cemeteries Annual Report	Crown Lands NSW	July	Director of Engineering
Code of Conduct Statistics	Council Office of Local Government	31 December	General Manager Human Resources Co-ordinator
Companion Animals Annual Report	Office of Local Government	30 September	Director of Planning & Environment
Crown Land Annual Report	Crown Lands NSW	31 October	Director of Engineering
Development & Building Approvals Statistics	Australian Bureau of Statistics	August	Director of Planning & Environment
Disclosure of Interest Annual Returns	Council	30 September	General Manager
Financial Statements	Office of Local Government	31 October	Director Corporate & Community Services
Financial Data Return	Office of Local Government	31 October	Director Corporate & Community Services
Food Inspections	Office of Local Government		Director of Planning & Environment
GIPA Annual Report	Minister for Local Government Information Commissioner	31 October	Director Corporate & Community Services
Landfill Annual Reports	Environment Protection Authority	31 August	Director of Engineering
Mines (Quarries) Annual Reports	Mines NSW (DPI)	September	Director of Engineering
National Local Roads Data Annual Report	Office of Local Government	November	Director of Engineering
Plan First Levy	Department of Planning	Monthly	Director of Planning & Environment
Public Interest Disclosures Annual Report	Minister for Local Government Ombudsman	31 October	General Manager Human Resources Co-ordinator
Regional Roads Repair Program	Roads & Maritime Services	30 June	Director of Engineering
Return of Information on Local Roads and Bridges on Local Roads	Local Government Grants Commission	30 September	Director of Engineering

1.22 Legislative Compliance (con't)

Reporting Requirement	Recipient	Due Date	Responsibility
Return of General Information	Local Government Grants Commission	30 November	Director Corporate & Community Services
Roads to Recovery	Department of Infrastructure	31 October	Director of Engineering
Sewerage Treatment Plants Annual Report	Environment Protection Authority	September	Director of Engineering
Sewerage Treatment Plants Annual Report	Office of Water	31 October	Director of Engineering
State Environmental Planning Policies	Department of Planning	Quarterly	Director of Planning & Environment

**Schedule 3
Lockhart Shire Council
Policy Review Timetable**

Section 1 – Council and Electoral

Policy	Last Review Date	Next Review Date
1.0 Policies – Procedure for Consideration and Adoption	March 2023	March 2026
1.1 Payment of Councillors and Mayoral Fees, Expenses and Facilities	April 2022	April 2025
1.2 Councillors Media Policy	October 2020	October 2023
1.3 Rescinded	NA	NA
1.4 Code of Conduct	April 2022	April 2025
1.5 Privacy Plan and Privacy Code of Practice	June 2020	June 2023
1.6 Statement of Business Ethics	March 2023	March 2026
1.7 Fraud Control Policy	September 2022	September 2025
1.8 Rescinded	NA	NA
1.9 Records Management	December 2020	December 2023
1.10 Investment Policy	October 2020	October 2023
1.11 Section 355 Committees	April 2022	April 2025
1.12 Debt Recovery Procedures	May 2020	May 2023
1.13 Asset Management	May 2022	May 2025
1.14 Use of Council's Corporate Logo	October 2020	October 2023
1.15 Rescinded – Presentations at Council Meetings	October 2023	NA
1.16 Rescinded – Donations/Contributions to Community Groups and Individuals	October 2023	NA
1.17 Rescinded	NA	NA
1.18 Public Interest Disclosures and Reporting	June 2020	June 2023
1.19 Local Preference Purchasing Policy	June 2022	June 2025
1.20 Related Party Disclosures	April 2022	April 2025
1.21 Investment Attraction Incentives	August 2022	August 2025
1.22 Legislative Compliance Policy	November 2020	November 2023
1.23 Cyber Security and Information Systems Security	October 2021	October 2024
1.24 Bribes, Gifts and Benefits Policy	September 2020	September 2023
1.25 Australian Citizenship Dress Code	February 2023	February 2026

1.22 Legislative Compliance (con't)

Policy	Last Review Date	Next Review Date
1.26 Naming of Roads, Bridges, Public Places and Buildings	February 2021	February 2024
1.27 Australia Day Awards	April 2023	April 2026
1.28 Child Safety and Child Protection		March 2026

Section 2 – Technical

Policy	Last Review Date	Next Review Date
2.1 Parking on Nature Strips	November 2020	November 2023
2.2 Disabled Persons Access	March 2021	March 2024
2.3 Response to Incidents Involving Hazardous Materials	March 2021	March 2024
2.4 Environmental Restoration – Emergency Grant Procedures	March 2021	March 2024
2.5 Provision of Water Tanks at Shows and Festivals	November 2020	November 2023
2.6 Public Arts Policy	April 2021	April 2024
2.7 Rescinded	NA	NA
2.8 Works for Local Management Committees	February 2018	February 2021
2.9 Rescinded	NA	NA
2.10 Authority to Undertake Enforcement Actions	August 2020	August 2023
2.11 Rescinded	NA	NA
2.12 Rescinded	NA	NA
2.13 Light Motor Vehicle Policy	September 2022	September 2025
2.14 Rescinded	NA	NA
2.15 Rescinded	NA	NA
2.16 Rescinded	NA	NA
2.17 Local Roads Classification & Maintenance	August 2020	August 2023
2.18 Private Water Pipes Under Roadways	August 2020	August 2023
2.19 Rescinded	NA	NA
2.20 Street Trees and Building Control	NA	NA
2.21 Rescinded	NA	NA
2.22 Private Works – Charges for Works under Section 67	August 2020	August 2023
2.24 Noxious Weeds Control	August 2020	August 2023

1.22 Legislative Compliance (con't)

Policy	Last Review Date	Next Review Date
2.25 Bush Fire Operations, Supply & Management of Equipment & Management of Equipment	August 2020	August 2023
2.26 Signs as Remote Supervision	August 2020	August 2023
2.27 Constructed Footpath Risk Management	August 2020	August 2023
2.28 Asbestos Cement	August 2022	August 2025
2.29 Equipment Hire for Emergency Situations	August 2020	August 2023
2.30 Dust Suppression	August 2020	August 2023
2.31 Procurement Policy	September 2022	September 2025
2.32 Disposal of Surplus, Obsolete or Scrap Materials, Stores, Equipment, Plant and Vehicles	October 2022	October 2025
2.33 Rescinded – Pensioner Concession	October 2023	NA
2.34 Refund of Development Related Fees	September 2020	September 2023
2.35 Collection of Firewood from Council Road Reserves and Dead Standing Trees	April 2020	April 2023
2.36 Refund of Fees to Community Organisations	September 2020	September 2023
2.37 Rescinded	NA	NA
2.38 Rescinded	NA	NA
2.39 Rescinded	NA	NA
2.40 Liquid Trade Waste	August 2020	August 2023
2.41 Rapid Response Plan for Noxious Weed Incursions	NA	NA
2.42 Rescinded	NA	NA
2.43 Rescinded	NA	NA
2.44 Street Tree Policy	August 2020	August 2023
2.45 Stock Movement and Grazing Policy	August 2021	August 2024
2.46 Keeping of Animals Policy	August 2020	August 2023
2.47 Contaminated Land Management	August 2020	August 2023
2.48 Awnings, Verandas & Balconies over Footways	June 2020	June 2023
2.49 Local Orders Policy No. 1 – Premises or Land not in a Safe or Healthy Condition	May 2022	May 2025
2.50 Low Pressure Sewer Systems	July 2021	July 2024
2.51 Event Management Policy	April 2021	April 2024

1.22 Legislative Compliance (con't)

Policy	Last Review Date	Next Review Date
2.52 Stormwater and Drainage Policy	July 2021	July 2024
2.53 Mobile Garbage Bin Issue and Replacement	June 2022	June 2025
2.54 Contract Management	July 2022	July 2025
2.55 Roadside Vegetation Management	August 2022	August 2025
2.56 Local Approvals Policy for Mobile Food Vans	August 2022	August 2025
2.57 Grants Management	December 2020	December 2023
2.58 Conflict of Interest – Council Related Developments	April 2023	April 2026

Section 3 – Staff Matters

Policy	Last Review Date	Next Review Date
3.1 Provision of Protective Clothing/Equipment	August 2022	August 2025
3.2 Rescinded	NA	NA
3.3 Bullying and Harassment	October 2021	October 2024
3.4 Superseded by Policy 2.13	NA	NA
3.5 Return to Work Program	November 2021	November 2024
3.6 Work Health & Safety	November 2021	November 2024
3.7 Rental of Staff Dwellings	September 2020	September 2023
3.8 Conference Expenses – Senior Officers	September 2020	September 2023
3.9 Training	November 2021	November 2024
3.10 Equal Employment Opportunity	November 2021	November 2024
3.11 Smoke Free Workplace Policy	February 2023	February 2026
3.12 Provision of Indoor Staff Uniform	March 2023	March 2026
3.13 Rescinded	NA	NA
3.14 Complaints Management	February 2021	February 2024
3.15 Incident/Accident Investigation	February 2021	February 2024
3.16 Drugs & Alcohol in the Workplace	March 2023	March 2026
3.17 Workplace Health & Safety Consultation	November 2021	November 2024
3.18 Credit Card Use	May 2022	May 2025
3.19 Council Volunteers	October 2020	October 2023
3.20 Guidelines for Secondary Employment	September 2020	September 2023

1.22 Legislative Compliance (con't)

Policy	Last Review Date	Next Review Date
3.21 Risk Management	April 2021	April 2024
3.22 Gathering Information	February 2021	February 2024
3.23 Employee Assistance Program (EAP) and Trauma Counselling	March 2021	March 2024
3.24 Recognition of Service	September 2020	September 2023
3.25 Payment of Interview and Removal Expenses	May 2021	May 2024
3.26 Computer, Internet, Email and Social Media Policy	May 2021	May 2024
3.27 Remote and Isolated Work	May 2021	May 2024
3.28 Safe Driving Policy	May 2021	May 2024
3.29 Excessive Leave	August 2022	August 2025
3.30 Workplace Surveillance	September 2022	September 2025

1.23 Cyber Security and Information Systems Security

POLICY TITLE: CYBER SECURITY INFORMATION SYSTEMS SECURITY

FILE REF: SC490

EXPIRY DATE: OCTOBER 2024

OBJECTIVE

Information is an important, valuable asset of Council which must be managed and protected. All information has a value to the Council. However, not all information has an equal value or requires the same level of protection.

The aim of this Policy is to protect information against accidental or malicious disclosure, modification or destruction.

The Policy also establishes policy principles and parameters for the development of procedures to help identify, prevent, mitigate and recover from malicious attacks on Council's electronic information systems that may lead to data theft, unauthorised changes to information systems, fraud, business interruption, reputational damage and other related security risks.

SCOPE

This Policy applies to all Councillors, Staff, and Volunteers of the Council (including system support staff with access to privileged administrative passwords), contractual third parties and agents of the Council with any form of access to Council's electronic information systems.

REFERENCE DOCUMENTS

This Policy should be read in conjunction with the following Council policies and documents:

- a) Policy 1.7 Fraud Control Policy
- b) Policy 3.26 Computer, Internet, Email and Social Media Policy
- c) Cyber Security Procedures

INTEGRATED PLANNING AND REPORTING REFERENCE

This Policy, and the Cyber Security Procedures developed in accordance with the Policy, align with the objectives, strategies and actions contained in the Council's 2017-2027 Community Strategic Plan and 2017-2021 Delivery Plan as follows:

- a) Minimise Council's exposure to risk and promote a strong risk management culture within Council.
- b) Ensure appropriate IT systems are in place to support service delivery and accountability requirements.
- c) Maintain and develop a Records Management System that meets the needs of the organisation, the community and legislative requirements.

DEFINITIONS

Cyber security – the practice of defending computers, servers, mobile devices, electronic systems, networks and data from malicious attacks. It's also known as information technology security or electronic information security.

Cyber-attack – an assault launched by cybercriminals using one or more computers against a single or multiple computers or networks. A cyber-attack can maliciously disable computers, steal data, or use a breached computer as a launch point for other attacks.

Information security controls – measures taken to reduce information security risks such as information systems breaches, data theft, and unauthorized changes to digital information or systems.

IP Address – IP stands for Internet Protocol and an IP address is a unique address that identifies a device on the internet or a local network. In essence, IP addresses are the identifier that allows information to be sent between devices on a network. They contain location information and make devices accessible for communication.

The Essential Eight – a series of baseline mitigation strategies taken from the Strategies to Mitigate Cyber Security Incidents recommended for organisations by the Australian Cyber Security Centre (ACSC).

Vulnerability scanning – an assessment that's performed without access to the network that's being scanned. External scans target external IP addresses in one's network, identify vulnerabilities as well as all the ports that can be accessed from the internet.

1.23 Cyber Security and Information Systems Security (con't)

Multi-factor authentication – when a user must provide two or more pieces of evidence to verify their identity to gain access to an application or digital resource. Multi-factor authentication is used to protect against hackers by ensuring that digital users are who they say they are.

SECURITY VETTING

Any person wanting to access the Lockhart Shire Council's information systems must be authorised to do so.

Potential new users of the Council's information systems and assets must be identified, vetted and authorised before being given access to resources appropriate to their role.

Levels and areas of access approved are based on the following classifications:

- a) **Employees** – Employees are employed under the Local Government (NSW) State Award and are required to comply with Council policies and codes. Employees are vetted and given access to information systems appropriate to their role and delegations as part of their induction process. Employees are also trained in the particulars of Council's information technology (IT) systems relevant to their role. Council's Handbook for New Employees draws attention to relevant codes and policies including the Code of Conduct and Policy 3.26 Computer, Internet, Email and Social Media Policy.
- b) **Councillors** – Councillors are elected by the Shire's residents and ratepayers in accordance with the Local Government Act and are required to comply with Council policies and codes relevant to their role or as legislated e.g., Code of Conduct. Councillors are provided with access to Council meeting business papers, including confidential reports, through a secure portal via Council's website.
- c) **Privileged Users** – Privileged users are those given special access rights to the network to carry out specific maintenance functions and include the Council's software suppliers, IT contractors and specialists. Their work is to be always carried out under the supervision of the Director of Corporate and Community Services.

CYBER SECURITY PROCEDURES

Cyber Security Procedures will be developed and maintained that, as far as practicable, have regard to the Essential Eight baseline strategies recommended by the ACSC as follows:

Prevention (prevent attacks)

1. Software Protection

Anti-virus software incorporating firewalls and other mechanisms that guard against cyber-attacks are to be installed and maintained on Council's information systems.

2. Application Control

Only approved applications are to be executed on Council's IT systems. Under no circumstances are software products not owned by or not legally in possession of the Council to be installed on Council equipment. Software obtained in confidence or under licence must only be used by staff members or authorised agents of the Council in accordance with relevant licence agreements.

Proposals for purchase of software for official Council purposes are to be directed to the Director of Corporate and Community Services.

3. Patch Applications and System Change Management

An important component of cyber security is ensuring that software applications and operating systems remain up to date. Updates are commonly referred to as "patches" and are released by the third-party vendor from whom the application has been purchased.

This is particularly important for Council's financial and accounting software, Practical Plus, provided by Civica. The Procedures are to ensure that all changes made to Practical Plus are subject to appropriate testing and approval prior to implementation to prevent unauthorised or untested changes that may adversely impact Council's operations.

4. Email Attachments and Internet Documents

Files opened from an internet location or received as a Microsoft Outlook attachment can have viruses and other harmful content embedded in them.

As a security measure the "automatically download attachments" setting is to be "turned off" and attachments from external emails and documents sourced from the internet are in the first instance to be opened in "Protected View".

1.23 Cyber Security and Information Systems Security (con't)

5. Vulnerability Scanning

An external vulnerability scan is an assessment that's performed without access to the network that's being scanned. External scans target external IP addresses in one's network, identify vulnerabilities as well as all the ports that can be accessed from the internet.

Periodic vulnerability scanning is to be performed on Council's externally facing IP Addresses in consultation with Cyber Security NSW.

6. Reports and Alerts

Cyber security is a dynamic and rapidly changing field. In order to remain abreast of developments Council will engage with Cyber Security NSW which provides information, guidance and assistance with cyber security matters including alerts issued in relation to critical vulnerabilities and software releases as well as intelligence briefs in relation to ransomware operators, targeted victims and other emerging trends.

7. Training and Education

Employees can be the first and last line of defence against cyber threats and for this reason having a cyber security training program is vital.

Cyber Security Awareness training is to be provided to all staff with access to Council's electronic information systems and form part of the induction program for new employees.

Mitigation (limit extent of attacks)

1. Restrict administrator and user privileges

Users of Council's electronic information systems will be given privileges and access rights that are commensurate with the tasks they are expected to perform.

When an employee leaves the Council their access to information systems and data is to be suspended at the close of business on the employee's last working day.

A periodic review of access rights will be undertaken to ensure all existing users are authorised to retain access and that the level of access provided to each user is commensurate with the tasks they are expected to perform.

2. Multi-factor authentication

All users must be allocated access rights and permissions to electronic information systems and data that require multi-factor authentication to protect against hackers by ensuring that digital users are who they say they are.

Recovery (recover data and system availability)

1. Back-ups

In order to regain access to electronic data in the event of the loss or unavailability of data processing systems, data back-up procedures will be established and maintained to ensure a daily back-up copy of Council's data is maintained "off-site".

2. Security Incidents

Security incidents are events in which the security of the Council's intellectual property or information assets is actually or potentially compromised.

The Cyber Security Procedures will provide for the investigation of security incidents to determine exactly what occurred, assess the degree of compromise of information, operations or resources, and make recommendations to minimise the possibility of the incident re-occurring.

Significant breaches are to be reported to Cyber Security NSW via report@cyber.nsw.gov.au.

If the breach is of a serious nature involving criminal activity, or compromise of very sensitive information, the incident is to be reported to the Police.

RECORD KEEPING

All records pertaining to system change management and periodic reviews of user access are to be registered in Council's electronic document and records management system, Content Manager 9.

Details of cyber awareness training provided to employees with access to Council's electronic information systems is to be maintained on individual employee files.

1.23 Cyber Security and Information Systems Security (con't)

A Register is to be maintained containing the dates and times that periodic vulnerability scanning is performed by Cyber Security NSW together with information regarding the results of the scanning and any action taken in response to those results.

A Register of security incidents is to be maintained recording the details of each event and the action taken if any.

MONITORING OF INFORMATION SYSTEMS

On a continuous and ongoing basis Council may carry out computer surveillance of any user at such times of Council's choosing and without further notice to any user in accordance with Policy 3.26 Computer, Internet, Email and Social Media Policy.

Adopted by Council 18 October 2021

Refer minute 195//21

1.24 Bribes, Gifts and Benefits

POLICY TITLE: BRIBES, GIFTS AND BENEFITS

FILE REF: SC67

EXPIRY DATE: SEPTEMBER 2026

POLICY OBJECTIVE

- 1) Lockhart Shire Council understands the need for its business to be conducted in a fair, ethical and honest manner. The aim of this policy is to ensure council officials are informed on Council's position and expectations in relation to offers of gifts, bribes or personal benefits.
- 2) The acceptance of gifts and benefits is a problem for many public officials. Deciding where to draw the line between the proper and improper acceptance of gifts and benefits can be difficult. This policy has been produced to guide Councillors and staff who may be offered gifts, benefits or bribes in the course of their official duties.

POLICY STATEMENT

A Councillor or member of staff must:

- 1) Not seek or accept a bribe, or other improper inducement.
- 2) Not take advantage of his or her official position to improperly influence other councillors or members of staff in the performance of their public or professional duties for the purpose of securing a private benefit for himself or herself or for some other person.
- 3) Generally, not by virtue of his or her official position accept or acquire a personal profit or advantage of a pecuniary value. However, they may:
 - a) Accept a nominal value (low value) gift or benefit.
 - b) Accept a more than nominal value (high value) gift or benefit in special circumstances, e.g. a situation where it would be rude or inappropriate do to so, the gift or benefit must be reported to the General Manager or the Mayor (in the case of councillors) as soon as practicable after the event.

BRIBES

- 1) Bribes should never be accepted. A person offered a bribe should refuse it and report the incident as soon as possible to their supervisor, General Manager or the Mayor (in the case of Councillors). Council will take steps to report the matter to ICAC and the police immediately.
- 2) Councillors, Staff and Delegates must not offer or seek a bribe.
- 3) Receiving a bribe is an offence under both the common law and NSW legislation. The common law offence of bribery is defined as receiving or offering any undue reward by, or to, any person in public office in order to influence his or her behaviour in that office, and to incline that person to act contrary to the known rules of honesty and integrity.
- 4) Section 249B(1) of the Crimes Act 1900 (NSW) creates an offence if any employee corruptly receives or solicits (or corruptly agrees to receive or solicit) from another person any benefit as an inducement to do, or not do, something in relation to their official duties. Similarly, it is an offence for an employee to corruptly receive or solicit (or corruptly agree to receive or solicit) any benefit that would in any way tend to influence that employee to show favour or disfavour to any person in relation to their official duties.
- 5) Section 249J of the Crimes Act also provides that custom is not a defence to the receiving, soliciting, giving or offering of any benefit. This means that a person cannot rely on the fact that it is customary to offer and receive gifts and benefits in his or her trade, business, profession or calling, as a defence.

GIFTS AND BENEFITS

1. In a private context, gifts are usually unsolicited and meant to convey a feeling on behalf of the giver, such as gratitude. There is ordinarily no expectation of repayment. Gifts given in a private context are not the focus of this policy.

1.24 Bribes, Gifts and Benefits (con't)

2. Gifts are also offered to individuals in the course of business relationships. Such gifts are usually given for commercial purposes; for example, to create a feeling of obligation in the receiver.
3. It is Council's preferred position that:
 - a) Gifts and benefits not be offered to Councillors, staff and delegates.
 - b) Gifts and benefits are not to be solicited.
 - c) Gifts and benefits should be actively discouraged by Councillors, staff and delegates.
 - d) People doing business with Council should understand that they do not need to give gifts or benefits to Councillors or staff to get high quality service.
4. Gifts and benefits fall into two categories, those that are more than token value and those of token value.
5. Councillors and staff must not accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty

Gifts of Token Value

1. Gifts below token value may be accepted if they do not create a sense of obligation on your part, or are not perceived to be intended to, or likely to influence you in carrying out your public duty.
2. For the purposes of this policy "token value" is described as goods and/or services which have nominal value (i.e. less than \$50.00).
3. Generally speaking, token gifts and benefits may include:
 - a) Gifts of single bottles of reasonably priced alcohol to individual Council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address).
 - b) Free or subsidised meals, of a modest nature, and/or beverages provided infrequently (and/or reciprocally) that have been arranged primarily for, or in connection with, the discussion of official business.
 - c) Free meals, of a modest nature, and/or beverages provided to Council officials who formally represent Council at work related events such as training, education sessions and workshops.
 - d) Refreshments of a modest nature provided at conferences where you are a speaker.
 - e) Ties, scarves, coasters, tie pins, diaries, chocolates, flowers and small amounts of beverages.
 - f) Invitations to appropriate out of hours "cocktail parties" or social functions organized by groups, such as, Council Committees and community organisations.
4. Token value gifts and benefits may only be accepted if the gift is not likely to be seen as compromising Councillors or employees.

Gifts of more than Token Value

- 1) More than token gifts and benefits are those with a value of more than \$50.
- 2) You must never accept an offer of money, regardless of the amount.
- 3) Generally speaking, more than token value gifts and benefits may include:
 - a) Tickets to major sporting events.
 - b) Corporate hospitality at a corporate facility at a sporting venue.
 - c) Discounted products for personal use.
 - d) The frequent use of facilities such as gyms.
 - e) Use of holiday homes.
 - f) Free or discounted travel.
 - g) Goods and items donated to Council and employee functions.
- 4) You must avoid situations in which the appearance may be created that any person or body, through the provision of hospitality or benefits of any kind, is securing or attempting to influence or secure a favour from you or the Council.

1.24 Bribes, Gifts and Benefits (con't)

- 5) You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that could appear to an impartial observer to be an attempt to influence or secure a favour. Immediate family members ordinarily include parents, spouses, children and siblings.

GIFTS AND BENEFITS REGISTER

- 1) Council will maintain a Gifts and Benefits Register for the purposes of the Code of Conduct and this Policy.
- 2) Where a gift or benefit of more than token value is received in circumstances where it cannot reasonably be refused or returned, the details of the gift must be disclosed to your supervisor, General Manager or the Mayor (in the case of councillors) and recorded in the Gifts and Benefits Register held by Council. The gift or benefit must be surrendered to the Council, unless the nature of the gift or benefit makes this impractical.
- 3) At a minimum, the following details are recorded in the Council's gift register:
 - a) The nature of the gift or benefit.
 - b) The estimated monetary value of the gift or benefit.
 - c) The name of the person who provided the gift or benefit, and
 - d) The date on which the gift or benefit was received.
- 4) The Gifts and Benefits Register will be tabled at a meeting of the Audit, Risk and Improvement Committee on an annual basis.
- 5) Gifts and benefits that do not have to be recorded in the Gifts and Benefits Register include:
 - a) A political donation for the purposes of the Electoral Funding Act 2018.
 - b) A gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them.
 - c) Attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - d) Free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i. The discussion of official business
 - ii. Work-related events such as:
 - I. Council-sponsored or community events, training, education sessions or workshops.
 - II. Conferences.
 - III. Council functions or events.
 - IV. Social functions organised by groups, such as council committees and community organisations.

REWARD PROGRAMS AND LOYALTY SCHEMES

Credit Cards

- 1) Reward points accruing on Council credit cards may only be used (redeemed) for Council purposes. Councillors and staff must not personally benefit from reward points accruing on Council credit cards.

Travel and Accommodation

- 1) All travel and accommodation must be booked using a Council purchase order or Council credit card.
- 2) Councillors and staff who are members of an airline club e.g. frequent flyer, Qantas Club etc. may accept the benefits of membership other than the accrual of reward points e.g. access to airport lounges. However in choosing an airline for travel the most cost effective logical fare of the day (i.e. the lowest fare available meeting the traveller's logistical needs) needs to be used for all domestic flights i.e. the traveller can only specify destination, date and preferred time. Program membership cannot influence airline choice.

1.24 Bribes, Gifts and Benefits (con't)

- 3) Councillors and staff who are members of a hotel chain may accept the benefits of membership other than the accrual of reward points e.g. room upgrade, late checkout etc. The choice of venue should be based on the most cost-effective option meeting the traveller's logistical needs including venue location. Program membership cannot influence accommodation choice.

Other Rewards

- 1) You must not:
 - a) Participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer–supplier relationship with the competition organiser.
 - b) Personally benefit from reward points programs when purchasing on behalf of the Council.
- 2) Any other rewards, prizes or other benefits received as a result of a Council business transaction, from competitions, promotions or other programs available to the general public, remain the property of the Council.

REFERENCE DOCUMENTS

This Policy should be read in conjunction with the following Council documents:

1. Policy 1.4 Code of Conduct
2. Policy 1.6 Statement of Business Ethics
3. Policy 1.7 Fraud Control Policy

Adopted by Council – 18 September 2023
Refer minute no. 170/23

Adopted by Council 16 March 2020
Refer minute 47/20

1.25 Australian Citizenship Ceremonies – Dress Code

POLICY TITLE: AUSTRALIAN CITIZENSHIP CEREMONIES – DRESS CODE

FILE REF: SC67; SC20

REVIEW DATE: APRIL 2026

POLICY OBJECTIVE

The purpose of this Policy is to establish a dress code for attendees at citizenship ceremonies that reflects the significance of the occasion and in compliance with the Australian Citizenship Ceremonies Code issued by the responsible Minister.

POLICY STATEMENT

Lockhart Shire Council understands that Australian citizenship ceremonies are an important step in fulfilling the legal requirements prescribed by the Citizenship Act and Australian Citizenship Regulation.

Lockhart Shire Council also appreciates that citizenship ceremonies provide an important opportunity to formally welcome new citizens as full members of the Australian community.

To reflect the significance of the occasion, citizenship ceremonies should be formal and meaningful occasions conducted with dignity and respect. They should be designed to impress on conferees the responsibilities and privileges of Australian citizenship.

DRESS CODE

Attendees at citizenship ceremonies are encouraged to wear smart, casual attire which reflects the significance of the occasion.

National/traditional/cultural dress is welcomed to be worn; however the following should not be worn at citizenship ceremonies:

- Beach wear including swimwear of any kind
- Singlets or tank tops
- Shirts and jackets containing offensive motifs
- Overly torn clothing items.

Appropriate footwear must be worn by all attendees. Attending a citizenship ceremony with bare feet is not acceptable.

Adopted by Council 17 April 2023

Refer minute 58/23

Adopted by Council 3 February 2020

Refer minute 11/20

1.26 Naming of Roads, Bridges, Public Places and Buildings

POLICY TITLE: NAMING OF ROADS, BRIDGES, PUBLIC PLACES AND BUILDINGS

FILE REF: SC235

REVIEW DATE: APRIL 2027

OBJECTIVE

1. This policy provides direction for Council and the community on the principles and protocols guiding the naming of roads, bridges, parks, reserves and other public spaces as well as buildings in the Lockhart Shire Local Government Area.
2. The policy also aims to ensure that the naming of roads, bridges, parks, reserves and other public spaces as well as buildings within the Lockhart Shire are uniform with relevant legislation and the guidelines of the Geographical Names Board (NSW) where applicable.
3. At the same time, the policy seeks to:
 - a) Promote the ongoing recognition of Council's rich and diverse history through its naming procedures.
 - b) Outline the process for the naming of public assets and public spaces within the Shire that, preserves the Shire's identity and heritage.
 - c) Provide an opportunity for Council and all community stakeholders to have input to the naming of the Shire's public assets and public spaces.

LEGISLATIVE CONTEXT

4. The Geographical Names Board (GNB) has the statutory power to assign names to places – refer section 5 Geographical Names Act 1966 (the Act).
5. For the purposes of the Act "place" means any geographical or topographical feature or any area, district, division, locality, region, city, town, village, settlement or railway station or any other place within the territories and waters of the State of New South Wales but does not include any road, any area (within the meaning of the Local Government Act 1993), area of operations of a county council or a joint organisation area (within the meaning of that Act), any electoral district under the Electoral Act 2017, any school or any place or place within a class of places to which the provisions of this Act do not apply by virtue of the regulations.
6. The GNB does not have specific statutory responsibility for formally naming infrastructure (other than Railway Stations and Post Offices), schools, private estate names or building names.
7. The GNB does not name bridges. The naming of bridges and other structures on roads does not have a formal legislative basis. However, the same procedures for road naming applies to bridges and other road infrastructure:
8. Local councils initiate the naming of bridges on local, regional and state roads (other than freeways). Transport for NSW (TfNSW) to approve these proposals. TfNSW will approve a naming proposal for a bridge or structure provided that:
 - a) The name has wide community support.
 - b) An Aboriginal name has the support of local Aboriginal groups.
 - c) Consideration has been given to National and State commemorative initiatives involving the naming of new of key road infrastructure.
 - d) The name is consistent with GNB place name criteria.
 - e) The design of the name plaque accords with TfNSW requirements.
9. Section 162 of the Roads Act 1993 designates local councils as the road naming authority for regional and local roads while Section 7 of the Roads Regulation 2018 sets out the process for road naming which includes notifying all relevant parties of the proposal.

A roads authority may not proceed with a proposal to name or rename a road against an objection made by a relevant party except with the approval of the Minister.

For the purposes of Clause 1) (b) above "relevant party" means the following:

 - a) Australia Post,
 - b) the Registrar-General,

1.26 Naming of Roads, Bridges, Public Places and Buildings (con't)

- c) the Surveyor-General,
- d) the chief executive of the Ambulance Service of NSW,
- e) Fire and Rescue NSW,
- f) the NSW Rural Fire Service,
- g) the NSW Police Force,
- h) the NSW State Emergency Service,
- i) the NSW Volunteer Rescue Association,
- j) in relation to a classified road--TfNSW.

SCOPE

10. This Policy is intended only to relate to assets owned by or entrusted to, Lockhart Shire Council, including assets for which Council has delegated care, control and management to a committee established pursuant to section 355 of the Local Government Act. Public Assets include:
- a) Reserves, parks and public open space owned by Council or for which Council is the Crown Land Manager.
 - b) Buildings and facilities owned by Council or situated on reserves, parks and public open spaces.
 - c) Roads, streets, Bridges, culverts and other road features.

GENERAL PRINCIPLES

11. All applications to name or re-name roads, bridges, parks, reserves and other public spaces as well as buildings in the Lockhart Shire will be considered on their individual merits and having regard to the following general principles:
- a) Names embracing the Shire's heritage and community should be used.
 - b) The proposed name should reflect the character, landscape, flora or fauna, or function of the site to be named.
 - c) The level of community support for the proposed name.
 - d) The chosen name should not duplicate existing names within the Shire and be easy to read, spell and pronounce.
 - e) Personal names may be used to commemorate persons (deceased) who have made a significant contribution to the community, or an event or occasion significant to the community or who were pioneers of the area.
 - f) The person being honoured by the naming should be of proven character and have either had a direct long-term association with the area or have made a significant contribution to the area.
12. Where a name is to be used posthumously, consent will be gained from the surviving partner or immediate family members.
13. Where an Aboriginal name is proposed, consent will be obtained from the relevant Aboriginal communities.
14. The following names will not be supported:
- a) Names of individuals currently holding public office.
 - b) Names of individuals not yet deceased (unless they relate to a Council-owned building or building on an assigned reserve).
 - c) Names that are unduly long, complex, difficult to spell or pronounce.
 - d) Names that could be construed to be derogatory or offensive.
 - e) Names that are incongruous, out of place, or of a commercial nature.

PROCEDURE FOR CONSIDERING NAMING PROPOSALS

15. All naming proposals shall include:
- a) A map showing the location of the Public Asset.
 - b) The proposed name.
 - c) Evidence that the proposal is either in accordance with, or contrary to (i.e. seeking an exemption) this policy.
 - d) The reason for the choice of name.
 - e) For personal names, the 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.
 - f) Evidence of community support (this does not alleviate the need to publicly advertise the proposal as outline below).

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- g) Where an Aboriginal name is proposed, evidence that the relevant Aboriginal communities have been consulted.
 - h) Where the applicant is a user body of a reserve or facility being managed by a committee established pursuant to section 355 of the Local Government Act, evidence that the section 355 committee has been consulted.
 - i) Where the applicant is a committee established pursuant to section 355 of the Local Government Act, or a user body of a reserve or facility being managed by a section 355 committee, details of any signage being considered for the proposed name.
16. Council staff will prepare a report for Council to consider, including all the supporting information outlined above. The Council report shall provide a recommendation that upholds this policy.
17. If Council support the proposal the Council will resolve to advertise the proposal for a period of 28 days during which submissions will be accepted.
18. In the case of a naming proposal for a road written notice will be given to all property owners along the road.
19. Council will consider the feedback it receives at the end of the advertising period and formally resolve a position on the naming proposal.
20. If the naming proposal is supported by Council and it relates to a "place" within the meaning of the Act, or to a local road or bridge, Council will submit an application with the proposed name change to the GNB or TfNSW respectively as required, and:
- a) If the proposal is rejected by the GNB/TfNSW, Council will provide a letter to the original applicant explaining the reasons for the rejection of the application.
 - b) Should the GNB require modification(s) to the proposal, Council will consult with relevant bodies where necessary and re-submit the application to the GNB/TfNSW.
 - c) Where the proposed name change is accepted by the GNB/TfNSW, Council will advise the applicant accordingly.

SIGNAGE

21. Where a naming proposal is accepted in relation to a reserve, park, public open space, building, road, street, bridge, culvert or other asset directly managed and maintained by Council, the Council will create and install new signage and also ensure all relevant maps and locality guides are updated.
22. Where a naming proposal submitted by a committee established pursuant to section 355 of the Local Government Act, or a user body of a reserve or facility being managed by a section 355 committee, is accepted in relation to a reserve, park or other facility that is managed and maintained by a section 355 Committee of Council, the Committee or the user body will be responsible for creating and installing new signage with Council's consent.

*Adopted by Council 15 April 2024
Refer minute 61/24*

*Adopted by Council 19 April 2021
Refer minute 57/21*

1.27 Australia Day Awards

POLICY TITLE: AUSTRALIA DAY AWARDS

FILE REF: SC221

EXPIRY DATE: APRIL 2026

OBJECTIVE

The objective of this Policy is to outline the arrangements for receiving and assessing nominations for Lockhart Shire Council's annual Australia Day Awards and for determining the recipients of the Awards. The Awards aim to recognise outstanding contributions to the Lockhart Shire community in the year immediately prior to receiving the award, as well as their past achievements and ongoing contribution to the community.

GENERAL PRINCIPLES

There are many in the community who volunteer their time and effort to support others and contribute to the overall wellbeing of the community and whilst not doing it in expectation of receiving any recognition or reward, recognising these efforts enhances the pride and self-esteem of the community and encourages volunteerism. Recognising the valuable contribution people make to their community is also consistent with the following strategies contained in the Lockhart Shire's Community Strategic Plan and the Council's Delivery Program:

- a) *'E1: Promote the increased participation of local people in local government and the community.'*
- b) *"E2: Provide effective community engagement practices with the community."*

AUSTRALIA DAY AWARD CATEGORIES

1. Nominations will be invited on an annual basis for the following Award categories:
 - a) Australia Day Award
 - b) Sportsperson of the Year
 - c) Young Citizen of the Year
 - d) Citizen of the Year
2. All Australia Day Award nominees who meet the eligibility criteria and who, based on the assessment criteria are considered worthy, shall receive an Australia Day Award.
3. The Citizen of the Year and Young Citizen of the Year shall be selected from among the Australia Day Award recipients as the one(s) considered most worthy having regard to the assessment criteria.
4. Council may in exceptional circumstances Award joint Citizen of the Year, Young Citizen of the Year and Sportsperson of the Year Awards.

ELIGIBILITY CRITERIA

5. Nominees for all categories must:
 - a) Be an Australian citizen
 - b) Fall within the following age categories for the respective Awards:
 - i. Young Citizen of the Year: Under 30 years of age
 - ii. Citizen of the Year: 30 years and over

Note: the age of the nominee must fall into the applicable category as at 26 January in the year the Award is given.
6. Reside in the Lockhart Shire Local Government Area at the time of nomination, or if not living in the Shire must have contributed to the Shire for a period of twelve (12) months or longer and who has demonstrated a record of providing beneficial services, to the Lockhart Shire community.

1.27 Australia Day Awards (cont'd)

7. Unsuccessful nominees may be re-nominated in subsequent years.
8. Self-nominations will not be accepted.
9. Sitting state and federal politicians and current councillors are not eligible.
10. Retired politicians and former councillors are eligible. However, consideration of their nomination would be for their work over and above their official duties.
11. Persons who have been awarded a Citizen of the Year Award may not be re-nominated for an award for a period of five (5) years.
12. Council will not award a Citizen of the Year Award to the same person until five years has elapsed.
13. Awards will not be granted posthumously.

ASSESSMENT CRITERIA

14. In determining recipients of the Australia Day, Citizen of the Year and Young Citizen of the Year Awards nominees will be assessed against the following criteria:
 - a) The activities undertaken have a positive purpose and benefit to the community.
 - b) Outstanding achievement in a specific field, including but not limited to environmental, community engagement, welfare, arts and culture, leadership, charitable activities and civic responsibility.
 - c) The level of voluntary contribution beyond paid employment.
 - d) The length of activity or service.
 - e) The degree of challenges faced in a role and ability to go above and beyond.
15. The Sportsperson of the Year nominees will be assessed against the following criteria:
 - a) Demonstrated achievement in one or more of the following:
 - i. Good practice in sport and being a positive role model in sporting and recreational pursuits
 - ii. Encouraging membership and participation in sport
 - iii. Contributing to the outstanding management or administration of sporting activities
 - iv. Participating in official sporting or recreational duties in a voluntary capacity

DETERMINATION OF AWARD RECIPIENTS

16. An Australia Day Awards Committee shall be convened by Council each year for the purposes of assessing the nominations received and making a recommendation to Council as to the Award recipients.
17. The Committee shall comprise at least one councillor from each Ward.
18. The Committee's recommendation shall be presented to the December ordinary meeting of Council preceding Australia Day.
19. The Award recipients shall be determined by resolution of Council in closed session.
20. The Award recipients will be announced on Australia Day.

*Adopted by Council 17 April 2023
Refer minute 59/23*

1.28 Child Safety and Protection Policy

POLICY TITLE: CHILD SAFETY AND PROTECTION

FILE REF: SC7

REVIEW DATE: MARCH 2026

1. OBJECTIVES

The objective of this policy is to ensure compliance with child protection legislation, including mandatory reporting and responding to allegations of child abuse by staff and in the community.

This Policy also aims to:

- a) Promote the health, safety, welfare and wellbeing of children and young people in Council activities.
- b) Ensure that Council provides a safe environment for children and young people whilst on Council premises and utilising Council services.
- c) Ensure all workers engaged with Council in a child-related role have a valid Working with Children Check clearance number.
- d) Ensure workers are aware of their obligations in relation to the various child protection legislation and Council's policy.
- e) Ensure Council promptly implements procedures which are confidential and transparent when investigating and responding to allegations of "reportable conduct" as defined under the *Children's Guardian Act 2019*.
- f) Implement the Ten Child Safe Standards and what they mean to all Council employees, contractors, volunteers and Councillors.

2. POLICY STATEMENT

Lockhart Shire Council acknowledges and reflects the NSW Government's following social justice principles in its integrated planning and reporting process and the development of the Community Strategic Plan and Delivery Program in particular:

- a) Equity – there should be fairness in decision making, and prioritising and allocation of resources, particularly for those in need. Everyone should have a fair opportunity to participate in the future of the community. The planning process should take particular care to involve and protect the interests of people in vulnerable circumstances.
- b) Access – all people should have fair access to services, resources and opportunities to improve their quality of life.
- c) Participation – everyone should have the maximum opportunity to genuinely participate in decisions which affect their lives.
- d) Rights – equal rights should be established and promoted, with opportunities provided for people from diverse linguistic, cultural and religious backgrounds to participate in community life.

Lockhart Shire Council encourages children's participation in the services and activities the Council offers in line with the strategies and actions contained in the Community Strategic Plan and Delivery Program i.e.

"A3: Support our children and young people.

- Support the provision of pre-school, playgroup and childcare services within the community.*
- Understand and respond to the needs of young people in the Shire through engagement and provision of a Youth Officer.*
- Provide young residents with greater access to youth services."*

Children's services and activities provided by Council include:

- a) Mobile library services
- b) The Rock OOSH (before and after school care)
- c) Lockhart OOSH (before and after school care)
- d) Sporting and recreational facilities

Ensuring Council has an appropriate child safety and protection policy in place is important in fostering an environment that responds to the views of young people and promotes children's participation in the services and activities provided by Council.

1.28 Child Safety and Protection Policy (cont'd)

3. CHILD SAFE STANDARDS

In December 1990 Australia was one of 194 countries that committed to the United Nations Convention on the Rights of the Child. This means that organisations and people working with children in NSW share responsibility for keeping children safe.

Ten Standards were developed and have been legislated to ensure organisations are child safe and underline the premise that child safety is everyone's responsibility. The Standards guide organisations to create cultures, adopt strategies and act to put the interests of children first, to keep them safe from harm and are specifically related to child sexual abuse.

The Ten Child Safe Standards are:

1. Child safety is embedded in organisational leadership, governance and culture (refer sections 2 and 4).
2. Children participate in decisions affecting them and are taken seriously. This would most likely occur in the OOSH setting.
3. Families and communities are informed and involved. This would most likely occur in the OOSH setting.
4. Equity is upheld and diverse needs are taken in to account. (refer sections 2 and 4).
5. People working with children are suitable and supported (refer sections 4, 5 and 10).
6. Processes to respond to complaints of child abuse are child focused (refer section 6).
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training (refer section 5).
8. Physical and online environments minimise the opportunity for abuse to occur (refer section 8).
9. Implementation of the Child Safe Standards is continuously reviewed and improved (refer section 11).
10. Policies and procedures document how the organisation is child safe (refer section 11).

4. RECRUITMENT AND SELECTION

Lockhart Shire Council is committed to ensuring that all workers engaged in child-related work or come in contact with children in the community, are equipped with the knowledge, skills and awareness to keep children safe. Council will undertake a robust recruitment process, including role advertisement, pre-interview screening, reference checks and effective interviewing to assist in the recruitment of suitable workers.

Council has developed an Equal Employment Opportunity (EEO) Management Plan to ensure that all employees receive fair and equitable treatment in the workplace. Council will achieve this by ensuring that workplaces are free from all forms of unlawful discrimination and harassment through the implementation and co-ordination of programs, policies, and procedures.

Council will ensure the recruitment and selection process includes procedures that are in accordance with the *Child Protection Working with Children Act (2012)*, the *Child Protection (Working with Children) Regulation 2013* and the *Children and Young Persons Care and Protection Act 1998*. These procedures include:

- a) Relevant screening processes including Working with Children Checks and Police Checks
- b) Emphasising children's safety throughout recruitment including advertising, screening and reference checks

Induction will include clear explanation of the employee's child safety responsibilities, mandatory reporting obligations and procedures. Employees are provided with relevant documents to supporting induction including:

- a) Policy 1.4 Code of Conduct
- b) Policy 1.5 Privacy Plan and Privacy Code of Practice
- c) Policy 1.28 Child Safety and Protection Policy
- d) Policy 3.3 Bullying and Harassment
- e) Policy 3.6 Work Health and Safety

Breaches of the Code of Conduct and supporting policies may result in disciplinary action in accordance with the *Procedures for the Administration of The Model Code of Conduct for Local Councils* and the Local Government (State) Award.

5. TRAINING AND DEVELOPMENT

Council employees will be provided with training and development opportunities commensurate with their role and level of engagement with children in accordance with an Annual Training Plan and Policy 3.9 Training. This will begin with provision of relevant policies and procedures at induction, and continue through the provision of in-house training sessions, staff meetings as well as formal training that an employee may undertake through external providers.

1.28 Child Safety and Protection Policy (cont'd)

6. COMPLAINTS MANAGEMENT

Complaints and allegations concerning the welfare, wellbeing and safety of children against Council workers will be managed in accordance with Council's policies and procedures including:

- a) Policy 3.14 Complaints Management
- b) Policy 3.15 Incident/Accident Investigation

7. REPORTING OBLIGATIONS

Where there are concerns that a child or young person is at risk of being neglected or physically, sexually or emotionally abused, staff who are 'mandatory reporters' are required to report this to Department of Communities and Justice by phoning the helpline on 132111.

Mandatory reporters should use the Mandatory Reporters Guide (<https://reporter.childstory.nsw.gov.au/s/>) to help decide whether a child is suspected to be at risk of significant harm. The Mandatory Reporters Guide covers eight key areas to help you understand if a report should be made and they include:

- a) Physical Abuse
- b) Neglect – Supervision; Environment; Food; Hygiene; Medical Care; Mental Health Care; Education - Not Enrolled
- c) Sexual Abuse – Child; Young Person; Problematic Sexual Behaviour Toward Others
- d) Psychological Harm
- e) Danger to Self or Others
- f) Relinquishing Care
- g) Carer Concern – Substance abuse; Mental Health; Domestic Violence
- h) Unborn Child

Mandatory reporters are defined as people who deliver services, wholly or partly, to children as part of their paid or professional work. This is regulated by the *Children and Young Persons (Care and Protection) Act 1998*. This includes, but not limited to, professionals working in health care; welfare; education; children's services; residential services and law enforcement.

Workers who are not mandatory reporters, as well as members of the community, can also report the suspected risk of significant harm to the Department of Communities & Justice helpline.

As a reporting body Council has obligations to report findings of sexual misconduct and serious physical assault involving children by a child-related worker to the Office of Children's Guardian.

Under the *Child Protection (Working With Children) Act 2012*, Council must investigate allegations of such conduct to make an informed finding as to whether or not the conduct occurred.

To determine whether or not the conduct meets the criteria, Council must consider the nature of the conduct itself and the context in which it occurred.

If the investigation results in a finding that sexual misconduct or serious physical assault occurred, Council must report this finding to the Office of the Children's Guardian.

8. RISK MANAGEMENT

Council will ensure that child safety is a part of the overall risk management approach. A risk assessment will be undertaken in facilities that have child related services and Council events.

Steps that must be taken to complete Council's Risk Assessment for child related services are:

- a) An activity will be identified.
- b) Hazards associated with that activity will then be recorded.
- c) A risk score for the hazards identified from the risk score matrix should be determined and recorded.
- d) Determine appropriate risk controls as reasonably practical for hazards identified and recorded.
- e) Finally determine the risk score after controls have been implemented for the hazards in which have been identified.

9. DOCUMENTATION AND RECORD KEEPING

Council's HR/WHS Co-ordinator will maintain records of Working With Children Checks, acknowledgement of the workers' understanding of their child protection responsibilities, inductions and training and development completed. Records will be electronic and be made available if requested for audit and monitoring purposes. All documentation and/or records of a confidential nature relating to allegations against workers will always be kept private and confidential.

1.28 Child Safety and Protection Policy (cont'd)

10. SUPPORT AVAILABLE

Council provides an Employee Assistance Program (EAP) which is available to workers who have had allegations made against them and workers who have been involved in the investigative process, including those who have been involved in reporting the matter to the General Manager.

The EAP service is also available to workers and their families who may be experiencing personal difficulties including child abuse and/or allegations. The EAP is a free confidential and independent counselling service.

11. REFERENCE DOCUMENTS

In order to ensure that policies remain relevant a program of ongoing review of policies not later than every three years is maintained by Council in accordance with Policy 1.0 Policy Development and Review.

However individual policies are reviewed and amended in advance of the scheduled review date when circumstances warrant. This may be prompted by factors such as a change in legislation, a change in government policy or as a result of a need identified by the Council, management and staff or internal and external audit activities.

Legislation

Child Protection (Working with Children) Act 2012
Child Protection (Working with Children) Regulations 2013
Children and Young Persons (Care and Protection) Act 1998
Children's Guardian Act 2019
Civil Liability (Amendment (Organisation Child Abuse Liability) Act 2018
Commission for Children and Young People Act 1998
Crimes Act 1900
Local Government Act 1993
National Redress Scheme for Institutional Child Sexual Abuse Act 2018
NSW Child Safe Standards
NSW Children (Education and Care Services National Law Application) Act 2010

Policies

Policy 1.4 Code of Conduct
Policy 1.5 Privacy Plan and Privacy Code of Practice
Policy 1.28 Child Safety and Protection Policy
Policy 3.3 Bullying and Harassment
Policy 3.6 Work Health and Safety
Policy 3.10 Equal Employment Opportunity
Policy 3.14 Complaints Management
Policy 3.15 Incident/Accident Investigation
Out Of School Hours Care Service – Policies and Procedures & Guidelines

Local Government (State) Award
New Employee Handbook
Annual Training Plan

Resources available

<https://ocg.nsw.gov.au/>

<https://ocg.nsw.gov.au/our-resources>

*Adopted by Council 20 March 2023
Refer minute no. 41/23*

1.29 Closed Circuit Television (CCTV)

POLICY TITLE: CLOSED CIRCUIT TELEVISION (CCTV)

FILE REF: SC67

EXPIRY DATE: DECEMBER 2026

INTRODUCTION

This policy underpins the management and operation of Closed-Circuit Television (CCTV) within the Lockhart Shire Local Government Area. Standard Operating Procedures will guide staff in the day-to-day operation of the scheme and ensure alignment with the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places.

The Policy and the Standard Operating Procedures also aim to increase public confidence that Council's CCTV system is appropriately controlled, administered and accountable.

This CCTV scheme is aimed at the detection and conviction of offenders. Council recognises that the presence of CCTV can have a deterrent effect on crime and antisocial behaviour, whilst contributing to a greater sense of safety in the community. The CCTV cameras will capture images that can be used to assist NSW Police. The NSW Police may also passively monitor live images provided by the CCTV scheme.

STRATEGIC CONTEXT

The Lockhart Shire Community Strategic Plan states that Council will "...work with stakeholders to ensure our community is safe and well prepared to respond to adversity."

PURPOSE

The purpose of the Policy is to:

- Reduce the fear of crime as measured by:
 - Increased community perception of safety within the City
- Assist in the apprehension and prosecution of offenders as measured by:
 - Increase in the number of offenders identified.
 - Increase in the number of offenders apprehended.

SCOPE

This policy relates to the CCTV cameras in locations identified as being publicly accessible, namely:

- Green Street, Lockhart
- Urana Street, The Rock
- Lockhart Recreation Ground
- Osborne Recreation Ground
- The Rock Recreation Ground
- Yerong Creek Recreation Ground

Although every effort will be made to ensure maximum effectiveness of the system it is not possible to guarantee that the system will detect every incident taking place within the area of coverage.

POLICY PROVISIONS

Responsibilities

Lockhart Shire Council

Lockhart Shire Council is the owner and operator of the public place CCTV scheme. Council has responsibility for securing funding, responsibility to consult with and inform the community, and responsibility for design, management, running costs, evaluation and audit activities.

The CCTV system provided will not be monitored live by Council. Council will maintain all equipment and will be responsible for recording images that can be used to assist NSW Police.

NSW Police Force

The Standard Operating Procedures for the scheme incorporate protocols covering communication and liaison between Council and NSW Police. NSW Police are provided with the ability to review stored footage and download for evidentiary purposes.

GENERAL PROVISIONS

Guiding Principles

The nine principles outlined in the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places include issues relating to privacy, fairness, public confidence and support, managerial efficiency and effectiveness, and police involvement in public area CCTV. The principles below are essential for the implementation of CCTV:

The Ownership of Schemes and Its Accompanying Responsibilities

Principle: The ownership of public area CCTV schemes must be clear and publicly known and ensure appropriate public accountability.

Community Consultation

Principle: When considering setting up or significantly expanding a public area CCTV scheme, the relevant concerns of all parties potentially affected by the scheme should be taken into account through an effective community consultation strategy. Consultation will help to ensure that schemes meet local needs and circumstances, and that the operation of the scheme has the support of those affected by it.

Setting Clear Objectives

Principle: Clear scheme objectives should be set to guide the design, implementation, management and outcomes of public area CCTV. A clear statement of objectives will provide a basis for effective monitoring and evaluation of the scheme and help to ensure that the use of CCTV is consistent with overall crime prevention objectives.

Integrated Approaches to Crime Prevention

Principle: The implementation of CCTV should be part of an integrated, multi-agency approach to crime control and community safety.

Police Involvement in Public Area CCTV Schemes

Principle: While the NSW Police Force should not fund or operate public area CCTV schemes, it should be closely involved in the assessment and planning phase, including risk analysis and evaluation. The Standard Operating Procedures for the scheme should incorporate protocols covering communication and liaison between the scheme operators and the police.

Managing and Operating Schemes

Principle: Schemes should be open and accountable and operate with due regard for the privacy and civil rights of individuals and the community.

Evaluation

Principle: Effective evaluation of schemes is essential in order to identify whether their formal objectives are being achieved. Evaluation frameworks should be developed at the planning stage of the scheme.

1.29 Closed Circuit Television (CCTV) (cont'd)

Complaints

Principle: Publicly accountable, impartial and fair schemes should have procedures for dealing with complaints.

Monitoring and Auditing

Principle: Audit is needed to provide an account of the operation of a scheme, by testing its compliance against relevant policy, legislation and procedures, and to be used as the basis of recommendations for improved practice.

SPECIFIC PROVISIONS

Disclosure

CCTV footage and records will only be used and disclosed in accordance with the primary purpose of collection. This CCTV scheme is aimed at the detection and conviction of offenders, with footage to be provided to NSW Police for retrospective review.

In accordance with the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places reasonable steps are taken to protect information gathered through public place CCTV from misuse or inappropriate disclosure.

Disposal

Where footage has been provided to NSW Police it is their responsibility to appropriately retain and destroy the record of the footage in accordance with their protocols.

Privacy

The Privacy and Personal Information Protection Act 1998 covers local government authorities as public sector agencies and as such needs to be addressed when considering the establishment and implementation of CCTV.

CCTV in public places need to balance the need for public safety against the right to privacy for members of the public. The CCTV scheme needs to be operated with respect for people's privacy and their right to conduct or engage in lawful activities.

The NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places states:

"Continuing community support for the operation of CCTV schemes will depend upon the confidence people have that the scheme is providing the anticipated benefits. It is therefore essential that:

- *the recording and retention of images should be undertaken fairly and lawfully.*
- *the purpose for which the information is being obtained is known.*
- *the information not be used for any other purpose than that proclaimed.*
- *people be aware that they may be subject to CCTV surveillance.*
- *the CCTV surveillance should only be used to identify crimes occurring within the CCTV area.*
- *the CCTV surveillance should never be used to monitor or track individuals who have not obviously been involved in a crime.*
- *the CCTV surveillance should not be used for general intelligence gathering, and*
- *the owners of the scheme are known and accountable for its operation."*

CCTV information and records are to be handled in accordance with the Privacy and Personal Information Protection (PPIP) Act 1998 and the Privacy and Personal Information Regulation 2005. Use and disclosure of CCTV footage and personal information must only be in accordance with privacy laws.

The Privacy and Personal Information Regulation 2005 exempts councils from certain provisions of the PPIP Act relating to the use of CCTV cameras, specifically as follows:

- Council is exempt from section 11 of the Act with respect to the collection of personal information by using a CCTV camera that the council has installed for the purpose of filming a public place if the camera is positioned so no other land is filmed (unless it is not reasonably practicable to avoid filming the other land when filming the public place).

1.29 Closed Circuit Television (CCTV) (cont'd)

- Council is also exempt from section 18 of the Act with respect to the disclosure to the NSW Police Force of personal information by way of live transmission from such a CCTV camera.

The Standard Operating Procedures will ensure:

- persons are informed about the collection and purpose for collection of the personal information in accordance with section 10 of the PPIP Act, and
- that the information is protected by taking reasonable security safeguards against loss, unauthorised access and misuse in accordance with section 12 of the PPIP Act

These aspects are addressed in the Standard Operating Procedures to ensure compliance with the Privacy and Personal Information Regulation 2021.

Legislative Context

- NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places
- Privacy and Personal Information Protection Act 1998
- Privacy and Personal Information Regulation 2021
- Surveillance Devices Act 2007
- Government Information (Public Access) Act 2009
- The Workplace Surveillance Act 2005

Related Documents

- NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places
- CCTV Standard Operating Procedures
- Memorandum of Understanding – Lockhart Shire Council and NSW Police

Definitions

Closed Circuit Television (CCTV) is a television system that transmits images within a closed system. Images are not openly transmitted but available to a specific location on a limited set of monitors. The footage taken by the cameras is sent to a television monitor or recorder. CCTV systems consist of cameras, monitors, recorders, interconnecting hardware and support infrastructure.

Passive monitoring refers to where CCTV monitors may be intermittently viewed.

Publicly Accessible Location means a location that is accessible to members of the community at any time without approval or supervision.

Retrospective review refers to where CCTV footage is reviewed after an incident.

Adopted by Council 18 December 2023

Refer minute 234/23

2.1 Parking on Nature Strips

POLICY TITLE: PARKING ON NATURE STRIPS

FILE REF: SC234

EXPIRY DATE: NOVEMBER 2026

OBJECTIVES

This policy aims to set out the criteria for parking of vehicles on nature strips in the urban areas of Lockhart Shire.

POLICY STATEMENT

Parking of light vehicles is permissible on road reserves under Council's management that have a minimum distance of 10.0m from the edge of the seal to the property boundary, subject to the following conditions:

1. There must be an unobstructed clearance of no less than 2.5m to the property boundary.
2. The parking area be constructed to the satisfaction of Council with a hard-wearing material that requires minimum maintenance.
3. The parking areas be maintained in a safe condition for other users.
4. The owner/applicant meets all initial and ongoing costs.
5. Council tree plantings are not damaged.

*Adopted by Council – 20 November 2023
Refer Minute No. 219/23*

*Adopted by Council – 16 November 2020
Refer Minute No. 239/20*

2.2 Disabled Persons Access

POLICY TITLE: DISABLED PERSONS ACCESS

FILE REF: SC64

REVIEW DATE: MARCH 2027

OBJECTIVES

To ensure that the Lockhart Shire becomes an accessible community to disabled persons including the many forms of intellectual, physical and sensory disabilities.

Council interprets an "accessible community" as one in which the transportation systems, physical environment, communication systems, technological systems, political, cultural, bureaucratic, corporate and social institutions are open and available to people with disabilities providing them with the same opportunities, rights and responsibilities enjoyed by all other people in the community.

POLICY STATEMENT

That the following policy be implemented gradually over time within allocated resources available from Council where possible.

1. No person who lives, works in, or visits the Council area, shall be denied access to any Council facility or service on the grounds of personal disability or disadvantage.
2. All new facilities operated and installed by the Council shall be designed to be fully accessible to disabled persons.
3. Existing facilities operated and having been installed by the Council shall, where possible, be progressively modified to optimise their accessibility.
4. Council shall, where possible, make available its resources to bodies in the area, to assist in community education and the integration of persons with disabilities into all aspects of life in the community.
5. Council shall encourage all developers to optimise the accessibility of their projects.
6. Council shall encourage all non-council bodies to maximise accessibility of their facilities, programs and services.
7. Council shall actively enforce the Building Code of Australia and Council requirements for the provision of access to new and existing buildings.
8. Advice to be provided, where required, regarding the Federal Government's "Disability Discrimination Act 1992".
9. Implementation of Council's Disability Inclusion Action Plan.

*Confirmed by Council 18 March 2024
Refer minute 47/24*

*Confirmed by Council 15 March 2021
Refer minute 38/21*

*Confirmed by Council 17 August 2009
Refer minute 283/09*

*Amendments adopted by Council – 15 May 2000
Refer Minute No. 22204*

2.3 Response to Incidents Involving Hazardous Materials

POLICY TITLE: RESPONSE TO INCIDENTS INVOLVING HAZARDOUS MATERIALS

FILE REF: SC67

EXPIRY DATE: MARCH 2027

OBJECTIVES

To define the responsibilities of organisations and to provide clear guidelines as to the Council's policy as well as procedures to be followed in responding to any incident involving hazardous materials.

POLICY STATEMENT

Hazardous Materials Incidents - Definition

On land, the New South Wales Fire & Rescue is the primary combat agency responsible for hazardous materials incidents. The Fire and Rescue NSW Act 1989 defines 'Hazardous Material' and 'Hazardous Material Incidents' as follows:

"hazardous material" means anything that, when produced, stored, moved, used or otherwise dealt with without adequate safeguards to prevent it from escaping, may cause injury or death or damage to property.

"hazardous material incident" means an actual or impending land-based spillage or other escape of hazardous material that causes or threatens to cause injury or death or damage to property.

1. COUNCIL'S ROLE

- a) To undertake such containment and/or removal of hazardous materials as may be requested and properly authorised.
- b) To provide support services such as road closures, communications, or other activities outside the danger area, that may be requested.

2. IMPLEMENTATION

a) Recording

Reports, requests, decisions and actions taken during a hazardous materials incident should be logged as accurately as possible. Any draft form and/or modification from time to time developed for this purpose will be set out as an attachment to this policy as Schedule I.

b) Reporting

Any report of a chemical incident must be immediately notified to Police and NSW Fire & Rescue. Council staff does not become involved unless requested to do so by an officer of one of those Departments or the Environmental Protection Authority (EPA) and unless Council staff are authorised by some appropriate person in the Council organisation as indicated in (iii) hereafter.

c) Requests for Assistance

- i) Any request for assistance received from other than Police, NSW Fire & Rescue or Environmental Protection Authority (EPA) must be referred to those authorities, no direct action by Council staff being authorised.
- ii) In the event of a request for assistance being received from an officer of the NSW Police, NSW Fire & Rescue, or Environmental Protection Authority (EPA) such request shall be referred to any appropriate officer. Such officer may, depending on availability, be the Director Engineering, the Director Planning and Environment, the Manager Works or other member of engineering or planning and environment staff.
- iii) It is possible that, particularly in emergency situations, messages may be received by two or more persons. Staff receiving requests for assistance should endeavour to contact the most senior Council officer available and establish whether any action is already in hand before initiating further procedures.
- iv) Before Council participates in the assistance or removal of any hazardous substance/s the officer responsible for Council's assistance must obtain a written guarantee from the Environmental Protection Authority (EPA) to reimburse all costs associated with the clean up and disposal of the orphan hazardous substances/s.
- v) Council acknowledges that, in an emergency situation, communication may frequently only be verbal, and difficult (if not impossible) to confirm in writing. Every reasonable effort should be made to transmit and receive messages reliably thus minimising risks of error.

2.3 Response to Incidents Involving Hazardous Materials (cont'd)

- vi) The Council officer accepting responsibility in accordance with the above procedures shall then act in accordance with the following.
- d) Limits of Assistance
It is Council's policy to provide any available resources requested to minimise actual, potential or suspected dangers to persons or property BUT subject to the overriding limitation that the health and safety of all personnel for whom Council is responsible must be ensured.

Adopted by Council – 18 March 2024

Refer minute 47/24

Adopted by Council – 15 March 2021

Refer minute 38/21

Confirmed by Council – 17 August 2009

Refer minute 283/09

Reviewed by Council – 20 March 2000

Refer Minute No. 2213

2.4 RESCINDED - Environmental Restoration - Emergency Grant Procedures

RESCINDED – 18 March 2024
Resolution No. 27/24

2.5 Provision of Water Tanks at Shows and Festivals

POLICY TITLE: PROVISION OF WATER TANKS AT SHOWS AND FESTIVALS
FILE REF: SC67
EXPIRY DATE: NOVEMBER 2026

OBJECTIVES

To assist the conduct of significant activities conducted by community organisations.

POLICY STATEMENT

That Council make available to local community organisations conducting shows, festivals and similar activities within the Shire, including (but not exclusively restricted to) The Rock and Lockhart Annual Shows, a water truck for dust suppression purposes provided that such truck will be operated in a voluntary capacity by a Council employee subject to the said employee being covered by an appropriate voluntary workers accident policy.

*Adopted by Council 20 November 2023
Refer minute 219/23*

*Adopted by Council 16 November 2020
Refer minute 239/20*

2.6 Public Arts

POLICY TITLE: PUBLIC ARTS

FILE REF: SC67

EXPIRY DATE: APRIL 2027

OBJECTIVE

This Policy is to provide guidance to members of the community who wish to make art or other items available to Lockhart Shire Council for the purposes of being put on public display on Council land.

POLICY STATEMENT

Council acknowledges the significant efforts of individuals and community groups throughout the Shire who contribute to the arts within the Shire and acknowledges that the art forms provided to Council would be of benefit in attracting additional visitors to the Lockhart Shire Council area as well as provide enjoyment for local residents.

PROCEDURES

1. Those organisations/individuals who wish Council to accept artworks or other items of interest e.g., memorabilia, heritage items etc. to be placed on Council controlled land must make written application to Council indicating the preferred location for the public art to be displayed.
2. If the organisation/individual disagrees with where the public art is to be displayed, the matter be referred to Council for a final decision.
3. Council's staff will consider the requested location for the public art and take into consideration such matters as possible traffic congestion, public liability, safety issues, maintenance, etc. and be authorised to approve the location without reference back to Council.
4. In all cases a written agreement must be prepared and signed by Council and the organisation/individual who wish to make the item available to Council. The agreement must indicate whether the subject item is being loaned to Council for display purposes or gifted to Council.
5. Irrespective of whether the subject item is loaned or gifted to Council, Council will arrange for appropriate insurance cover for the item. Council's insurance policy extends to items in Council's care, control and custody regardless of ownership.

*Adopted by Council 15 April 2024
Refer minute 61/24*

*Adopted by Council 19 April 2021
Refer minute 58/21*

2.7 Rescinded – Aged Care – Voluntary Use of Council Plant

RESCINDED – 18 APRIL 2005
Resolution No. 24573

2.8 Works for Local Management Committees

POLICY TITLE: WORKS FOR LOCAL MANAGEMENT COMMITTEES

FILE REF: P10-005

EXPIRY DATE: WITHIN 12 MONTHS OF A COUNCIL ELECTION

OBJECTIVES

To assist such Committees toward attaining their objectives by use of Council resources on a concessional basis.

POLICY STATEMENT

- a) The rates applicable to all works carried out by Council for Local Management Committees, appointed by Council and delegated the care, control and management of property vested in the Council shall be:
- i) Wages - cost + standard internal Council on cost rate;
 - ii) Plant Hire - current Plant Hire rate;
 - iii) Stores, Materials & Contractors Charges - at cost;
- b) The General Manager be and is hereby authorised to permit the use of Council plant on works associated to the relevant Management Committee by competent employees on a voluntary basis outside normal working hours and further that such plant and other charges shall be debited to the Local Management Committees on the basis as detailed in a) above.

Revised by General Manager – 13 February 2018

Adopted by Council 17 August 2009

Refer minute 283/09

Reviewed by Council – 20 March 2000

Refer Minute No. 22137

2.9 Rescinded – Repairs – Plant Operated by Committees of Council

RESCINDED – 18 APRIL 2005
Resolution No. 24573

2.10 Authority to Undertake Enforcement Actions

POLICY TITLE: AUTHORITY TO UNDERTAKE ENFORCEMENT ACTIONS

FILE REF: SC14

EXPIRY DATE: JULY 2026

STATEMENT OF INTENT

Lockhart Shire Council has a considered approach to responding to unlawful activity.

This Policy aims to provide consistency in enforcement action in matters relating to health and safety, pollution, roads, animal control, food safety as well as environmental and development non-compliance and ensure natural justice principles are respected.

The Council acknowledges that it has an obligation under section 8A of the Local Government Act 1993 to ensure that in the exercise of its regulatory powers it acts fairly, ethically and without bias in the interests of the local community.

GENERAL PRINCIPLES

Council, in its approach to enforcement and in performing its regulatory functions, will have regard to the following principles:

- *Proportionality* - taking action that is reasonable and relates directly to the actual breach.
- *Consistency* – ensuring that similar issues are dealt with in the same way.
- *Transparency* – ensuring that what we do and why we do it is easily understood.
- *Helpfulness* – working with the business or individual to achieve compliance with the law by being approachable, courteous and efficient.
- *Openness* – by being open about the way we go about doing things.
- *Prioritising* – making sure that resources are targeted primarily on those whose activities give rise to the most serious risk.

OPTIONS FOR ACTION IN CONFIRMED CASES OF UNLAWFUL ACTIVITY

Council will consider a range of matters before taking regulatory action.

Regulatory action is any formal and informal action taken to prevent or rectify infringements of the legislation. The regulatory options will differ where different pieces of legislation are used, but the principles of application should remain constant.

Approaches to be considered without taking formal regulatory action include:

- Taking no action on the basis of no reliable evidence or other appropriate reason.
- Counselling the person who carried out an unlawful activity to educate them on the relevant requirements. Council acknowledges the role of educational initiatives to achieve compliance in some situations.
- Negotiating with the person who carried out the unlawful activity to obtain an undertaking from them to address the issues of concern arising from an investigation. For example, the submission of a section 96 application to modify consent.
- A letter requiring works to be carried out or works to cease, or other remedial action in lieu of more formal action i.e. a warning letter.
- Such action may be all that is required in minor breaches where no serious impacts have occurred.

When deciding whether to take an educative approach, consideration will be given to issues such as the level of contrition shown by the wrongdoer, whether they have previously been warned as a result of this, or similar, behaviour and the level of intent shown.

Whilst these approaches recognise that Council may use discretion in the process, Council is also obliged to uphold the law, including compliance with relevant administrative law principles (for example: acting fairly and equitably), and to act in the public interest.

Where appropriate, a staged approach to ensure compliance will be adopted and in the first instance businesses and individuals will be given the opportunity to discuss and remedy the breach before action is taken, unless immediate action is required. Timeframes are to be specified in correspondence to ensure compliance within a reasonable timeframe.

ENFORCEMENT ACTION

Where the options outlined in Section 3 above are considered inappropriate in the circumstances, or have been pursued but proven unsuccessful, enforcement action will be taken.

2.10 Authority to Undertake Enforcement Actions (cont'd)

The options outlined in Section 3 may be inappropriate in circumstances where warning letters have previously been issued but ignored, the wrongdoer is a repeat offender or the risk to health and safety warrants immediate action.

Enforcement action will be taken with a considered approach. Enforcement action includes:

- Issuing of Notices and Orders requiring compliance with legislative requirements or those of an environmental planning instrument.
- Commencement of criminal proceedings for an offence under legislation or alternatively issuing a Penalty Infringement Notice (PIN).
- Commencement of civil proceedings in a Court to either remedy or restrain unlawful activity.

AUTHORISED PERSONS

Section 377 (1) of the Local Government Act 1993 provides that a council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, except for the matters expressly excluded by the Act.

Section 378 (2) provides that the general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).

Council has previously resolved, pursuant to section 377 (1), to delegate authority to the General Manager to exercise all such powers, authorities, duties and functions as may be experienced by the Council under any Act other than:

- a) In relation to any matter where the Mayor has directed the General Manager, in writing, not to exercise a delegated function and to refer the matter to Council for determination; and
- b) Those functions that are required by Section 377 to be exercised only by the Council.

The General Manager has, pursuant to section 378 (2), sub-delegated authority under the following Acts to the respective employees:

Employee	Acts
Director of Engineering	Environmental Planning and Assessment Act 1979 Heavy Vehicle National Law Act 2012 Local Government Act 1993 Protection of the Environment Operations Act 1997 Roads Act 1993 Crown Land Management Act 2016
Director of Planning and Environment	Companion Animals Act 1998 Environmental Planning and Assessment Act 1979 Food Act 2003 Public Spaces (Unattended Property) Act 2021 Local Government Act 1993 Plumbing and Drainage Act 2011 Protection of the Environment Operations Act 1997 Public Health Act 2010 Swimming Pools Act 1993
Compliance Officer	Companion Animals Act 1998 Environmental Planning and Assessment Act 1979 Public Spaces (Unattended Property) Act 2021 Local Government Act 1993 Protection of the Environment Operations Act 1997 Crown Land Management Act 2016 Rural Fires Act 1997 Graffiti Control Act 2008
Environmental Officer	Biosecurity Act 2015

*Adopted by Council 21 August 2023
Refer Minute No. 151/23*

*Adopted by Council 17 August 2020
Refer Minute No. 161/20*

2.10 Authority to Undertake Enforcement Actions (cont'd)

*Adopted by Council 21 August 2017
Refer Minute No. 186/17*

*Adopted by Council 18 April 2017
Refer Minute No. 74/17*

*Adopted by Council 17 August 2009
Refer Minute No. 283/09*

*Adopted by Council – 15 May 2000
Refer Minute No. 22204*

2.11 Rescinded – Flood Prone Land and Building Floor Level

RESCINDED 19 DECEMBER 2016
Resolution No. 347/16

Refer to Council's Development Control Plan for further information.

2.12 Rescinded – Removal of Flammable Matter

RESCINDED – 18 APRIL 2005
Resolution No. 24573

2.13 Light Motor Vehicles

POLICY TITLE: LIGHT MOTOR VEHICLES

FILE REF: SC67

EXPIRY DATE: SEPTEMBER 2025

OBJECTIVE

To recognise that vehicles are provided primarily to facilitate the efficient delivery of the Council's services; provide vehicles in a consistent and transparent manner to eligible employee positions within the Council; ensure the efficient utilisation of vehicles as they impact on the operational costs of service delivery; ensure that the administration of vehicles to employee positions meets Council, community, audit and legislative requirements; and set standards for all Council vehicles.

POLICY STATEMENT

Council will offer employees in key positions with Private Use or Restricted Private use of a vehicle. Private use of a vehicle is available out of business hours and periods of leave. Restricted Private Use includes the use of a Council vehicle to travel between the employee's place of residence and workplace.

Council's Responsibilities

Maintenance and Repair: Council will be responsible for all expenses in the normal maintenance, repair and servicing of the Council-owned vehicle. Where the required repairs are a result of driver negligence, Council may recover the cost of repair from the driver.

Vehicle Replacement: Council will replace light motor vehicles as follows:

- Vehicles using petrol at 80,000 kilometres
- Vehicles using diesel at 100,000 kilometres.

It is the responsibility of a Council employee with Private Use or Restricted Private use of a Council-owned vehicle to advise Council's Fleet Manager that the vehicle is due for replacement approximately three (3) months before achieving 80,000/100,000 kilometres. The employee, at this time, must discuss with the relevant Director their preference for the make and model of the replacement vehicle. However, a request for a make or model vehicle and the willingness to pay the prescribed amount, as set out in this procedure is not a guarantee of supply. The relevant Director will consider the request against the criteria for vehicle purchasing, as outlined in this Policy. Prior to quotations/tenders being accepted, a new Private Use Vehicle Agreement must be completed, stating the vehicle price and fortnightly repayments, and signed by the employee.

Optional Vehicle Equipment or Features: A Council employee with Private Use of a Council-owned vehicle and requesting optional (after market) vehicle equipment or features other than standard equipment listed in this Policy will be responsible for the cost of these.

Mobile Phone Kits: Where Council provides an employee with a mobile phone and Private Use of a vehicle, the Council will only provide and install a mobile phone kit in a vehicle that is not capable of Bluetooth connectivity.

Vehicle Selection: Only vehicle makes and models on the current year NSW Government Fleet Price List will be considered for purchase by Council. The purchase of vehicle models other than those on the current year NSW Government Fleet Price List requires approval by the General Manager on recommendation from the Director of Engineering.

With respect to vehicle selection the purchase of electric vehicles will also be investigated.

Standard of Vehicle: Council is conscious of the requirements of Workplace Health and Safety (WHS) legislation, as well as issues surrounding the environment and global warming. Council will therefore provide a Private Use vehicle, giving consideration in the following order:

- Fit for operational requirements
- Diesel fuelled (preferred)
- 5 Star ANCAP Rating
- Resale value
- Fuel efficiency

2.13 Light Motor Vehicle (cont'd)

- CO₂ emissions
- Employee preference

Council will continue to set a yearly budget for Council-owned vehicle replacement based on Council's plant replacement program. Vehicle choice and approval shall be made by the General Manager on recommendation from the Director of Engineering.

The following items will be considered standard equipment for Council-owned vehicles:

- Power steering
- Air conditioning
- Window tinting
- Mud spats (front and rear)
- Floor mats
- Bluetooth
- Tow bar
- Driving lights
- Nudge bars

Vehicle Colour: When selecting a new Council-owned vehicle, consideration must be given to the evidence that lighter colours are more visible and help to reduce the frequency and severity of accidents, operational requirements, public scrutiny and perception, and vehicle resale value. The default vehicle choice shall be white unless approved by the Director of Engineering.

Purchase Price: Council will not purchase vehicles that will incur the Luxury Car Tax under Federal legislation (for 'other vehicles' not 'fuel-efficient vehicles'). The maximum purchase price for Council-owned vehicles with Private Use are as follows:

- Category 1 (General Manager) – 90% of the Luxury Car Tax threshold under Federal legislation.
- Category 2 (Director) – 80% of the Luxury Car Tax threshold under Federal legislation.
- Category 3 (Other Employees) – 70% the Luxury Car Tax threshold under Federal legislation.

Vehicle Type: A Council employee with Private Use of a Council-owned vehicle shall only have access to the following vehicle types:

- Passenger Car

Small	Any passenger vehicle with a 4-cylinder engine generally with an engine capacity over 1500cc and with a body shape which is similar to the second smallest variant available from the major vehicle suppliers in Australia.
Medium	Any passenger vehicle with a 4- or 6-cylinder engine generally with an engine capacity under 3000cc and with a body shape considered to be in the mid-range of the Australian market.
Large	Any passenger vehicle with a 6–8-cylinder engine generally with an engine capacity 3000cc and over and which has a body shape considered in the "family" size range of vehicles which is similar to the second largest variant available from the major vehicle suppliers in Australia.

- Passenger SUV

Small	Any SUV vehicle with a 4-cylinder engine generally with an engine capacity of approximately 2 litres.
Medium	Any SUV vehicle with a 4-cylinder engine generally with an engine capacity under 3000cc and with a body shape which is similar to the smallest variant available from the major vehicle suppliers in Australia.
Large	Any SUV vehicle with a 4- or 6-cylinder engine and generally with an engine capacity 3000cc and over and with a body shape which is similar to the second sized variant available from the major vehicle suppliers in Australia.

- Utility

Standard	Any commercial vehicle which is a two-wheeled drive two-seater utility based on the large passenger vehicle with fixed sided carrying area.
PU/CrewCab 4X2	Any commercial vehicle which is two wheeled drive of cab, extra cab or dual or crew cab (5 seat) design

2.13 Light Motor Vehicle (cont'd)

	with fixed sided or chassis rail and generally with no identifiable passenger variant.
PU/CrewCab 4X4	Any commercial vehicle which is four wheeled drive of cab, extra cab or dual or crew cab (5 seat) design with fixed sided or chassis rail and generally with no identifiable passenger variant.

- Fuel efficient vehicle

Standard	Any vehicle consistent with the above categories that is considered fuel-efficient including hybrid, plug-in hybrid and electric.
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Employee's Responsibilities

General: A Council employee assigned a Council-owned vehicle shall:

- Enter into a Private Use Vehicle Agreement to comply with this Policy and authorise payroll deductions of predetermined monetary payments for that private use.
- Be a holder of a current driver's licence endorsed to drive the class of vehicle being used. Holders of P-Plate and L-Plate licences must only drive a Council vehicle in accordance the restrictions placed on their licences.
- Be responsible for ensuring proper and adequate care, usage and maintenance of the vehicle.
- Store the vehicle in a secured space at the employee's principal place of residence, preferably off-street or in on-street parking areas, with keys removed and doors locked. Council does not take any responsibility for personal items stolen from Council vehicles.
- Ensure that the vehicle is appropriately maintained. Council will not be responsible for providing a replacement vehicle during maintenance and repairs of the vehicle where it is no longer roadworthy due to an employee's negligence, or any fines for driving an unroadworthy vehicle.
- Ensure that the vehicle is maintained in a clean and tidy condition. Failure to keep a Council-owned vehicle in a clean and tidy condition may result in the suspension or termination of the Private Use Vehicle Agreement to provide the vehicle.
- Have the vehicle available at work when the employee is on duty.

Private Use: Only an employee of Council or family member may drive a Council vehicle. A family member is a person that is a Council employee's spouse, partner or de facto spouse, or son/daughter. The Council employee must be present in the Council vehicle when an appropriately licenced person, other than a family member, is driving the Council vehicle.

Alcohol and/or Drug Use: The NSW Road Transport Act 1993 specifies limits of blood alcohol content when driving a vehicle. A Council employee shall not breach these limits by the consumption of alcohol and/or drugs more than the legal limits. Council employees operating a vehicle under the influence of intoxicating liquor and/or the effects of drugs and involved in an accident and are found to be at fault, Council's insurance company may either invalidate the insurance cover or take recovery action against the employee for the damage incurred. This shall be the sole responsibility of the employee who will meet the costs of such damage from their own resources. Council employees may also be subject to disciplinary action.

Smoke Free Environment: Smoking is prohibited in all Council-owned vehicles and items of plant.

Servicing and Breakdown Arrangements: Council-owned vehicles shall be serviced in accordance with the manufacturer's requirements, which are detailed in the owner's handbook supplied with the vehicle. The responsibility for ensuring that the vehicle is serviced at the appropriate interval rests with the designated driver of the vehicle. When a Council-owned vehicle requires a service or any unusual symptoms arise in the running of the vehicle, e.g. tyre wear, steering problems, poor brakes, lack of performance or any other mechanical problems, drivers should notify Council's Plant Supervisor immediately, where arrangements will be made for the appropriate servicing or maintenance of the vehicle to be carried out. Council will meet the cost of servicing, maintenance, insurance, and registration of the vehicle, unless driver negligence is determined.

Carpool: There are several Council-owned vehicles available for business use. These pool cars should be the first vehicles booked for business use by a Council employee without a designated Private Use vehicle. Where one of these pool cars is unavailable, designated Private Use vehicles that are covered under this Policy are to be made available during working hours for business use. Carpool vehicles required during normal working hours must be booked out prior to usage and detailed in logbooks or running sheets. Where a vehicle is required overnight and a pool car is not available, the employee may negotiate with their Director to supply another vehicle or alternative travel arrangements.

Traffic Penalties: All drivers of Council-owned vehicles are subject to the law. Any fines, e.g. speeding, parking, careless driving, or any other breach of the law, will be the responsibility of the driver of the vehicle. Licence infringements and licence suspensions must be reported immediately to an employee's Director. Disciplinary action may be taken against a Council employee found in control of a

2.13 Light Motor Vehicle (cont'd)

vehicle without a current licence or with their current licence under suspension. Council employees will be responsible for all fines associated with driving without a current licence. In the event of extenuating circumstances with parking fines, a Council employee should notify their Director, who may refer the matter for adjudication of payment responsibility. If a Council employee is convicted of an offence and have his/her licence revoked/suspended, notification must be given to the employee's Director immediately.

First Aid Kit: Where a First Aid Kit is allocated to a Council-owned vehicle they should always be left in the vehicle. Personnel, who use a first aid kit for any reason, should contact Council's Plant Supervisor to advise that the First Aid Kit needs to be replenished.

Car Rallies and Motor Sports: A Council-owned vehicle must not be used in a car rally, time trial, or any other similar motor sport event that is inconsistent with the normal intended use of the vehicle.

Commercial Activities: A Council-owned vehicle must not be used for unauthorised commercial purposes. Use of a Council-owned vehicle shall be consistent with the purpose for which Council acquired the vehicle or for related activities within the terms and conditions of a Council employee's employment contract or remuneration package. Vehicles shall not be used or employed for any commercial purpose outside of a Council employee's employment contract, without the expressed permission of the General Manager.

Council Image: Council vehicles may be recognisable within the community. Therefore, it is expected that good driving habits and courtesy to other drivers on the road be a matter of course for Council operated vehicles.

Vehicle Inspection: Council vehicles are to be made available for inspection by the Plant Supervisor and/or Manager Works and/or Director of Engineering when requested.

Accident/Collision Reporting: All accidents or collisions to a Council-owned vehicle must be reported to Council's officer responsible for insurance, as soon as possible. Incidental damage, e.g. scratches, scrapes, minor dents and cracked windscreens should be reported as soon as practicable for rectification. Council will not meet the cost of the insurance excess on a Council-owned vehicle where the employee has clearly acted in a dangerous and reckless manner, disregarded Council policy and procedures, acted outside relevant State laws, or used the vehicle in any manner deemed inappropriate or dangerous. Where this is the case, Council will require payment of the insurance excess by the employee.

Interstate travel: A Council employee intending to use a Council vehicle to travel interstate to Queensland, South Australia, Western Australia or Northern Territory must obtain prior approval from the General Manager.

Toll Roads: A Council employee with Private Use of a Council-owned vehicle will be responsible for all costs incurred on toll roads whilst the vehicle is being used for private purposes.

Fuel Purchasing: All Council-owned vehicles will be issued with a fuel card, authorised for fuel and top-up oils only. Only those products for which the fuel card is authorised may be purchased. Drivers must ensure that the correct odometer reading is given to the attendant at the time of purchase. All particulars on the fuel tax invoice must be checked to ensure that registration number, date, odometer reading, fuel type, litres purchased, and dollar value are all legible and correct.

All drivers of a Council-owned vehicle in control of the fuel card for the vehicle are to ensure the fuel card is always kept in the glove box of the appropriate vehicle. At vehicle change over, the fuel card will be transferred to the new vehicle unless the registration plates are changed. In this event, the fuel card must be returned to Council's Director Corporate & Community Services for renewal or disposal.

Where a Council employee has opted for a fuel-efficient vehicle a reduction in lease fees shall be applied as follows:

Vehicle Type	Reduction in lease fee
Hybrid	15%
Plug-in Hybrid	20%
Electric	30%

A Council employee with Private Use of a Council-owned vehicle intending to use a Council vehicle to travel to South Australia, Queensland, Western Australia, Tasmania and the Northern Territory during Annual Leave will be responsible for the cost of fuel purchases when refuelling in these states.

Vehicle Changeover: A Council employee with Private Use of a Council-owned vehicle will be required to follow the procedures outlined in this Policy when a vehicle is due for replacement.

Vehicle Handback: A Council employee with Private Use of a Council-owned vehicle may decide to hand back the private use of the vehicle to Council at any time if their circumstances change. Council will also give consideration as to the vehicle being returned and the future requirements of that vehicle.

2.13 Light Motor Vehicle (cont'd)

*Adopted by Council, 19 September 2022
Refer Minute No. 197/22*

*Adopted by Council, 15 June 2020
Refer Minute No. 116/20*

2.14 Rescinded – Relocation of Dwelling Houses

RESCINDED 19 DECEMBER 2016
Resolution No. 347/16

Refer to Council's Development Control Plan for further information.

2.15 Rescinded – Kennelling of Dogs

RESCINDED 19 DECEMBER 2016
Resolution No. 347/16

Refer to Council's Development Control Plan for further information.

2.16 Rescinded – Sewer Connection

RESCINDED 19 DECEMBER 2016
Resolution No. 347/16

Refer to Council's Development Control Plan for further information.

2.17 Local Roads Classification & Maintenance

POLICY TITLE: LOCAL ROADS CLASSIFICATION & MAINTENANCE

FILE REF: SC126

EXPIRY DATE: MARCH 2026

OBJECTIVES

- i) To clearly classify roads within the Shire to achieve specified objectives.
- ii) To facilitate management of Council's road system by indicating priorities and preferences with a view to the limited funds available for road maintenance being expended in the most equitable and effective manner.

POLICY STATEMENT

1. CLASSIFICATION

That the Shire road system be classified on the following priority basis:

1.1 RURAL

- a) Sealed Local Roads – these rural roads of strategic importance or carrying sufficient traffic volumes to warrant sealing. The objective is to achieve adequate maintenance whilst delaying for as long as possible the need to reconstruct.
- b) Class 1 Gravel Roads – being gravel roads which, as well as providing access to individual properties, form essential connecting links for “through” traffic or are otherwise of strategic importance. The objective is for these roads to be trafficable in all weather conditions recognising that it is not financially possible for these roads to be kept consistently in an “ideal” condition.
- c) Class 2 Gravel Roads - the objective for these roads is to be trafficable in the majority of weather conditions however, it is possible that water may cross the road in minor storm events and that the maintenance interval between treatments could be less than desired. Maintenance works should ensure that all causeways are gravelled.
- d) Earth Formed Roads - the objective is for earth formed roads to be trafficable in dry weather only however, gravelling of causeways may occur in problem areas. Installation of "dry weather road only" signs on these roads will be actively pursued.
- e) Fire Access - the objective for these roads is that they be trafficable during the bush fire season and only in dry weather.
- f) Unformed Roads - the objective for these roads is to rectify any drainage problems that may occur and the control of weeds.

1.2 URBAN

- a) Sealed Streets - these streets are to be treated the same as sealed local roads.
- b) Unsealed Streets - these streets are to be treated the same as Class 1 Gravel Roads.
- c) Back Lanes - these are to be treated the same as Class 2 Gravel Roads.

1.3 GENERAL

That the Council makes available appropriate maps of the Shire depicting these road classifications and that the classifications be reviewed annually in conjunction with consideration of the Council's Management Plan.

2. MAINTENANCE

2.1 FINANCIAL PRIORITIES

That priorities for local roads maintenance and construction expenditure be:

- a) Routine maintenance of sealed roads to maintain roads to accepted standards.
- b) The execution of all reseals and/or enrichments deemed necessary to maintain sealed roads in good order and minimise reconstruction needs. Generally seeking a maximum rural seal age of 12 years and urban seal age of 20 years.
- c) The shoulder grading on local sealed roads as necessary to maintain verges in good order and avoid loss of seal through edge break.

2.17 Local Roads Classification & Maintenance (cont'd)

- d) The resheeting of Class 1 Gravel Roads, bitumen sealing of additional roads, and/or reconstruction of existing bitumen and/or Class 1 Gravel Roads as may be determined by Council from year to year.
- e) The routine maintenance, including re-gravelling of short sections where lower cost techniques will be inadequate, of Class 1 Gravel Roads.
- f) The maintenance of Class 2 Gravel Roads including gravelling of water crossing points and very slippery sections.
- g) The maintenance of the balance of the road system.
- h) That Council continue to accept (and even actively seek) private contributions towards the execution of road works not able to be otherwise funded, in particular such activities as gravelling and culvert construction on Class 2 Gravel and earth formed roads, and the forming of unconstructed roads but that care be taken to ensure that Council's meeting of its share of costs on any such works does not significantly affect established priorities on other roads.

2.2 TECHNICAL DETAILS

That, subject to such specific directives as Council may lay down, all road maintenance is to comply with relevant aspects of Transport for New South Wales Roads and other government policies and standards, recognised text and accepted sound practice in the industry. Rural roads maintenance will achieve the following:

- a) Trees – to maintain existing areas cleared of trees; to undertake an assessment of trees for removal from a road safety, construction standard and value of remnant vegetation perspective.
- b) Drainage – construction of wide flat table drains, to minimise soil erosion, rather than steep V-shaped ones where the terrain dictates. The clearing out of drains that have silted up over the years, returning any useable gravel to the road surface; and construction of adequate drains where previous ones were minimal. Mitre drains shall begin at the back of table drains.

Any program of works on table drains should also include associated mitre drains and connections to and from works on private properties to the best advantage of landholders without significant detriment to the road system.

- c) Pavements – should have adequate crossfall and width should be selected for maximum long term economy but reasonable safety. This will generally result in bitumen roads being sealed seven (7) metres wide, Class 1 Roads graveled six (6) metres wide to a depth of 10mm, Class 2 Roads graveled five (5) metres wide but on a useable formation of about six (6) metres, and Earth Formation Roads being four (4) metres wide but with table drains useable by passing traffic in most seasons.
- d) Formation – formation of roads with inadequate crossfall should continue progressively. Desired formation is 4 to 6% crossfall maintained to inside edge of mitre drain with peak in centre of road. The rate of progress achieved on this activity from time to time will not only depend on financial and operational capacity, but also weather conditions and road user tolerance of poor conditions whilst such results are being progressively achieved, for example, rocks and dying grass being left on the pavement between forming and final finishing, which may be separated by periods of some weeks.
- e) Inspection – all roads are to be inspected before maintenance work to ensure compliance with financial priorities and maintenance standards.

3. MAINTENANCE STANDARDS

3.1 RURAL

- a) Sealed Local Roads – the maintenance objective for these roads is the undertaking of pothole patching, edge break repairs, crack sealing, heavy patching, shoulder grading, shoulder gravelling and reseals at the most optimum time so as to offset the need to reconstruct for as long as possible.
- b) Council's priority for maintenance of directional and advisory signs will also coincide with sealed roads.
- c) Class 1 Gravel Roads – the objective for these roads is to maintain a gravel depth of approximately 100mm for the entire length of the roadway and prevent water from crossing the road in minor storm events via reconstruction of appropriate drainage works. The maintenance of Class 1 Gravel Roads with poorer quality gravel may require several treatments with plant in any given year.
- d) Class 2 Gravel Roads – the objective for these roads is to be trafficable in the majority of weather conditions however, it is possible that water may cross the road in minor storm events and that the maintenance interval between treatments could be less than desired. Maintenance works should ensure that all causeways are gravelled.
- e) Earth Formed Roads – the objective is for earth formed roads to be trafficable in dry weather only, however, gravelling of causeways may occur in problem areas. Installation of "dry weather only" signs on these roads will be actively pursued.
- f) Fire Access – the objective for these roads is that they be trafficable during the bush fire season and only in dry weather.
- g) Unformed Roads – the objective for these roads is to rectify any drainage problems that may occur and the control of weeds.

2.17 Local Roads Classification & Maintenance (cont'd)

3.2 URBAN

- a) Sealed Streets – these streets are to be treated the same as sealed local roads.
- b) Unsealed Streets – these streets are to be treated the same as Class 1 Gravel Roads.
- c) Back Lanes – these are to be treated the same as Class 2 Gravel Roads.

Adopted by Council – 20 March 2023
Refer minute 45/23

Adopted by Council – 17 August 2020
Refer minute 161/20

Adopted by Council – 17 August 2020
Refer minute 161/20

Adopted by Council – 17 August 2009
Refer minute 283/09

Amendments adopted by Council – 19 March 2001
Refer Minute No. 22546

2.18 Private Water Pipes Under Roadways

POLICY TITLE: PRIVATE WATER PIPES UNDER ROADWAYS

FILE REF: SC237

EXPIRY DATE: JULY 2026

OBJECTIVES

To avoid damage to Council road assets and associated problems and define responsibilities of Council and property owners in respect to the construction and maintenance of private water pipelines on or across roads.

POLICY STATEMENT

1. STANDARD CONDITIONS FOR NEW INSTALLATIONS

- (a) No water pipe should be laid through any drainage culvert or similar structure.
- (b) The section of pipe passing under the road formation shall be encased in a rigid conduit/pipe of not less than twice the diameter of the service pipeline diameter.
- (c) The pipes shall be laid at a depth of at least 450 mm (18") below the surface, except where it is outside the limits of the road formation, where a depth of 300 mm (12") is acceptable.
- (d) Any pipe crossing under a bitumen-sealed road should, if possible, be placed by boring or other means so as not to disturb the surface. However, in the event of approval being given for the surface to be opened, the restoration thereof must be undertaken by Council at the expense of the applicant. If a pipe is to cross under unsealed road, the road opening and restoration may be undertaken by the applicant but to the Council's satisfaction. However, Council reserves the right to carry out any or all the work at the applicant's expense.
- (e) Two signs bearing the letters WP are supplied with any permit and shall be erected by the permit holder where directed.
- (f) Council accepts no responsibility for any damage to persons and/or property by the pipe, its contents, or any activities relating to the construction or maintenance of the pipeline, nor does Council accept responsibility for damage to the pipe or its contents whether caused by Council's staff or other persons.
- (g) In the event of any damage to a road surface or other property of the Council being occasioned by the breakage of the pipeline or any associated cause, Council will require the owner of the pipeline to meet the full cost of restoration of the road pavement surface, or other property of the Council so damaged, with such work to be carried out by Council at its standard rates for private hire work.
- (h) A permit to the above effect must be obtained by any person wishing to carry out such work. Same, together with any necessary special conditions, may be issued by the Director of Engineering or delegate following receipt of a completed application form and payment of a fee as prescribed by Council's Management Plan.

2. EXISTING INSTALLATIONS

- (a) In the absence of any proof by the person responsible for the pipeline that Council has granted permission for its construction under a public road on conditions more favourable than the current ones, Council's current conditions, as revised from time to time, will be applied to all existing pipelines so far as is practicable.
- (b) The above clause is not to be interpreted to require the replacement of any existing pipeline constructed in contravention of clauses a) to g) of the standard conditions whilst the existing pipeline continues to function in a manner satisfactory to its owner, the water supply authority and this Council.
- (c) The replacement of any existing pipeline is required to be carried out in conformity with all the above standard conditions but that no fee is charged for such replacement.
- (d) In the event of any future damage being occasioned to Council's road or other property by burst or leaking water services, and the persons responsible for same either being unable to be contacted immediately or failing to take immediate steps to minimise such damage, the Director of Engineering or delegate is authorised (where appropriate in conjunction with the water supply authority) to either shut off the flow of water, arrange for temporary or permanent repairs to be made, or take any other appropriate action to ensure the safety of Council's assets and the users thereof, and the costs of executing such work will be debited to the persons responsible for the pipeline.

*Adopted by Council – 17 July 2023
Refer minute 151/23*

*Adopted by Council – 17 August 2020
Refer minute 161/20*

2.19 Rescinded – Building Line Setbacks

RESCINDED 19 DECEMBER 2016
Resolution No. 347/16

Refer to Council's Development Control Plan for further information.

2.20 Rescinded - Street Trees and Building Control

RESCINDED 17 AUGUST 2020
Resolution No. 161/20

2.21 Rescinded – Vehicular Entrances to Private Properties

RESCINDED 19 DECEMBER 2016
Resolution No. 347/16

Refer to Council's Development Control Plan for further information.

2.22 Private Works – Charges for Works under Section 67

POLICY TITLE: PRIVATE WORKS – CHARGES FOR WORKS UNDER SECTION 67

FILE REF: SC18

EXPIRY DATE: JUNE 2026

OBJECTIVES

To ensure properly authorised utilisation of Council resources and plan as well as to establish liability for payment of debtor accounts thereby assisting with financial control.

POLICY STATEMENT

- a) The client is solely responsible for any associated damages occasioned by the plant during the course of any private works projects, e.g. damage to water lines, electricity, Telstra or any building or property damage and the like are not the responsibility of the plant operator or Council.
- b) It is the responsibility of the client to familiarise himself with the capacity and capability of any plant requests and its suitability to execute the particular work proposed. Furthermore, the applicant shall, as necessary, organise, supervise and explain all proposed works to Council's representative so that such works can proceed with all possible efficiency and expedition.
- c) Charges at full rates shall be based on time from depot, campsite or previous/next job (whichever is the closest) and return, including unproductive waiting time occasioned by the client but shall not include:
 - (i) Plant servicing or breakdown time;
 - (ii) Staff travelling time to and from campsite, etc. except where the work is outside Council's area or otherwise involves abnormal travelling, when such time shall be charged at transport vehicle (and extra labour only, if appropriate) rates.
- d) Charges are on an hourly basis including operator and will be levied on the basis of minimum hire per unit of one half hour, except in special circumstances as may be approved in advance by the Director of Engineering or delegate. Hire for periods in excess of one hour shall be charged on the basis of proportionate half hourly increments. A minimum charge as determined by Council in its Annual fees and Charges will apply to all private works.
- e) Plant is only made available for hire when operated by authorised Council employees. All payments to operators shall be made by Council, which will levy all charges for work undertaken.
- f) Whilst efforts will be made to provide services to suit individual customers, the needs of the community at large must receive preference over works of this nature which will therefore be undertaken at the convenience of the Council and as directed by the Director of Engineering or his representative, and further
- g) The rates to apply for each year of operation will be as fixed and adopted by Council in conjunction with consideration of annual revenue policy within its Management Plan and at such other time as Council shall see fit to amend or vary such charges.

Adopted by Council – 19 June 2023

Refer Minute No. 104/23

Adopted by Council – 17 August 2020

Refer Minute No. 161/20

Adopted by Council – 17 August 2009

Refer Minute No. 283/09

Adopted by Council – 23 April 2001

Refer Minute No. 226/01

2.23 Rescinded – Firebreaks

RESCINDED – 18 APRIL 2005
Resolution No. 24573

2.23 Rescinded – Riverina Noxious Weed Inspection

RESCINDED 17 AUGUST 2020
Resolution No. 161/20

2.24 Weed Management

POLICY TITLE: WEED MANAGEMENT

FILE REF: SC252

EXPIRY DATE: SEPTEMBER 2026

PURPOSE OF POLICY

To control the impact of all listed priority weeds on the community, industry, environment, and economy within the Lockhart Shire Council area.

SCOPE

The control of weeds in NSW is specified by the *NSW Biosecurity Act 2015* (the Act). This policy has been developed to set out the actions required by land managers or occupiers to fulfil their obligations under the Act within the Shire boundaries including but not limited to:

- Lockhart Shire Council
- Private landowners and/or occupiers
- Public authorities.

BACKGROUND

This policy has been developed to set out the actions and procedures required by land managers to fulfill their obligations under the Act.

POLICY

1. Obligations

Council's focus is to control priority weeds in agricultural areas, high risk pathways and sites.

Council is responsible for implementing the Act within its area as follows:

- Responsibility for the control of priority weeds by occupiers of land (other than public authorities or local control authorities),
- Control of priority weeds on land owned or occupied by the local control authority and on certain roads and watercourses, rivers or inland waters as provided by the Act,
- To ensure, so far as practicable, that owners and occupiers of land (other than public authorities or other local control authorities) carry out obligations to control priority weeds imposed under the Act,
- To develop, implement, co-ordinate and review weed control policies and weed control programs,
- Inspection of land within the local area in connection with its weed control functions,
- To report, at the request of the Minister, on the carrying out of the local control authority's functions under the Act,
- To co-operate with local control authorities of adjoining areas to control priority weeds, where appropriate,
- Any other functions that are conferred or imposed on the local control authority by or under the Act.

2. Supporting Documentation

The control of weeds in NSW is specified by the Act and associated regulations. Lockhart Shire Council has obligations under the Act as a landholder, and as a Local Control Authority.

3. Definitions

Definitions used in Biosecurity legislation and associated documentation shall apply.

Authorised Officer: A person who is appointed as an authorised officer under this Act and authorised by that appointment to exercise the function in relation to which the expression is used.

Biosecurity Impact: A biosecurity impact means an adverse effect on the economy, the environment or the community that arises, or has the potential to arise, from biosecurity matter, a carrier or dealing with biosecurity matter or a carrier, being an adverse effect that is related to:

- The introduction, presence, spread or increase of a disease or disease agent into or within the State or any part of the State, or

2.24 Weed Management (cont'd)

- The introduction, presence, spread or increase of a pest into or within the State or any part of the State, or Stock food or fertilisers, or
- Animals, plants, or animal products becoming chemically affected, or
- Public nuisance caused by bees, or a risk to public safety caused by bees or non-indigenous animals, or
- Anything declared by the regulations to be a biosecurity impact.

Biosecurity Matter: Biosecurity matter is:

- Any living thing, part of a living thing or product of a living thing (other than a human),
- A disease, prion or contaminant, or
- A disease agent that can cause disease in a living thing (other than a human) or that can cause disease in a human via transmission from a nonhuman host (i.e. zoonosis).

Biosecurity Undertaking: An Authorised Officer may accept undertakings as follows:

- An Authorised Officer may accept a written undertaking (a Biosecurity Undertaking) given by a person if the person has contravened or the authorised officer suspects that the person has contravened or is likely to contravene a requirement imposed by the Act.
- An Authorised Officer may accept a biosecurity undertaking from a person instead of giving the person a Biosecurity Direction.
- The giving of an undertaking does not constitute an admission of guilt by the person giving it in relation to the contravention, suspected contravention, or likely contravention to which the undertaking relates.
- A Biosecurity Undertaking must specify:
 - The contravention, suspected contravention, or likely contravention to which the biosecurity undertaking relates, and
 - The measures that the person has agreed to implement to remedy or prevent the contravention, suspected contravention, or likely contravention,
 - The period or periods by the end of which the measures must be implemented.

Carrier: A carrier means anything (whether alive, dead, or inanimate, and including a human) that has, or can have, any biosecurity matter on it, attached to it or contained in it.

General Biosecurity Direction: An Authorised Officer may give a General Biosecurity Direction to the public generally or to a specified class of persons, if the officer reasonably believes it is necessary to do so for any of the following purposes:

- To prevent, eliminate or minimise a biosecurity risk
- To prevent, manage or control a biosecurity impact that has occurred, is occurring or is likely to occur
- To enforce, administer or execute the Act (including any instrument made under the Act).

Individual Biosecurity Direction: An Authorised Officer may give an Individual Biosecurity Direction to a person if the officer reasonably believes it is necessary to do so for any of the following purposes:

- To prevent the person from contravening or continuing to contravene a requirement imposed by or under the Act,
- To prevent, eliminate or minimise a biosecurity risk
- To prevent, manage or control a biosecurity impact that has occurred, is occurring or is likely to occur
- To enforce, administer or execute the Act (including any instrument made under the Act).

Adopted by Council – 18 September 2023
Refer Minute No. 170/23

Adopted by Council – 17 August 2020
Refer Minute No. 161/20

Adopted by Council – 16 February 2015
Refer Minute No. 36/15

Adopted by Council – 17 August 2009
Refer minute 283/09

Adopted by Council – 15 May 2006
Refer Minute No. 149/06

Amendments adopted by Council – 20 February 2006
Refer Minute No. 7/06

Amendments adopted by Council – 17 July 2000
Refer Minute No. 22273

2.25 Rescinded – Bush Fire Operations, Supply & Management of Equipment

RESCINDED – 18 SEPTEMBER 2023
Resolution No. 170/23

2.26 Signs as Remote Supervision

POLICY TITLE: SIGNS AS REMOTE SUPERVISION

FILE REF: SC321

EXPIRY DATE: JULY 2026

OBJECTIVES

To provide guidelines for ensuring that Council and staff comply with the Best Practice Manual – Signs as Remote Supervision issues by Statewide Mutual and establish a simple, systematic and readily useable system to determine signage requirements for facilities such as reserves, parks, and pools, which are owned and/or operated by Council, or under the care and control of Lockhart Shire Council.

POLICY STATEMENT

The policy titled “Signs as Remote Supervision” has been prepared to ensure that Lockhart Shire Council has clear and concise directions as to the location, content and frequency of signs and to minimise public liability exposure emanating from the provision of services to the community.

Signs play an important role in advising, directing and warning members of the public of inherent dangers in the environment in which they are operating. Lockhart Shire Council has prepared a set of procedures based on current best practice to assist with this.

1. INSPECTION

Council will conduct inspections of all its reserves and pools in accordance with the “Signs as Remote Supervision” procedures. This inspection program is the responsibility of the Director of Engineering or delegate.

2. ASSESSMENT

Council will assess the findings of the inspection program by using the analysis tool set out in the “Signs as Remote Supervision” procedures. This assessment is the responsibility of the Director of Engineering or delegate.

3. CONTROLS

- (a) Council will endeavour, at all times, to follow the order for risk as set out below:
- (b) eliminate the risk
- (c) reduce the risk
- (d) accept the risk

by using the techniques set out in the “Signs as Remote Supervision” procedures.

Implementation of controls is the responsibility of the Director of Engineering or delegate.

4. MONITORING

Lockhart Shire Council will monitor the results of the program by using the procedure set out in the “Signs as Remote Supervision” procedures. Implementation of monitoring is the responsibility of the Director of Engineering or delegate.

5. ALLOCATED RESOURCES

Council will allocate sufficient human and financial resources to conduct annual inspections, assess and implement appropriate controls for the implementation of the policy and procedures.

Adopted by Council – 21 August 2023
Refer Minute No. 151/23

Adopted by Council – 17 August 2020
Refer Minute No. 161/20

Adopted by Council – 17 August 2009
Refer Minute No. 283/09

Adopted by Council – 18 September 2000
Refer Minute No. 22351

2.27 Constructed Footpath Risk Management

POLICY TITLE: CONSTRUCTED FOOTPATH RISK MANAGEMENT

FILE REF: SC228

EXPIRY DATE: JULY 2026

OBJECTIVES

To establish a simple, systematic and readily useable footpath inspection program for maintaining constructed footpaths in the Lockhart Shire Council area, to minimise the incidence of injury to pedestrians and furthermore to establish a strategy of regular and routine inspections to demonstrate due diligence.

POLICY STATEMENT

The policy titled "*Constructed Footpath Risk Management Policy*" has been prepared to comply with the *Best Practice Manual – Footpaths, Nature Strips and Medians* issued by Statewide Mutual and provide guidelines for ensuring Councils constructed footpaths are properly maintained and repaired.

Pedestrian safety has in the past been perceived as a complex issue, which in part arises from the highly variable nature of their physical characteristics; this is exacerbated by the dynamic nature of pedestrian behavioural and attitude patterns. Councils have limited resources and cannot repair or remedy all low-risk hazards.

Council has considered these variables in determining the risk management procedures outlined in this *Constructed Footpath Risk Management Policy* and the associated procedure entitled "*Standard Operating Procedure for Maintenance and Repair of Constructed Footpaths*".

Identification

The identification of footpath defects is brought to Councils attention through inspections and written and verbal requests.

Inspections are to be carried out on all constructed footpaths at the time and using the procedure outlined in the *Standard Operating Procedure for Maintenance and Repair of Constructed Footpaths*.

Implementation of this inspection program is the responsibility of the Director of Engineering or delegate.

Assessment

Risk ratings are determined using the *Standard Operating Procedure for Maintenance and Repair of Constructed Footpaths*.

Control

The control and response time is determined using the *Standard Operating Procedure for Maintenance and Repair of Constructed Footpaths*.

The defects identified shall be remedied as soon as possible having regard to the risk rating, available resources and the footpath area use.

Adopted by Council – 21 August 2023
Refer Minute No. 151/23

Adopted by Council – 17 August 2020
Refer Minute No. 161/20

Adopted by Council – 18 December 2000
Refer Minute No. 22461

2.28 Asbestos Management

POLICY TITLE: ASBESTOS MANAGEMENT

FILE REF: SC67

EXPIRY DATE: AUGUST 2025

OBJECTIVES

Lockhart Shire Council acknowledges the serious health hazard from exposure to asbestos.

In Australia, asbestos has been phased out of building materials since the 1980s and the supply and installation of asbestos containing goods has been prohibited since 31 December 2003.

However, Council recognises that asbestos legacy materials still exist in many homes, buildings and other assets and infrastructure. Council has no record of naturally occurring asbestos within the Shire.

Council has an important dual role in minimising exposure to asbestos, as far as is reasonably practicable, for both:

- residents and the public within Lockhart Shire
- workers (employees and other persons) in Council workplaces or facilities.

This Asbestos Management Policy forms part of the Risk Management processes employed by Council to achieve two of its Strategic Objectives; A2: Our community services and facilities meeting the needs of our community; and E1: Council is strong, sustainable, and able to stand alone.

DEFINITIONS

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.

Friable Asbestos means material that:

- a) is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry
- b) contains asbestos.

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

Naturally Occurring Asbestos (NOA) means the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

SCOPE

This policy applies to all of the residents, land and property holders and other stakeholders within Lockhart Shire and to all Councillors, Senior Management, staff, volunteers and contractors of Lockhart Shire Council.

The Policy provides information for council workers, the local community and wider public and applies to friable, non-friable (bonded) and naturally occurring asbestos (where applicable) within the Lockhart Shire.

2.28 Asbestos Management

Legislative Requirements

Council's legislative functions for minimising the risks from asbestos apply in various scenarios including:

- as a responsible employer
- contaminated land management
- Council land, building and asset management
- emergency response
- land use planning (including development approvals and demolition)
- management of naturally occurring asbestos
- regulation of activities (non-work sites)
- waste management and regulation.

POLICY STATEMENT

This Policy is supported by a specific Asbestos Management Plan, comprising two sub plans, and subordinate documents to manage risks associated with asbestos and asbestos containing material.

In the preparation of the Asbestos Management Plan Council has taken guidance from the following:

- 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;
- Model Asbestos Policy for NSW Councils published by the Office of Local Government (OLG);
- Asbestos Blueprint – A Guide to the Roles and Responsibilities of Government Agencies in NSW;
- Additional guidance material listed in Appendix B.

PROCEDURE

Roles and Responsibilities of Council in the Management of Asbestos

Educating residents

Council shall assist residents to access appropriate information and advice on:

- The prohibition on the use and re-use of asbestos containing materials
- requirements in relation to development, land management and waste management
- risks of exposure to asbestos
- safe management of asbestos-containing materials
- safe removal and disposal of minor quantities of asbestos-containing materials.

Managing land

Council is responsible for managing public land. This may include land with naturally occurring asbestos and land contaminated with asbestos.

Managing waste

Council is responsible for:

- 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);
- 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);
- Issuing penalty infringement notices for improper transport of asbestos (under the Protection of the Environment Operations Act 1997); and
- 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 10.7 certificates) where on-site disposal is permitted.

2.28 Asbestos Management

Regulatory responsibilities

Council has regulatory responsibilities under the following legislation, policies and standards in situations where council is the appropriate regulatory authority or planning authority:

Asbestos Management Plan

The Asbestos Management Plan is designed to assist Council:

- assess and/or surveying all property under its care and control to ascertain the presence of asbestos/ACM or not;
- maintain an Asbestos Register containing the location (or suspected location) of asbestos/ACM;
- assess potential health risks and implement control mechanisms;
- remove or control asbestos materials that pose an immediate health risk to the public or staff;
- regularly review and monitor identified areas to ensure they are appropriately labelled and in good condition and do not pose an immediate health risk;
- continually work toward an asbestos-free Council;
- consult with and educate staff on the dangers of asbestos/ACM in homes and workplaces, and the correct handling procedures if it is necessary to work with asbestos/ACM;
- educate and, where necessary, assist the residents and ratepayers of Lockhart Shire on the dangers of asbestos/ACM in homes and workplaces.

If naturally occurring asbestos is discovered in Lockhart Shire, Council will, if necessary, develop risk controls and an asbestos management plan in relation to the naturally occurring asbestos and provide guidance materials where necessary.

In the unlikely event that staff or volunteers have been exposed, or suspected of being exposed, the normal Incident Reporting process must be undertaken, and if necessary health surveillance steps are to be instigated, Personnel Files to be suitable endorsed.

REFERENCES, ASSOCIATED DOCUMENTS AND RELEVANT LEGISLATION

- Australian Standard AS 2601 – 2001: The demolition of structures
- Contaminated Land Management Act 1997
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Local Government Act 1993
- Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (General) Regulation 2009
- Protection of the Environment Operations (Waste) Regulation 2005
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy No. 55 – Remediation of Land.

RELEVANT COUNCIL POLICIES & DOCUMENTS

- Lockhart Shire Council Work Health & Safety Policies
- Lockhart Shire Council Risk Management Policy
- Lockhart Shire Council Asbestos Management Plan
 - Asbestos Management Plan – Community Asbestos Sub-plan
 - Asbestos Management Plan – Council Asbestos Sub-plan.

Adopted by Council 15 August 2022

Refer Minute 170/22

Reviewed by Council – 18 March 2019

Refer minute No. 45/19

Adopted by Council 17 August 2009

Refer minute 283/09

Adopted by Council – 19 May 2003

Refer Minute No. 23612

2.29 Rescinded – Equipment Hire for Emergency Situations

RESCINDED – 21 AUGUST 2023
Resolution No. 151/23

2.30 Dust Suppression

POLICY TITLE: DUST SUPPRESSION

FILE REF: SC234

EXPIRY DATE: JULY 2026

OBJECTIVES

To provide a documented framework and guidance mechanism to enable public application, and Council assessment and financial assistance towards requests for dust sealing works on unsealed public roads within the Lockhart Shire.

POLICY STATEMENT

This policy applies to requests received by Council, concerning occupied residential dwellings situated within 100m of an unsealed gravel road of which Council is the Authority. It relates to the possible periodic allocation by Council of funding assistance towards the cost of upgrading and sealing sections of unsealed road lengths. Such treatment being for the purpose of reducing nuisance dust, generated by passing vehicular traffic.

To provide relief and assistance to local residents suffering the adverse effects of dust from unsealed roads, Council may make provisions available within its annual budget to fund up to half the cost of sealing short sections of roadway adjacent to such properties. Residents seeking to undertake such sealing works and wishing to avail themselves of Council's financial assistance towards the costs, shall be required to provide such request to Council. All requests must be received in writing and shall include a firm commitment by the proponent to meet at least half the cost of the requested works.

Council will maintain a register of all requests received throughout the year, from eligible applicants. All such applications received during the year or previous years will then be considered by Council during the deliberation and development of its annual management plan. The relative priority and funding merit of applications will be assessed by Council using the following criteria:

1. Number of affected residences within proximity
2. Direction from the road/prevaling winds
3. Distance from dwelling to the road
4. Road traffic volumes
5. Road classification
6. Health issues.

Based upon this assessment process, and with due consideration of its overall budgeting constraints, a determination will be made as to which, if any, applications will be financially assisted by Council.

Notwithstanding the above assistance policy, Council will endeavour to allow the private undertaking of sealing and/or other dust suppressant activities on roads under its control, to assist affected property owners meet the above objectives. This being provisional upon all such undertakings receiving the prior written approval of Council's Director of Engineering or delegate with regards the type of treatment to be used and the method in which the works are to be undertaken.

Adopted by Council – 21 August 2023
Refer Minute No. 151/23

Adopted by Council – 17 August 2020
Refer Minute No. 161/20

Adopted by Council 17 August 2009
Refer minute 283/09

Adopted by Council – 19 June 2006
Refer Minute No. 186/06

2.31 Procurement

POLICY TITLE: PROCUREMENT
FILE REF: SC67
EXPIRY DATE: SEPTEMBER 2025

OBJECTIVES

The objectives of this Policy are to:

- 1) Obtain the best value for the community through effective, responsible, ethical and transparent procurement methods.
- 2) Ensure compliance with the legislative framework including the Local Government Act 1993 and the Local Government (General) Regulation 2005.
- 3) In accordance with section 8A (b) of the Local Government Act, "... carry out functions in a way that provides the best possible value for residents and ratepayers".
- 4) Encourage and support local suppliers and support local economic activity within the Lockhart Shire, where it is efficient to do so, while achieving Council's overall "value-for-money" objectives.

GENERAL PRINCIPLES

- 1) Council's "value-for-money" objectives will be pursued having regard to legislative compliance, consideration for the environment, work health and safety and the achievement of Council's community, social and economic policies.
- 2) Best value for money does not automatically mean the lowest price. Council will balance all relevant factors including initial cost, whole-of-life costs, quality, reliability and timeliness in determining true value for money.
- 3) Part of obtaining best value also includes ensuring all our business relationships are honest, ethical, fair and consistent. In this regard Councillors and Council officers shall:
 - a) Deal fairly, honestly and ethically with all individuals and organisations
 - b) Avoid any conflicts of interest (whether real or perceived).
 - c) Treat all suppliers with impartiality and fairness and ensure they are given equal access to information and opportunities to submit bids
 - d) Fully and clearly document all procurement activities and decisions to provide an effective audit trail and to allow for effective performance review of contracts.
 - e) Purchase, wherever reasonably possible, energy efficient equipment, products containing recycled materials and environmentally friendly products.
 - f) Have regard to the health and safety of Council employees when purchasing machinery and equipment or other goods or services to be used by staff in the course of their employment.
 - g) Not invite tenders unless the Council has a firm intention to proceed to contract.
 - h) Not disclose confidential or proprietary information.
- 4) Goods and services shall only be purchased by staff authorised to place orders within their financial delegation approved by the General Manager or alternatively, with the support of a Council resolution as outlined in Schedule 1.

COLLABORATIVE ARRANGEMENTS

Council may participate join with other Councils and regional organisations such as REROC and the Riverina Joint Organisation and participate in other aggregated purchasing arrangements such as the Local Government Procurement Service, in the acquisition or sale of goods and services.

2.31 Procurement Policy

BEST VALUE PROCEDURES

- 1) Procurement procedures include obtaining verbal quotes, obtaining written quotes, selective tendering and open tendering.
- 2) The appropriate procurement procedure, including the number of quotations to be obtained, will depend on the circumstances and the value of the goods or services being acquired. The minimum requirements for adopting the appropriate procurement procedure are set out in Schedule 1.

Quotations

- 1) For all quotations, clear criteria for assessment and specifications must be conveyed equally to each supplier quoting for the materials/service. Such criteria may include price, quality and value for money, delivery time, warranty, supplier ability, local knowledge, environmental and safety issues.
- 2) When assessing quotations received, the criteria used must be the same as those originally stipulated to the suppliers invited to quote.
- 3) Goods or services may be purchased without first obtaining the minimum number of quotations outlined in Schedule 1, in the following circumstances:
 - a) The goods or services are required for an emergency event and the immediate non-supply of the goods or service may pose a health, safety or financial risk to the Council and/ or the community.
 - b) There is only one suitable supplier for the particular good or service.
 - c) An insufficient number of quotations were received after publicly inviting quotations or expressions of interest.

In all such circumstances the reasons for not obtaining the required number of quotations set out in Schedule 1 shall be properly documented. The form attached as Schedule 2 may be used for this purpose.

Public Tender

- 1) Notwithstanding the above, the purchase of goods or services for which the estimated expenditure is \$250,000 or more (inclusive of GST) **MUST** be undertaken by public tender in accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005.
- 2) The \$250,000 tender threshold applies to the total estimated value of the contract, i.e. the amount estimated to be paid or received over the full term of the contract including estimated extras, additions and extensions. Contracts must not be "split" to avoid the \$250,000 threshold.
- 3) Whenever Council is required by section 55 of the Act to invite tenders before entering into a contract, the Council must decide which of the following tendering methods is to be used.
 - a) Open tendering method by which tenders for the proposed contract are invited by public advertisement.
 - b) Selective tendering method by which invitations to tender for a particular proposed contract are made following a public advertisement asking for expressions of interest.
 - c) Selective tendering method by which recognised contractors selected from a list prepared or adopted by the council are invited to tender for proposed contracts of a particular kind.
- 4) The tender documents must include, in addition to the matters identified in the Local Government (General) Regulation 2005, criteria for selection and may include assessment of the tenderer's capability, qualifications, experience, technical compliance with the specification, financial capacity, cost (including whole of life costing where necessary) and environmental, health and safety issues. Consideration should be given, where practical, to the possible benefit to be gained from a tenderer whose geographical location may offer improved communication, response times, after sales service, reduced freight costs and local knowledge of conditions and sites.
- 5) The weighting points to be applied to each criterion should not be stated on the contract documentation nor revealed to tenderers. However, they must be determined by Council assessment staff prior to the opening of tenders. A sample Tender Evaluation form is attached as Schedule 3.
- 6) If a council amends tender documents after they have been issued to persons, it must take all reasonably practicable steps to inform those persons of the amendments.

2.31 Procurement Policy

PROCUREMENT METHODS

- 1) The Council's standard methods for procuring goods and services shall be by one of the following:
 - a) Petty cash and other reimbursement systems.
 - b) Credit or debit card.
 - c) Purchase order
 - d) Contract or other legal agreement
 - e) Other arrangements authorised by the Council or the General Manager on a needs basis or as required in abnormal circumstances such as emergencies.
- 2) The appropriate procurement method will depend on the circumstances and the value of the goods or services being acquired. The minimum requirements for adopting the appropriate procurement method are set out in Schedule 1.
- 3) All the abovementioned procurement methods must be supported by relevant documentation.

REFERENCE DOCUMENTS

This policy should be read in conjunction with:

Policy 1.4 Code of Conduct

Policy 1.6 Statement of Business Ethics

Policy 1.19 Local Preference Purchasing Policy

Policy 3.18 Credit Card Use.

Reviewed by Council 19 September 2022

Refer Minute No. 198/22

Reviewed by Council 19 August 2019

Refer Minute No. 236/19

Reviewed by Council 18 March 2019

Refer Minute No. 45/19

Reviewed by Council 17 December 2018

Refer Minute No. 340/18

Changes adopted by Council 20 May 2013

Refer Minute No. 146/13

Adopted by Council 17 August 2009

Refer Minute No. 290/09

Adopted by Council – 21 August 2006

Refer Minute No. 268/06

SCHEDULE 1

Value of Purchase (GST Exclusive)	Procurement Procedure	Procurement Method	Approval & Authorisation
Less than \$3,000	1 verbal quote	Up to \$50 petty cash. Credit or debit card Purchase order	Staff with delegated authority
More than \$3,000 and less than \$15,000	2 verbal quotes	Credit or debit card Purchase order	Staff with delegated authority
More than \$15,000 and less than \$250,000	3 written quotes	Purchase order Acceptance letter Contract document	Staff with delegated authority or Council resolution
\$250,000 and more	Public tender – Open tendering – Selective tendering	Purchase order Acceptance letter Contract document	Council resolution

* Where only one quote is required, where practicable, the quote should be obtained from a local business.

SCHEDULE 2



Purchase Order Approval

(Where a public tender process under Section 55 of the Local Government Act is not required)

Project and Work Details:

File No.:

Job No.:

Please choose the most suitable option and tick the relevant box

(If Option 1 or 2 is selected, only Page 1 requires printing)

Amounts shown are GST inclusive.

- OPTION 1 Purchases less than \$3,000 and a minimum of (1) quotation (verbal or written) was obtained. (refer Table 1 below).
- OPTION 2 Purchases between \$3,000 and \$15,000 and a minimum of (2) quotations (verbal or written) were obtained. (refer Table 1 below).
- OPTION 3 Purchases between \$15,001 and \$249,999 and a minimum of (3) written quotations were obtained as given in Table 1 and further details Page 2.
- OPTION 4 Variation to Policy requested – refer Prices in Table 1 and further details Page 2.
- OPTION 5 Approved Contract Purchase – refer Prices in Table 1 and further details Page 2.

Table 1 – List of Prices received (in order of preference)

Name	Amount (incl. GST)

CERTIFICATION

I certify that;

- There are sufficient funds in the allocated Job No. to cover the purchase cost, and
- The purchase complies with Council's Procurement and WHS Policies, and the Code of Conduct.

APPROVED	Title	Name	Signature	Date
Purchase Order Number			Amount (incl. GST)	\$



Purchase Order Approval

(Where a public tender process under Section 55 of the Local Government Act is not required)

OPTION 3 – Purchases between \$15,001 and \$249,999

The purchase is between \$15,001 and \$149,999, and open quotes were sought in:-

- The local press
- The Sydney press
- Direct Request

and the quotes obtained in order of evaluated preference are given in Table 1 (previous page);

OPTION 4 – Variation to Policy

A variation to the Purchasing Policy is now requested for the reasons below:

OPTION 5 – Approved Contract Purchase

The purchase is being sourced through;

- A list of contractors approved through a formal expression of interest process
- Purchasing section preferred supplier
- State Govt contract
- A fixed period schedule of rates contract approved by Council
- Authorised by Council Resolution following rejection of all Tenders

Source Information / Contract: _____

The preferred Contractor is _____ as shown in Table 1, and was chosen on the basis of:

- Lowest Price,
- OR
- Other Reasons as follows: (Note: if the preferred supplier is not the lowest price then reasons for the choice must be documented)

SCHEDULE 3

2.32 Disposal Of Surplus, Obsolete Or Scrap Materials, Stores, Equipment, Plant and Vehicles

POLICY TITLE: DISPOSAL OF SURPLUS, OBSOLETE OR SCRAP MATERIALS, STORES, EQUIPMENT, PLANT AND VEHICLES

FILE REF: SC67

EXPIRY DATE: OCTOBER 2025

POLICY OBJECTIVES

To ensure that disposal processes are conducted in a cost effective, accountable, open, ethical and environmentally responsible manner.

POLICY STATEMENT

Council staff shall observe the requirements of this Policy when disposing of or selling surplus Council equipment, stores, materials, plant and vehicles.

DEFINITION

Council equipment, stores, materials, plant and vehicles includes furniture, furnishings, machines, tools, major and small plant, vehicles and trucks, office equipment, scrap metals, plant parts and accessories, by-products from construction and maintenance activities and other items as determined by the appropriate Director.

PROCEDURES

The appropriate Director is to observe the following procedures:

- 1 Where the value of the items, group of items or a sale contract is estimated to be worth more than \$250,000, tenders are to be called in accordance with Council's Procurement Policy 2.31 and relevant legislation.
- 2 Where the value of the item, group of items or a sale contract is estimated to be worth less than \$250,000 and sale is considered to be an economical prospect, a public auction is to be held or quotations are to be called in accordance with Council's Procurement Policy 2.31. Authority to value items and accept quotations rests with the Director of Engineering for major plant, small plant and vehicles and with the Director Corporate and Community Services for other items.
- 3 Where the item or group of items is considered to be worthless or where the cost of sale, storage or transport is considered to be excessive by the relevant Director, the items are to be disposed of as determined by the Director of Engineering for major plant, small plant and vehicles or the Director Corporate and Community Services for other items. Consideration is to be given to all recycling opportunities prior to disposal.
- 4 Records are to be maintained of all items disposed of in accordance with this Policy.

DELEGATION

The General Manager has delegated the authority to value and dispose of items in accordance with this Policy as follows:

- 1) Major plant, small plant, and vehicles – Director of Engineering.
- 2) All items other than 1) – Director Corporate and Community Services.

Council staff are to refer all disposal requirements to the Director of Engineering or Director Corporate and Community Services for determination of the disposal procedures.

*Adopted by Council 17 October 2022
Refer Minute 214/22*

*Adopted by Council 21 October 2019
Refer Minute 306/19*

*Adopted by Council 17 August 2009
Refer Minute 283/09*

*Adopted by Council – 21 August 2006
Refer Minute No. 268/06*

2.33 Rescinded – Pensioner Concession

RESCINDED 16 OCTOBER 2023
Resolution No. 187/23

2.34 Rescinded – Refund of Development Related Fees

RESCINDED – 18 SEPTEMBER 2023
Resolution No. 170/23

Replaced by Policy 2.60 Refund of Application Fees

2.35 Collection of Firewood from Council Road Reserves and Dead Standing Trees

POLICY TITLE: COLLECTION OF FIREWOOD FROM COUNCIL ROAD RESERVES AND DEAD STANDING TREES
FILE REF: SC67; SC339
EXPIRY DATE: JUNE 2026

OBJECTIVE

The purpose of this policy is to define the manner in which dead wood may be collected from road reserves for residential heating purposes and the removal of dead standing trees from Council road reserves for this same purpose.

POLICY STATEMENT

Council is mindful of the need to permit some collection of firewood for residential purposes as a means of maintaining Council's road reserves in a tidy manner. However, Council is also mindful that dead standing trees provide crucial habitat in food, nesting hollows, perching places and forage for birds and mammals including some of Australia's threatened and dwindling ecological communities and wildlife species.

For these reasons Council regulates the collection of firewood throughout the road reserves under its control in accordance with the following:

1. Dead standing trees on Council reserves and road reserves are prohibited from removal.
2. Council will not permit the collection of firewood from its road reserves by professional wood suppliers.
3. That on application from private individuals seeking to collect firewood from Council's road reserves for their own personal use, Council may approve such an application based on:
 - a. whether the applicant is a resident of the Shire; and
 - b. the nominated road being of low or no conservation value.
4. Applicants must address an application for permit to the General Manager, with successful applicants receiving a permit remaining valid for up to three (3) months, and allowing the collection of up to two (2) single-axle loads (or equivalent) of firewood.
5. An applicant may only apply for one (1) collection permit per financial year.
6. Council delegates authority to the General Manager to approve such applications; the General Manager may sub-delegate this authority to the Director of Engineering.

This policy will be reviewed within twelve (12) months of the next Council election.

Reviewed by Council 19 June 2023

*Adopted by Council 20 April 2020
Refer Minute: 64/20*

*Adopted by Council 16 February 2015
Refer Minute: 35/15*

*Adopted by Council 17 August 2009
Refer minute 283/09*

*Adopted by Council – 18 December 2006
Refer Minute No. 431/06*

2.36 Rescinded – Refund of Fees to Community Organisations

RESCINDED – 18 SEPTEMBER 2023
Resolution No. 170/23

Replaced by Policy 2.60 Refund of Application Fees

2.37 Rescinded – Erection of Sheds in Residential Areas

RESCINDED 19 DECEMBER 2016
Resolution No. 347/16

Refer to Council's Development Control Plan for further information.

2.38 Rescinded – Erection of Fences to Residential Properties

RESCINDED 19 DECEMBER 2016
Resolution No. 347/16

Refer to Council's Development Control Plan for further information.

2.39 Rescinded – Erection of Street Numbers

RESCINDED 19 DECEMBER 2016
Resolution No. 347/16

Refer to Council's Development Control Plan for further information.

2.40 Liquid Trade Waste

POLICY TITLE: LIQUID TRADE WASTE

FILE REF: SC328

EXPIRY DATE: DECEMBER 2026

OBJECTIVES

To ensure that suitable and practical measures are implemented to ensure that liquid trade waste entering the sewerage drainage system is regulated appropriately.

POLICY STATEMENT

PURPOSE

The policy governs the approval and administrative processes, including the levying of appropriate fees and charges, for liquid trade wastes discharged into Council's sewerage system.

It has been developed to ensure the proper control of liquid trade waste discharged to the sewerage system and hence protection of public health, worker safety, the environment and Council's sewerage system. The policy also promotes waste minimisation and water conservation.

SCOPE

This policy and associated procedures cover all aspects of approving and administering trade waste discharges into Council's sewerage system and includes the levying of appropriate fees and charges.

The associated procedure itself follows a general format required by the NSW Department of Water and Energy (DWE) and consists of the following sections:

- Introduction
- Exemptions
- Criteria for approval to discharge
- Matters relating to trade waste approvals
- Application form and current fee structure
- Glossary of terms

CONTENT

The associated procedure itself covers the following:

- Outlines what commercial businesses are exempt from the requirement to apply for approval for liquid trade waste discharge to the sewerage system;
- Provides guideline limits for various parameters;
- Outlines the process for applications to discharge liquid trade waste to the sewerage system;
- Details items that may form part of an approval;
- Clarifies the types of concurrence classifications used;
- Clarifies the types of charging categories;
- Details the various charges and how they are determined for each charging category and who is responsible for their payment;
- Elaborates on non-compliance charges and penalties;
- Elaborates on testing requirements;
- Discusses approval agreements to discharge liquid trade waste;
- Clarifies the requirements for installation and connection of trade waste facilities;
- Outlines the requirements for the prevention of wasting water;
- Discusses effluent improvement and due diligent programs and contingency plans;
- Provides details of an application form and current fee structure; and
- Provides a glossary of terms of the various terminology used in the document.

2.40 Liquid Trade Waste (cont'd)

This policy will be reviewed when required to cater for legislative changes and changes to the DWE "Trade Waste Guidelines".

PURPOSE

The policy governs the approval and administrative processes, including the levying of appropriate fees and charges, for liquid trade wastes discharged into Council's sewerage system.

It has been developed to ensure the proper control of liquid trade waste discharged to the sewerage system and hence protection of public health, worker safety, the environment and Council's sewerage system. The policy also promotes waste minimisation and water conservation.

The purpose of this policy is related to the approval and administrative processes, including the levying of appropriate fees and charges, for liquid trade wastes discharged into Council's sewerage system.

It has been developed to ensure the proper control of liquid trade waste discharged to the sewerage system and hence protection of public health, worker safety, the environment and Council's sewerage system. The policy also promotes waste minimisation and water conservation.

SCOPE

This procedure covers all aspects of approving and administering trade waste discharges into Council's sewerage system and includes the levying of appropriate fees and charges.

The procedure itself follows a general format required by the NSW Department of Water and Energy (DWE) and consists of the following sections:

- Introduction
- Exemptions
- Criteria for approval to discharge
- Matters relating to trade waste approvals
- Application form and current fee structure
- Glossary of terms

INTRODUCTION

A major objective of any Trade Waste Policy is to ensure that present and future treatment and transporting capacity is better matched to domestic and industrial sewage flows so that Council's sewerage system, worker's health and safety and the environment is protected from any discharges of waste that may cause detrimental effect.

Sewerage systems are primarily designed for sewage volumes and strengths typical of normal household discharges. Hence the cost of transportation and treatment can be apportioned relatively simply for domestic properties.

However, due to the variability in volume and composition of industrial and some commercial wastes, difficulty can be experienced in assessing their relative load on the sewerage system.

This difficulty can be overcome by quantifying the usage of the sewerage system for domestic, commercial and industrial dischargers and assessing the characteristics of their discharges. Charges can then be weighted and levied accordingly. The Trade Waste Policy and its associated procedure has been devised to formalise and legalise their application within Lockhart Shire Council area.

Trade Waste for the purpose of this policy is defined as all liquid waste other than sewage of a domestic nature.

This policy prohibits the discharge of wastes that are:

- unacceptable to the NSW Department Water and Energy (DWE) and/or the NSW Department Environment and Climate Change (DECC), e.g. PCB's or dioxins; and
- untreatable at the Wastewater Treatment Works because of their nature and/or quantity, or are likely to cause odour or operational problems.

Council's responsibility and authority to regulate trade wastes derives from New South Wales State Government Legislation namely, the *Local Government Act 1993*. Council's approval for industries to discharge trade waste to the sewer is required. The procedure for approval is governed by the *Local Government Act 1993* and its *Regulations*.

The Local Government (General) Regulation 2005 effectively states that concurrence to Council's approval must be obtained from the DWE for discharges depending upon whether concurrence for local approvals has or has not been gained. In accordance with the *Local*

2.40 Liquid Trade Waste (cont'd)

Government Act 1993 waste must not be discharged to sewer unless Council has approved the discharge, either by way of its automatic assumed concurrence or by way of concurrence obtained from the DWE.

Generally industrial and trade waste discharges to the sewer, with substances within the acceptance limits specified in this policy will be accepted to sewer. Each waste stream will be examined to ensure:

- that the system has the capacity to accept it;
- that it does not create any hazards in the system; and
- that necessary procedures are in place at the source to ensure the discharge will be consistent with its relevant trade waste application and its approval conditions.

The Trade Waste charges levied reflect the cost to Council of transporting and treating the waste and are designed to encourage users to comply with set standards and to install and maintain suitable pre-treatment facilities necessary to meet these standards.

EXEMPTIONS

Local policy exemptions apply from the requirement to obtain Council's approval for the disposal of trade waste into the Council's sewer.

TABLE 1 – EXEMPTIONS

This table lists commercial business activities that the Director-General, DWE has consented to an exemption from the requirement to apply for approval for liquid trade waste discharge to the sewerage system. Each such business must meet the standard requirements specified below.

ACTIVITY	REQUIREMENTS
Beautician	Nil (see Note 5).
Bed and Breakfast (not more than 10 persons including proprietor)	Sink strainers in food preparation areas. Housekeeping practices (see Note 4).
Community Hall (minimal hot food)	Sink strainers in food preparation areas. Housekeeping practices (see Note 4).
Day Care Centre (no hot food prepared)	Sink strainers in food preparation areas. Housekeeping practices (see Note 4).
Delicatessen (no hot food prepared)	Sink strainers in food preparation areas. Housekeeping practices (see Note 4).
Dental Technician (no X-ray)	Plaster arrestor required.
Doctor's Surgery (plaster casts, no X-ray)	Plaster arrestor required.
Dog/cat groomer/salon	Floor waste basket and sink strainer required (see Note 3). No organophosphorus pesticides may be discharged to sewer.
Florist	Floor waste basket and sink strainer required. No herbicides/pesticides may be discharged to sewer.
Fruit and vegetable – retail	Floor waste basket and sink strainer required (see Note 3).
Funeral Parlour	Floor waste basket required. Formaldehyde is not to be discharged to the sewer.
Hairdresser	Floor waste basket (if installed) and sink strainer (see Note 5).
Jewellery shop <i>miniplater</i> <i>ultrasonic washing</i> <i>precious stone cutting</i>	Miniplater vessel to contain no more than 1.5 litres of precious metal solution. Nil If: < 1000 litres per day plaster arrestor required then > 1000 litres per day general purpose pit required.
Mixed business (minimal hot food)	Floor waste basket and sink strainer required (see Note 3). Housekeeping practices (see Note 4).
Mobile cleaning units <i>carpet cleaning</i> <i>garbage bin washing</i>	20-micron filtration system fitted to a mobile unit. Floor waste basket required. Discharge is via grease arrestor (if available).
Motel (no hot food prepared and no laundry facility)	Floor waste basket and sink strainer required (see Note 3). Housekeeping practices (see Note 4).

2.40 Liquid Trade Waste (cont'd)

ACTIVITY	REQUIREMENTS
Nutshop	Floor waste basket and sink strainer required (see Note 3).
Optical Service – retail	Solids settlement tank/pit required.
Pet shop – retail	Floor waste basket and sink strainer required (see Note 2).
Pizza reheating for home delivery	Housekeeping practices (see Note 4).
Sandwich Shop, Salad Bar, Coffee Shop (no hot food prepared)	Floor waste basket and sink strainer required (see Note 3). Housekeeping practices (see Note 4).
Venetian blind cleaning	Nil (see Note 2).

Notes:

- Where “required” is used it means as required by Council.
- If activity is conducted outdoors, the work area is to be roofed and bunded to prevent stormwater ingress into the sewerage system.
- All drainage from floors in food preparation areas is required to pass through a floor waste basket.
- Food preparation activities need to comply with sound housekeeping practices including:
 - Floor must be dry swept before washing.
 - Pre-wiping of all utensils, plates, bowls etc. to the scrap bin before washing up.
 - Use of a food waste disposal unit is not permitted.
- This activity is monitored/charged by Council’s Environmental Health Section.

CRITERIA FOR APPROVAL TO DISCHARGE

Guideline Limits

TABLE 2 - GUIDELINE LIMITS

PARAMETER	LIMIT
General	
pH Range	7 to 9 pH units
Temperature	38°C
Suspended Solids (SS)/Non-Filterable Residue (NFR)	600 mg/L
Biochemical Oxygen Demand at 5 days (BOD ₅)	600 mg/L
Chemical Oxygen Demand (COD)	Normally not to exceed 3 x BOD ₅ .
Total Dissolved Solids (TDS)	2000 mg/L
Oil and Grease (O&G)	100 mg/L
Detergents (as MBAS)	50 mg/L
Odour	Not detectable in 1% solution or causing an odour problem in Council’s Sewerage System.
Colour	Not to be discernible in treatment works discharge.
Radioactive Substances	Comply with the ‘Radiation Control Act’.
Metals	
Aluminium	100 mg/L
Arsenic	1 mg/L
Barium	2 mg/L
Cadmium	1 mg/L
Chromium (Total)	3 mg/L
Cobalt	5 mg/L
Copper	5 mg/L
Iron	50 mg/L

2.40 Liquid Trade Waste (cont'd)

PARAMETER	LIMIT
Lead	2 mg/L
Manganese	10 mg/L
Mercury	0.02 mg/L
Molybdenum	10 mg/L
Nickel	5 mg/L
Selenium	5 mg/L
Silver	2 mg/L
Tin	5 mg/L
Zinc	5 mg/L
Organic Compounds	
Formaldehyde (as HCHO)	50 mg/L
Petroleum hydrocarbons (non-flammable)	30 mg/L
Phenolic Compounds (except pentachlorophenol)	10 mg/L
Benzene	0.1 mg/L
Petroleum Hydrocarbons (non-flammable)	30 mg/L
Polyaromatic Hydrocarbons (PAHs)	5 mg/L
Benzene, Toluene, Ethylbenzene, Xylene (BTEX)	1 mg/L
Pesticides (general)	0.1
Organophosphates	Nil
Organochlorines	Nil
Herbicides	Nil
Inorganic Compounds and other limited Substances	
Ammonia (as N)	50 mg/L
Boron	25 mg/L
Bromine	5 mg/L
Chlorine	10 mg/L
Cyanide	1 mg/L
Fluoride	20 mg/L
Nitrogen (kjeldahl)	50 mg/L
Total Phosphorus (as P)	10 mg/L
Sulphate (as SO ₄)	100 mg/L
Sulphide (as S)	1 mg/L
Sulphite (as SO ₃)	15 mg/L

Acceptance of chemical toilet waste that contains formaldehyde will be assessed on the available dilution in the sewerage system.

Substances Excluded from Sewers

TABLE 3 - SUBSTANCES PROHIBITED FROM BEING DISCHARGED INTO THE SEWERAGE SYSTEM

Organochlorine weedicides, fungicides, pesticides, herbicides and substances of a similar nature and/or wastes arising from the preparation of these substances;
Organophosphorus pesticides and/or waste arising from the preparation of these substances;
Any substances liable to produce noxious or poisonous vapours in the sewerage system;
Organic solvents and mineral oil;
Any flammable or explosive substance;
Discharges from 'Bulk Fuel Depots';
Chromate from cooling towers;

2.40 Liquid Trade Waste (cont'd)

Natural or synthetic resins, plastic monomers, synthetic adhesives, rubber and plastic emulsions;
Rain, surface, seepage or subsoil water, unless specifically permitted;
Solid matter;
Any substance assessed as not suitable to be discharged into the sewerage system;
Waste liquids that contain pollutants at concentrations which inhibit the sewage treatment process – refer <i>Guidelines for Sewerage Systems: Acceptance of Trade Waste (Industrial Waste)</i> (ARMCANZ/ANZECC, 1994); and
Any other substances listed in a relevant regulation.

Use of Additives in Pre-treatment Systems

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.

MATTERS RELATING TO TRADE WASTE APPROVALS

1 Applications to Discharge Trade Waste

Applications to discharge trade waste into the sewerage system shall be made on the Trade Waste Application form, available from Council, accompanied by all supporting plans and other information as required by Council or the DWE.

The limits of acceptance of trade wastes into sewer are as set down in this policy, which is adopted from DWE guidelines. These limits are as detailed in Section 5 of this document and are subject to periodical review.

The application approval process is dependent upon the type of trade waste discharges and these are grouped into one of three “concurrency classifications”.

The initial application may require additional information during the assessment phase for Council to make proper assessment and determination.

2 Type of Concurrency Classification

This Council policy/procedure has adopted the DWE “Liquid Trade Waste Management Guidelines 2005” methodology of grouping trade waste discharges into three classifications for the application/approval process for liquid trade waste installations.

This is the “concurrency” classification, which is distinct from the three charging categories, which are detailed in Fees and Charges for Trade Waste, (Section 6.4).

2.1 Concurrency Classification A

This classification is where the Council has been given delegated authority from DWE to approve any applications that fall in this classification. This type of approval does not require Council to forward the application to DWE prior to approval being given to the applicant. Refer to Table 4 for types of business with automatic assumed concurrence.

Concurrency Classification A includes minor liquid trade waste discharges where:

- the discharge is of a low risk because it is of low volume and/or low strength;
- no pre-treatment is required, or there are prescribed standard non-complex pre-treatment devices available to treat the waste to a satisfactory level;
- only one or two pre-treatment devices are necessary to treat any single waste stream;
- the liquid trade waste poses a low risk to the sewerage system, the environment and public or worker health and safety;
- the information to be sought from an applicant is relatively standard;
- standard conditions may be used for the approval; and
- the volume is less than 5 kilolitres per day or 1,000 kilolitres per year, except in the case of commercial retail food preparation activities, where up to 16 kilolitres per day is allowed.

TABLE 4 – LIQUID TRADE WASTE DISCHARGES WITH AUTOMATIC ASSUMED CONCURRENCE

COMMERCIAL RETAIL FOOD PREPARATION ACTIVITIES	OTHER COMMERCIAL ACTIVITIES
Bakery (retail)	Boiler blowdown
Bistro	Car detailing
Boarding House/Hostel Kitchen	Cooling tower

2.40 Liquid Trade Waste (cont'd)

COMMERCIAL RETAIL FOOD PREPARATION ACTIVITIES	OTHER COMMERCIAL ACTIVITIES
Butcher Shop (retail)	Craft activities (making of clay pottery, ceramics, cutting and polishing of gemstones or making of jewellery at clubs, cottage industries)
Café/Coffee Lounge	Dental Surgery/Dental Specialist
Cafeteria	Laboratory (pathology/analytical)
Chicken/Poultry Shop (only fresh chickens/game sold)	Laundry or Laundromat (coin operated)
Chicken/Poultry Shop (retail BBQ/Charcoal Chicken)	Lawnmower Repairs
Club (kitchen wastes)	Mechanical Repairs/Workshop
Commercial Kitchen/Caterer	School (Primary and Secondary)
Doughnut Shop	Service Station Workshop
Fast Food outlet (McDonalds, KFC, Burger King, Pizza Hut, Red Rooster, etc.)	Swimming Pool/Spa/Hydrotherapy
Fish Shop (retail – fresh and/or cooked)	Vehicle washing (by hand/wand, automatic car wash, external truck wash or underbody/engine degrease only)
Food Caravan	Veterinary/Animal Kennels with X-ray
Function Centre, Nightclub	Waterless Mini-Lab
Hotel	
Ice Cream Parlour, Juice Bar	
Nursing home kitchen	
Patisserie, Pie shop	
Restaurant	
School Canteen	
Supermarket (with butcher/delicatessen/ seafood/or charcoal chickens)	
Take-Away food outlet	

However, the volume of liquid trade waste must be less than five kilolitres per day or 1,000 kilolitres per annum except in the case of commercial retail food preparation activities, where up to 16 kilolitres per day is included in this category. 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*). Discharges over 20 kilolitres per day must be treated as Concurrence Classification C.

Where more than four Concurrence Classification A discharges are being generated from one premise or complex (such as a shopping arcade), the discharges are to be considered as Concurrence Classification B.

2.2 Concurrence Classification B

A Concurrence Classification B comprises those liquid trade waste discharges that do not fall into the Concurrence Classification A range and are not of a high risk (industrial nature) and discharge less than 20 kilolitres per day.

2.3 Concurrence Classification S

Concurrence Classification S is the acceptance of septic tank, pan waste and ship to shore pump out.

2.4 Concurrence Classification C

Concurrence Classification C comprises those liquid trade waste discharges that do not fall within either Concurrence Classification A or B. Typically this classification would include discharges from industrial activities including manufacturing processes and large businesses with a discharge volume exceeding 20 kilolitres per day.

For classifications B, S and C, the application must be forwarded to the DWE for consideration who may or may not grant concurrence to Council's approval to the application. In the case where the application is approved, the DWE will impose their conditions that form part of Council's conditions on the approval or discharge agreement.

Any applications that are refused in any Category will be notified in writing.

2.40 Liquid Trade Waste (cont'd)

2.5 Additional Items for Inclusion in an Approval

In addition to those conditions on the discharge required by the DWE, Council may include other conditions in accordance with the Local Government (General) Regulations 2005, as applicable to each discharge and site. These may include but are not limited to:

- a maximum daily volume of trade waste allowed to be discharged from the premises into the Council's sewerage system;
- a maximum rate of discharge of trade waste allowed to be discharged from the premises;
- the size and capacity of the drain to be used for conveying the trade waste;
- periods during the day or week when the trade waste can be discharged to the system;
- the method of measurement of the volume discharged, either by meter or some other means as approved by Council;
- any specified modifications to any works on the premises for the pre-treatment of trade waste, or to the method of treating trade waste discharged from the premises;
- conditions of Termination of the approval;
- for a trade waste pit, the frequency of pump outs;
- for pump outs, Council may specify the contractor or contractors who are approved by Council to perform this task or those allowed to deliver to a licensed receivable point; and
- additional sampling requirements, methods of recording and reporting these test results to Council. Also requirements for reimbursement of costs incurred by Council in obtaining the test results, particularly if testing is required by the DWE.

3 Charging Categories

For charging purposes there are three types of discharge categories, which are distinct from the Concurrence Classifications used to assess a trade waste application as discussed in Section 2.

The discharge categories are used in determining the appropriate trade waste fees and charges.

3.1 Category 1 Discharge

Category 1 liquid trade waste discharges 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 benign nature.

A comprehensive list of typical discharges is detailed in Section 3.4 of Appendix D of the Liquid Trade Waste Management Guidelines 2005.

3.2 Category 2 Discharge

Category 2 liquid trade waste discharges 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 comprehensive list of typical discharges is detailed in Section 3.4 of Appendix D of the Liquid Trade Waste Management Guidelines 2005.

Category 2S dischargers are those conducting an activity of transporting and/or discharging septic tank or pan content waste into the sewerage system.

3.3 Category 3 Discharge

Category 3 liquid trade waste discharges are those conducting an activity which is of an industrial nature and/or which results in the discharge of large volumes (over 20 kilolitres per day) of liquid trade waste to the sewerage system. (Note: This category may include dischargers who discharge less than 20 kilolitres per day; however, their discharge is of an industrial nature).

A comprehensive list of typical discharges is detailed in Section 3.4 of Appendix D of the Liquid Trade Waste Management Guidelines 2005.

4 Fees and Charges for Trade Waste

Council levies a number of fees and charges for liquid trade waste dischargers and these are levied three times yearly.

The fees and charges are reviewed annually and are advertised for public comment as part of the Council's "draft" Management Plan.

The fees and charges are levied to:

- recover the cost of administration and technical services provided by Council in assessing applications for approval to discharge liquid trade waste to the sewerage system;
- recover the cost of administration and the scheduled inspection of each of the trade waste facilities to ensure on-going compliance with the conditions of each trade waste approval/agreement; and
- recover the additional costs placed on the sewerage system for transporting and treating liquid trade waste.

2.40 Liquid Trade Waste (cont'd)

Many of the fees and charges are based on either the number of waste streams, characteristics and the volume of liquid trade waste discharged to the sewerage system and the level of risk. (The volume of liquid trade waste is determined by multiplying the water consumption through the water meter(s) servicing the property by a Trade Waste Discharge Factor (TWDF)).

The TWDF is dependent upon the type of activity generating the trade waste and is agreed to at the time of establishing the trade waste facility.

Requests for any water volume allowance due to operational processes, etc. will be considered by Council, but must be accompanied by supporting figures, documentation, etc.

Note 1:

As part of installing trade waste pre-treatment equipment, the owner is required to take out the necessary plumbing permits and arrange for inspections as required by Council's Planning and Economic Development Group. The fees and charges associated with the installation aspect do not form any part of the trade waste fees and charges. Refer also to Section 11.

Note 2:

The associated fees and charges for any cleaning/pumping out of the trade waste equipment, as part of approval/agreement process, is the responsibility of the owner.

Council's liquid trade waste fees and charges include:

4.1 For Category 1 Discharge:

- an application fee (once-off) (See Note 1 in Section 5);
- an annual trade waste administration fee (depends on the number of waste streams and includes one inspection);
- re-inspection fee (dependent on number of waste streams);
- noncompliance penalties where appropriate (See Section 5);
- dischargers listed in Table 1 are not required to pay the application fee; and
- Category 1 dischargers not having installed and maintained appropriate pre-treatment facilities will be required to pay that rate (R1) as noted in Council's Fees and Charges.

4.2 For Category 2 Discharge:

- an application fee (once-off) (See Note 1 in Section 5);
- an annual trade waste administration fee (depends on the number of waste streams and includes one inspection);
- a trade waste usage charge (i.e. a volume charge per kilolitre of waste);

The usage charge shall be = $Q \times TWDF \times U$ where:

Q	=	Metered water consumption (kL)
TWDF	=	Trade Waste Discharge Factor
U	=	Council's trade waste usage charge as stated in the annual fees and charges (\$/kL)

- re-inspection fee (dependent on number of waste streams);
- noncompliance penalties where appropriate (See Section 5); and
- Category 2 dischargers not having installed and maintained appropriate pre-treatment facilities will be required to pay that rate (R2) as noted in Council's Fees and Charges.

4.3 For Category 3 Discharge:

- an application fee (once-off) (See Note 1 in Section 5);
- an annual trade waste administration fee (depends on the number of waste streams and includes one inspection);
- an excess mass charge;
- re-inspection fee (dependent on number of waste streams);
- non-compliance charges and penalties where appropriate (See Section 5).

Excess mass charges are only applicable to dischargers of this Category. For those substances listed in Table 5, Category 3 dischargers will only pay the excess amount over the deemed domestic strength rate at the relevant \$/kg. For all other substances, excess mass charges will be applicable to the total load present as those substances are deemed not to be present in domestic sewage.

The deemed standard strength rates for each of the constituents used in determining excess mass charges are:

2.40 Liquid Trade Waste (cont'd)

TABLE 5 - DEEMED CONCENTRATION OF SUBSTANCES IN DOMESTIC SEWAGE	
Biochemical Oxygen Demand (BOD ₅)	300 mg/L
Suspended Solids (SS)	290 mg/L
Oil and Grease (O&G)	50 mg/L
Total Kjeldahl Nitrogen (N)	43 mg/L
Total Phosphorus (P)	8.3 mg/L
Total Dissolved Solids (TDS)	1000 mg/L
Sulphate (SO ₄)	50 mg/L

Note Substances not listed in Table 5 are deemed not to be present in domestic sewage.

Therefore, to pay excess mass charges, the strength of the various constituents in the liquid trade waste must be above the relevant deemed domestic strength rate noted above, and only that amount above the strength rate is paid, refer example below.

The following equation (1) applies to all substances including BOD₅ concentration up to 600 mg/L (e.g. Suspended Solids, Oil and Grease, total Kjeldahl nitrogen, total phosphorus, metals etc.):

Excess Mass Charge (\$) = (S-D) x Q x TWDF x U/1000 (1) where:

TWDF	=	Trade Waste Discharge Factor
Q	=	Metered water consumption (kL)
U	=	Council's charging rate for the particular substance as stated in the annual fees and charges (\$/kg)
D	=	Deemed strength rates as noted in Table 6.2 (mg/L)
S	=	Tested concentration in sample (mg/L)

For example BOD₅: Tested BOD₅ level = 315 mg/L

Excess mass charge	=	(Tested BOD ₅ – 300 mg/L) x Q x TWDF x \$/kg of BOD ₅
	=	(315 – 300) x Q x TWDF x \$/kg (for BOD ₅)

If Council approves the acceptance limits for BOD₅ higher than 600 mg/L, an exponential type equation will be used for calculation of BOD₅ excess mass charges as shown in equation (2) below.

Excess mass charge for BOD₅ (\$) = Q x TWDF/1000 x (S-D) x 2 x U x (S-300)/600 x 1.05^{((S-600)/600)}(2)

The above equation does not apply to businesses that discharge high strength waste directly to a Wastewater Treatment Plant (that is, liquid trade waste is not transported by Council's reticulation or pump stations). For such activities the discharge shall be charged as for a Discharge Category 3 excepting that all of the discharge shall be charged by applying equation (1).

4.3.1 Non-Compliance Charges

Category 3 dischargers who fail to comply with limits specified in Council's approval Conditions (or the acceptance criterion listed in Council's Trade Waste Policy) for substances in liquid trade waste are required to pay non-compliance pH charges and non-compliance excess mass charges.

Non-Compliance pH charge

Where the discharge pH value is detected to be outside the range approved by Council, the charge according to the co-efficient (K) as set in the annual fees and charges will be applied for the period between the recorded breach and the previous monitoring test period where the pH range was acceptable (i.e. within the limits) and calculated by the following equation:

$$$/kL = K x (\text{actual pH} - \text{approved pH})^* x 2^{(\text{actual pH} - \text{approved pH})^*} \dots\dots\dots(3)$$

where * = absolute value

therefore the charge (\$) would be:

$$= Q x TWDF x K x (\text{actual pH} - \text{approved pH})^* x 2^{(\text{actual pH} - \text{approved pH})^*}$$

Non-Compliance excess mass charge

2.40 Liquid Trade Waste (cont'd)

Where a discharge quality fails to comply with the approved concentration limits of substances specified in Council's approval (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 effluent and biosolids management.

In order to recover Council's costs equation (4) shall apply for all non-compliant excess mass charges for all substances except BOD₅ (where equation (5) shall apply).

$$\frac{(S-A) \times Q \times TWDF \times 2U}{1000} + \frac{(S-D) \times Q \times TWDF \times U}{1000} \dots\dots\dots (4)$$

where:

- TWDF = Trade Waste Discharge Factor
- Q = Metered water consumption (kL)
- U = Council's charging rate for the particular substance as stated in the annual fees and charges (\$/kg)
- D = Deemed strength rates as noted in Table 6.2 (mg/L)
- S = Tested concentration in sample (mg/L)
- A = Maximum concentration of substance as specified in Council' Liquid Trade Waste Policy (Table 5)

Non-Compliance excess mass charge for BOD₅

These charges will be used where the discharger has failed to meet the approved BOD₅ limit as per Table 5 on two or more instances in the financial year and is calculated by the following equation (5):

Non Compliance Excess Mass Charge for BOD₅ (\$) =

$$\begin{aligned} & [(S-D) \times Q \times TWDF/1000 \times 2U \times (A-300)/600 \times 1.05^{((A-600)/600)}] \dots\dots\dots (5) \\ & + \\ & [4U \times (S-A) /600 \times 1.05^{((S-600)/600)}] \end{aligned}$$

where:

- TWDF = Trade Waste Discharge Factor
- Q = Metered water consumption (kL)
- U = Council's charging rate for BOD₅ as stated in the annual fees and charges (\$/kg)
- D = Deemed strength rates as noted in Table 6.2 (mg/L)
- S = Tested concentration in sample (mg/L)
- A = Maximum concentration of BOD₅ (mg/L) as specified in Council's Liquid Trade Waste Policy (Table 5)

The non-compliance excess mass charges shown in equations (4) and (5) are in lieu of the excess mass charges calculated by using equation (1) and (2).

Note:

Council will continue applying the above non-compliance excess mass charge until the quality of discharge complies with Council's approved quality (or Trade Waste Policy) limits, within the time frame determined by Council for remedying the problem. 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 be required to pay a non-compliance penalty as indicated in Section 5.

5 Non-Compliance Penalties

The non-compliance penalties may include:

- compensation for Council's costs relating to legal action, damage to infrastructure, incurred fines and other matters resulting from illegal, prohibited or non-approved liquid trade waste discharges;
- fines under the *Local Government Act 1993*, Sections 626 (failure to obtain an approval), 627 (failure to comply with an approval) and 628 (failure to comply with an order). Any person, who fails to obtain an approval or to comply with conditions of Council's approval, may be liable to a penalty as provided under the LG (General) Regulations 2005; and
- any costs incurred by Council in completing the monitoring program, as stated in the approval/agreement, (if not already being undertaken by the trade waste licensee).

2.40 Liquid Trade Waste (cont'd)

6 Penalties

Any person who fails to obtain an approval, or to comply with conditions of Council's approval, may be liable to a penalty as provided under the LG (General) Regulations 2005.

Council reserves the right to disconnect the discharger from its sewerage system for any breach of its approval conditions. In this instance, Council will then give the discharger notice of intention to serve an order, which will require the discharger to provide reasons as to why Council should not disconnect within 21 days. If after this period Council is not satisfied with the discharger's response, disconnection will be effected and the approval revoked.

7 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. 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.

8 Testing Requirements

If specified in the approval/agreement, the discharger may be required to monitor the trade waste discharge and to pay for any flow measurement, sampling and testing of trade waste undertaken by the Council, in lieu of the discharger not arranging or being able to arrange for such works by a private organisation.

8.1 Discharge Categories 1 and 2

The volume of waste is to be determined as a percentage of water consumption or as agreed by the Council and the discharger, based on relevant information (e.g. water usage, flow monitoring, seating capacity of restaurant, number of meals prepared, etc.).

If monitoring shows that the discharge does not comply with the requirements of its category, it may be re-classified and/or be subject to the appropriate charges.

8.2 Discharge Category 3

The discharger will be required to carry out regular monitoring of the waste as per conditions, at his cost, to ensure compliance with the agreed conditions (i.e. take samples and perform laboratory analyses on specified pollutants listed in the approval).

If testing is not undertaken, Council will arrange for testing and the discharger will be required to reimburse Council all costs associated with these tests.

For this purpose, an inspection/sampling point, where the waste can be inspected and sampled, will be specified in the approval/agreement. This point will normally be just before the discharge to the sewer. The discharger should install a suitable method of flow measurement as described in the approval.

The Council may require the discharger to:

- measure the volume and flow rate using the flow measurement system permanently installed; and
- install a flow measurement device on a temporary basis and obtain enough data to determine a basis for assessing the flow rate and volume.

8.3 Trade Waste Testing Facility

A NATA registered or other recognised laboratory, approved by Council to ensure reliable and accurate results, shall undertake testing of samples for waste characteristics, regardless of the Category of discharger. Where the discharger is sampling the effluent, Council may randomly take duplicates to confirm the waste characteristics and integrity of laboratory results and these costs are to be reimbursed to Council by the applicant.

9 Monitoring and Cleaning

Council Officers will regularly inspect each pit to ensure that it is being maintained correctly. Correct maintenance will ensure that each pit is operating to its optimum capacity.

Frequency of cleaning can vary depending on the volume and type of discharge. Cleaning/pump-outs shall be carried out by a licensed liquid waste contractor approved by Council. Failure to properly maintain trade waste pits or comply with the conditions of the agreement may result in cancellation of discharge approval and disconnection from the sewer.

Note:

General discharge to sewer can be minimised by good "housekeeping" procedures. Benefits will be accrued in reduced cleaning costs (as arresters will not require frequent cleanouts) and reduced trade waste charges.

2.40 Liquid Trade Waste (cont'd)

10 Approval/Agreement to Discharge

The provisions of the Liquid Trade Waste Policy along with any associated conditions stipulated by Council in its approval documentation will in effect form the discharge agreement for Concurrence Classification A and B dischargers. For Concurrence Classification Category C dischargers, for which concurrence is obtained from the DWE, Council will require the applicant to acknowledge, in writing, receipt of the approval. Inherent in the receipt of approval is the acknowledgment of any specific clauses in the approval, thus finalising the formal discharge agreement protocol.

In addition, all approvals from the DWE are bound by the provisions and clauses of the Liquid Trade Waste Policy. Where clauses or provisions overlap, the provisions of the DWE approval will take precedence. The approval or discharge agreement will be for three years unless otherwise stated. Council can at any time extend the approval, presuming the discharge has remained as detailed on the application.

No discharge shall be made to the Council's sewer until approval has been granted and Council has received acknowledgment of conditions by the discharger.

11 Installation and Connection of Trade Waste Facilities

All plumbing and drainage work for installation and connection of Trade Waste facilities shall be done in accordance with the guidelines as set down in the Australian Standard (AS) 3500 and the NSW Code of Practice – Plumbing and Drainage.

Any facilities not covered in the above shall be considered individually on application to Council.

Standard drawings of the following are available from Council's Engineering Department:

- Grease Trap;
- Coalescing Plate Separator;
- Cooling/Dilution pit;
- Grit Arrester; and
- Silt Trap.

The drawings of the above are not dimensioned but diagrammatical. Council will ascertain the appropriate unit to use and its relevant dimensions/size as part of the Trade Waste application/approval process.

12 Prevention of Waste of Water

Water must be used efficiently and must be recycled where practicable. It is an offence under section 637 of the *Local Government Act 1993* and its Regulation to waste or misuse water.

Dilution of trade waste with water from any non-process source including Council's water supply, bore water, groundwater and/or stormwater as a means of reducing pollutant concentration is therefore strictly prohibited.

13 Effluent Improvement Plans

Where the existing liquid trade waste discharged does not meet Council's requirements, the applicant may be required to submit an 'effluent improvement plan' setting out how Council's requirements will be met. The proposed plan must detail the methods/actions proposed to achieve the discharge limits and a timetable for implementation of the proposed actions.

Such actions may include more intensive monitoring and improvements to work practices and/or pre-treatment facilities to improve the effluent quality and reliability.

14 Due Diligence Programs and Contingency Plans

For Concurrence Classification A, a discharger is not required to submit either a due diligence program or a contingency plan.

A discharger may be required to submit a due diligence program and a contingency plan for Concurrence Classification B where it is considered that the discharge may pose a potential threat to the sewerage system. If required, a due diligence program and contingency plan must be submitted to Council within six months and three months respectively of receiving a liquid trade waste approval.

For Concurrence Classification C, a discharger may need to provide a due diligence program and contingency plan to Council within six months and three months respectively of receiving a liquid trade waste approval.

APPLICATION FORM AND CURRENT FEE STRUCTURE

For an example of an Application Form see Appendix A.

Rates for volume and pollutant charges are part of Council's Fees and Charges which are revised and adopted annually.

2.40 Liquid Trade Waste (cont'd)

GLOSSARY OF TERMS

Biochemical Oxygen Demand (BOD ₅):	Biochemical Oxygen Demand (BOD ₅) is defined as the amount of oxygen utilised by micro-organisms in the process of decomposition of organic material in wastewater over a period of five (5) days at 20°C. In practical terms, BOD ₅ is a measure of biodegradable organic content of the waste.
Biosolids (Sludge):	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.
Chemical Oxygen Demand (COD):	This is a measure of oxygen required to oxidise organic matter in wastewater by a strong chemical oxidant. COD is a measure of the total organic content, both biodegradable and refractory.
Council:	In this document, a reference to the Council means the elected body and where consistent with the text may include staff members authorised to act on the Council's behalf.
Director-General:	Director-General means the Director-General, Department Water and Energy (DWE).
Sewage of a Domestic Nature:	Includes human faecal matter and urine and wastewater associated with ordinary kitchen, laundry and ablution activities of a household, but does not include waste in or from a sewage management facility.
Effluent:	The liquid discharged following a wastewater treatment process.
Heavy Metals:	Metals of high atomic weight, which in high concentrations can exert a toxic effect.
Nitrogen (N):	For the purpose of this document, nitrogen concentration is defined as Total Nitrogen not to be confused with Total Kjeldahl Nitrogen (TKN).
Phosphorus (P):	For the purpose of this document, phosphorus concentration is defined as "Total Phosphorus".
pH:	This is a measure of acidity or alkalinity of the waste, pH 7 is neutral, below seven (7) is acidic and above seven (7) is alkaline.
Sewerage System:	Sewerage system is the network of sewage collection, conveyance, treatment and disposal facilities owned and/or operated by the Council.
Suspended Solids (Non-Filterable Residue):	Suspended solids refer to the insoluble solid matter suspended in wastewater that can be separated by laboratory filtration and is retained on a filter.
Total Dissolved Solids:	Total dissolved solids refer to salts dissolved in wastewater.
Liquid Trade Waste:	Liquid trade waste means all liquid waste other than sewage of a domestic nature.

2.40 Liquid Trade Waste (cont'd)

APPENDIX A
Application Form

APPLICATION FOR PERMISSION TO DISCHARGE LIQUID TRADE WASTES INTO A SEWER

I/We of (Business Name) being owners/occupiers of premises situated at hereby apply for permission to discharge into the sewer of Lockhart Shire Council liquid wastes from the processes mentioned in the schedule below:

Applicant's Signature: Date:

Position of Signatory: Contact Phone No:

Postal Address:

Owner/s Name/s: Owner/s Phone No:

Postal Address:

Type of Business:

Process of Manufacture (detail each process that will generate a discharge)

1.
2.
3.
4.
5.
6.
7.

Add attachments if necessary. Where applicable chemical analysis of discharge should be attached.

Hours of operation (& days) which discharge will take place

Temperature of waste °C

Estimated maximum daily discharge in litres

Estimated maximum rate of discharge in litres/hour

CAFES, RESTAURANTS, TAKE-AWAYS, HOTELS, MOTELS ETC. TO COMPLETE THIS SECTION

Seating Capacity	Floor Area:	Dining Room	m ²	
No. of Persons Served		Kitchen	m ²	
Total Capacity of Sinks		Dishwasher	Yes/No	
No. of Staff				

Note: This application is to be accompanied by one (1) plan (A3 Size)

Plan to Show

(1) Site Plan (Location of buildings) Scale 1:500;	(2) Location of plant and equipment and/or plumbing fixtures
(3) Locality Plan	(4) Location of point of discharge to sewer

OFFICE USE ONLY

TWA No.	Plan attached	Yes/No	Discharge Details Complete: Yes/No
HDP No.	P /N		
	Ass. No.		

Adopted by Council 18 December 2023
Refer Minute No. 235/23

Adopted by Council 17 August 2020
Refer Minute No. 161/20

Adopted by Council – 19 October 2009
Refer Minute No. 380/09

2.41 Rescinded – Rapid Response Plan for Noxious Weed Incursion

RESCINDED 17 AUGUST 2020
Resolution No. 161/20

2.42 Rescinded – Disabled Access to Businesses

RESCINDED 19 DECEMBER 2016
Resolution No. 347/16

Refer to Council's Development Control Plan for further information.

2.43 Rescinded – Development on Flood Control Land

RESCINDED 19 DECEMBER 2016
Resolution No. 347/16

Refer to Council's Development Control Plan for further information.

2.44 Street Trees

POLICY TITLE: STREET TREES
FILE REF: SC171
EXPIRY DATE: DECEMBER 2026

OBJECTIVE

This policy provides a framework for the controlled planting and maintenance of street trees within Lockhart Shire to:

- improve the coordination and aesthetics of urban streetscapes;
- ensure the health and safety of shire residents;
- alleviate issues regarding the legal responsibility of Council and residents in relation to street trees and urban landscapes; and
- avoid conflict over requests for removal of street trees and possible adverse effect on streetscape due to established street trees obstructing access to new or altered buildings or where general application is made for the removal of a tree.

POLICY

1. Associated Legislation

Roads Act 1993
Local Government Act 1993

2. Related Documents

Lockhart Shire Council Street Tree Plan and Procedures

3. Policy Content

3.1 Legal Obligations

Council is responsible for the planting and maintenance of street trees, including the selection of species, regular health and safety checks, pruning, and removal and replanting requirements.

Residents may assist Council by providing supplementary watering and mulching as required.

3.2 Street Tree Plan and Procedures

The Lockhart Shire Council Street Tree Plan and Procedures is a document created originally in 2003 following consultations between Lockhart Shire Council and various community groups. Information presented in the Plan and Procedures document allows Council staff to work towards developing attractive, uniform and congruent streetscapes, while providing straightforward procedures for shire residents in relation to all matters regarding street trees in Lockhart Shire, including information presented under sections 3.2.1 - 3.2.4.

3.2.1 Street Tree Planting

- i. Planting will be undertaken by Lockhart Shire Council Staff on a periodic basis, with consideration given to environmental conditions, progress of civic works, time and budgetary constraints.
- ii. Council will generally water new trees for the first two years after planting, at a rate of no more than one watering per week.
- iii. Standard frontage house blocks will be allocated one (1) tree, larger/double blocks will be allocated two (2) trees, and each side of a corner block is to be treated as a standard frontage, or as otherwise directed by a member of Council staff.

3.2.2 Street Tree Species List

The selection of appropriate street trees will be based on the following conditions:

- drought tolerance;
- potential to cause issues regarding occupational health and safety;
- potential to become invasive;

2.44 Street Tree Policy

- appropriateness relative to dominance of existing street trees;
- past success of a species; and
- suitability relevant to soil type and climatic conditions.

3.2.3 Street Tree Removal

- i. Existing specimens that have died or had to be removed, and are not on the Street Tree Species List, will be replaced under the conditions set out in sections 3.2.1 and 3.2.2.
- ii. Trees will generally not be removed until they reach the end of their life; represent an occupational hazard, or as otherwise defined during periodic/random inspections by a qualified Council staff member.
- iii. Where residents have planted trees/shrubs on their nature strips without approval, Council reserves the right to remove the specimens without compensation, after written consultation with the resident.
- iv. The construction of any building, driveway or the like located in such a manner as to possibly be an interference to a tree on land controlled by the Council should not be approved without referral to Council's Director of Engineering or delegate. If a viable alternative regarding the location of proposed construction is available, then this should be pursued. Alternatively, conditional approval may be granted with the applicant being responsible for the payment for removal and/or replacement of the tree prior to a building approval being granted.
- v. That upon any general request for removal of street trees applicants be informed it is Council policy to only permit removal of street trees where good cause be shown and in cases where Council so determines subject to the applicant to be responsible for the full cost of such removal and/or replacement.

3.2.4 Trees of Significance

Several streets in the Shire contain trees that, although not on the Street Tree Species List, have a historical connection to the area. Such specimens may include Athel Pines, Peppercorns and Kurrajongs. In this instance, these specimens will be retained and not replaced until necessary, in which case their replacement will be defined by the conditions set out in 3.2.1 and 3.2.2.

3.3 Requests

Issues presented to residents regarding street trees, including species selection, maintenance and/or removal should be made in writing and addressed to the General Manager. Such issues will be resolved based on financial and time restraints, in cooperation with the information provided in the Street Tree Plan and Procedures.

*Adopted by Council – 18 December 2023
Refer Minute No. 235/23*

*Adopted by Council – 17 August 2020
Refer Minute No. 161/20*

Adopted by Council – 22 March 2013

*Adopted by Council – 16 July 2012
Refer Minute No – 64/13*

2.45 Stock Movement and Grazing

POLICY TITLE: STOCK MOVEMENT AND GRAZING

FILE REF: SC67 and SC557

EXPIRY DATE: AUGUST 2024

OBJECTIVE

This policy sets out Council's intention to monitor the grazing and movement of stock on Council roadsides in an attempt to protect and enhance roadside vegetation and associated ecological communities.

POLICY

1. Associated Legislation

Local Land Services Act 2013

2. Policy Statement

2.1 Designated Travelling Stock Reserves

Stock movement and grazing on Travelling Stock Reserves (TSRs) comes under the jurisdiction of Local Land Services (LLS).

In accordance with the Local Land Services Act 2013 ('The Act'), a permit is required from LLS in order to move stock on or between reserves.

Similarly, grazing of stock on TSRs will be permitted upon receiving a permit from LLS.

2.2 Movement of stock along Council road reserves between properties

To service both Council and LLS, ratepayers and landholders must, under Section 78(2)(c) of The Act, apply for a permit from LLS for the movement of stock along roadsides between private properties.

LLS may issue a stock permit authorising a person to:

- a) Enter a controlled travelling stock reserve with stock,
- b) Remain on a controlled travelling stock reserve with stock,
- c) Walk stock on a public road or travelling stock reserve,
- d) Graze stock on a public road or controlled travelling stock reserve.

A stock permit cannot be issued authorising a person to graze stock on a public road without the concurrence of Council as the road authority.

2.3 Grazing of stock along Council road reserves

Following Council permission, LLS will issue permits to landholders to graze stock along road reserves immediately fronting their properties only.

Permission will be granted following request from the landholder in writing to the General Manager, stating the conditions, and a valid copy of the applicants' public liability insurance.

Consideration will be given to infrastructure and environmental preservation, and conversely, vegetation management, in accordance with Council's Roadside Vegetation Survey and Guidelines.

2.4 Conditions of Permits

Permission from Lockhart Shire Council to move or graze stock will be issued subject to the following conditions:

- Any stock that are killed, injured or die must be removed by the permit holder within 24 hours.
- Stock warning signs must be displayed from both directions when approaching stock.
- The permit must be produced upon request and covers only the stock mentioned.
- Stock movements must start and end during daylight hours.

*Adopted by Council – 16 August 2021
Refer Minute No. 147/21*

2.46 Keeping of Animals

POLICY TITLE: KEEPING OF ANIMALS

FILE REF: SC168

EXPIRY DATE: WITHIN 12 MONTHS AFTER THE NEXT ORDINARY COUNCIL ELECTION

OBJECTIVE

1. To inform the community of the acceptable limits which apply to the keeping of certain animals for domestic purposes.
2. To give guidance and advice to persons inquiring as to the keeping of animals for domestic purposes.
3. To minimise the local nuisance and maximise amenity in residential areas.
4. To ensure that the keeping of animals does not compromise minimum standards of public health, safety and convenience.
5. To establish local standards, acceptable to the community, for the keeping of animals.
6. To publicly notify the circumstances that the Council will consider in determining whether to serve an Order under Section 124 of the *Local Government Act 1993* to prohibit, restrict or in some other way, require action regarding the keeping of animals.

POLICY STATEMENT

This policy applies to animals kept for domestic reasons and include companion animals, pets or those animals kept for hobby interests.

The policy aims to:

- a) Minimise the incidence of nuisance being caused to persons; and
- b) Protect the welfare of companion and farm animals.

This policy informs the reasonable limits which apply concerning the maximum number of animals and the circumstances under which they may be kept on premises. Where it is intended to keep animals for any commercial purposes, it is necessary that a development application be submitted to Council and planning consent obtained.

This policy applies most specifically to land zoned RU5 – Village in accordance with the Lockhart Local Environmental Plan 2012.

POLICY REQUIREMENTS

Residents may keep animals as pets (subject to any relevant laws) provided they are properly cared for and do not cause a nuisance or danger to health or safety.

- All pets must be provided with food, water, preventive health care and veterinary care appropriate to their needs.
- Shelters, cages or enclosures must be escape-proof, provide adequate shelter, protection from predators, and meet the physical and behavioural needs of the animals.
- All shelters, cages, enclosures and equipment, including food and water containers, must be designed and constructed so that they can be easily and effectively cleaned.
- All facilities and equipment must be cleaned regularly and be kept clean.
- Appropriate measures must be taken to control vermin and other pests.

Aviary Birds

A wide variety of bird species are commercially available for domestic aviaries.

Aviaries may be erected without consent, subject to compliance with the exempt requirements set out in the [State Government's Exempt and Complying Development Code](#) (External link).

Bees

All beekeepers must be registered with the NSW Department of Industry and Investment. For further information see the Department's [Backyard Beekeeping Fact Sheet](#) (External link).

2.46 Keeping of Animals (cont'd)

Dogs and Cats

The size and breed of dog you choose must be suited to the environment to which it will be kept. Dogs especially need plenty of space and exercise, to minimise barking and aggression because of boredom. Discipline is also important, to allow the owner to maintain control over the animal and ensure their safety and that of others.

Dogs and cats must be housed securely to prevent roaming and must be microchipped and registered to ensure they are permanently identified.

More information can be obtained from various sources, including [the RSPCA](#), which provides a range of educational material on responsible pet ownership.

Horses and Cattle

The keeping of horses and cattle in residential areas is not recommended. Standards for keeping horses and cattle are set out in clause 21 of Schedule 2 under the [Local Government \(General\) Regulation 2021](#) (External link).

Development consent is required from Council to erect a stable.

Native Fauna

All native mammals, birds, reptiles and amphibians are protected under the *National Parks and Wildlife Act 1974*.

Any person wanting to keep native fauna as pets (other than certain species of birds) must obtain a licence from the NSW Department of Environment, Climate Change and Water.

[Further information on keeping native animals](#) (External link) as pets can be obtained from the NSW Department of Environment, Climate Change and Water.

Pigs

Standards for keeping swine or pigs are set out in clauses 17 and 18 of Schedule 2 under the [Local Government \(General\) Regulation 2021](#) (External link).

Under the regulations, all pigs must be kept at least 60 metres from any dwelling, shop, office, factory, church or other place of worship, workshop, school or public place in a city, town, village or other urban part of an area. This effectively prohibits the keeping of pigs in villages in Lockhart Shire.

These requirements also apply to pigs sold as 'miniature' pet pigs.

Poultry

Poultry include domestic fowls, ducks, geese, turkeys and guinea fowls. However, only domestic fowls are generally suitable for residential backyards.

Roosters can cause a nuisance by crowing and must not be kept in residential areas.

Poultry should have a poultry house for nesting and roosting, and a yard for foraging in dry weather.

Standards for keeping poultry are set out in clauses 19 and 20 of Schedule 2 under the [Local Government \(General\) Regulation 2021](#) (External link). The regulations state that poultry must not cause a nuisance or danger to health and that the poultry yard must be kept clean and free of offensive odours.

Domestic fowls and guinea fowls must be kept at least 4.5 metres from neighbouring residences. Other kinds of poultry should be kept at least 30 metres from neighbouring residences.

The poultry yard must be enclosed to prevent the escape of the poultry.

Fowl and poultry houses may be erected without consent, subject to compliance with the exemption requirements set out in the State Government's Exempt and Complying Development Code and should have a concrete floor to facilitate cleaning.

[Further information on backyard poultry keeping](#) (External link) may be obtained from the NSW Department of Industry and Investment.

Rabbits

The keeping of wild rabbits is prohibited. Pet rabbits must be either a recognised domestic breed or a hybrid of a domestic breed.

Rabbits must be housed in a suitable hutch. The hutch must be of sturdy construction to prevent escape. If the rabbit is taken out of the hutch it must be carefully supervised to make sure that it does not burrow or escape.

It is recommended that all pet rabbits be desexed.

Unwanted rabbits must not be released. Find a new home for the rabbit or take it to the RSPCA.

2.46 Keeping of Animals (cont'd)

Sheep and Goats

The keeping of sheep and goats in residential areas is not recommended.

LEGISLATIVE RESPONSIBILITIES

Where animals are being kept inappropriately, Council may order the occupier of the premises:

- not to keep more than a specified number of animals;
- to keep the animals in a specified manner;
- to cease keeping the animals.

If the issue cannot be resolved by consultation, the Council will proceed to issue notice of its intention to serve an Order. Council's power to control and regulate the keeping of animals is provided under Section 24 of the *Local Government Act 1993* and the Local Government (General) Regulation 2021 applies.

Adopted by Council 18 September 2023
Refer Minute No. 170/23

Adopted by Council 17 August 2020
Refer Minute No. 161/20

Adopted by Council – 19 October 2015
Refer Minute No. 264/15

2.47 Contaminated Land Management

POLICY TITLE: CONTAMINATED LAND MANAGEMENT

FILE REF: SC67

EXPIRY DATE: AUGUST 2023

Due to its length, this policy is kept as a stand-alone document and can be found on Council's website:
<https://lockhart.nsw.gov.au/council/council-policies-plans-reports/>.

*Adopted by Council – 16 October 2023
Refer Minute No. 186/23*

*Adopted by Council – 17 August 2020
Refer Minute No. 161/20*

*Adopted by Council – 19 September 2016
Refer Minute No. 268/16*

2.48 Awnings, Verandahs & Balconies over Footways

POLICY TITLE: AWNINGS, VERANDAHS & BALCONIES OVER FOOTWAYS

FILE REF: SC67

EXPIRY DATE: JUNE 2026

INTRODUCTION

This policy details the construction, management and maintenance requirements and responsibilities in relation to awnings, verandahs and balconies constructed over Council public roads, including footways.

OBJECTIVES

- To ensure heritage value and the character of the streetscape is preserved.
- To ensure that such structures are safe with regard to pedestrian and vehicle movements (refer to standards and codes).
- That such structures constructed within Council's road reserve are done so with the approval of Council under Section 138 of the Roads Act 1993.
- To confirm the responsibility of property owners to maintain the safety, ongoing structural integrity and insurance of privately constructed awnings, verandahs and balconies over Council land.
- To encourage the erection of awnings, verandahs and balconies, to the extent that they are appropriate in the circumstances of each case.
- Raise awareness of the need for owners to regularly monitor the safety of their awnings.
- Promote an increased level of protection of public health and safety by reducing the risk of harm, injury or death which may result from the failure of an awning overhanging the Council's footways.

SCOPE

This policy is to be applied to all awnings, verandahs and balconies constructed over public road and footways for which Council is the roads authority.

REQUIREMENTS

Construction

Obligations to Applicable Road Authority

Control of public roads (including footways) is divided between Council and Roads and Maritime Services.

Prior to lodging any Development Application or Construction Certificate that includes a projection over Council public road or footway, the applicant needs to obtain advice regarding obligations to the applicable roads authority. In this respect the prospective applicant should contact Council's Engineering division.

Legislation

Construction of awnings, verandahs and balconies in association with commercial buildings; buildings that are listed or proposed heritage items; or buildings located in heritage conservation areas require approval under the following legislation:

- Approval under Section 138 of the [Roads Act 1993](#) (Roads Act);
- Development consent under the [Environmental Planning & Assessment Act 1979](#) (EPA Act);
- [Local Government Act 1993](#) (LG Act); and
- NSW Planning Circular BS 13-001 entitled "[Safety of Awnings Over Public Lands](#)", dated 8 March 2013 and Practice Note 18 Inspection and Assessment of Existing Tied Awnings, July 2008.

2.48 Awnings, Verandahs & Balconies over Footways (cont'd)

Approval Requirements

Approvals required for an awning may include a:

- Consent for the purposes of complying with s138 of the Roads Act;
- Development consent under the EPA Act for the erection or future, continued use of an awning where required by the applicable planning controls; and
- Building certificate under the EPA Act for existing awnings for which there is no record of a development consent for the erection of the awning.

An application for a new awning is to comply with:

- Australian Standard 1170.0 – Structural Design Actions – General Principles
- Australian Standard 1170.1 – Structural Design Actions – Permanent, Imposed and Other Actions
- Australian Standard 1170.2 – Structural Design Actions – Wind Actions
- Building Code of Australia.

An application is also to comply with this Policy.

Management

Legislation

Section 142 of the Roads Act 1993 specifies that any person who has a right to the control, use or benefit of an awning, balcony or verandah over Council public roads, including footways, has an obligation to maintain the structure in a satisfactory state of repair.

Requirements

Council confirms the following:

1. The property owner is responsible to ensure the maintenance, safety and ongoing structural integrity and insurance of awnings, verandahs and balconies constructed over footways.
2. In the interests of public safety, it is recommended that the property owner arrange that an inspection be undertaken by a suitably qualified structural engineer to certify that the structure is structurally adequate and in good repair. It is recommended that this be undertaken at least once every 5 years.

If any resulting replacement/alterations or maintenance works are required, Council approval may be necessary prior to commencement of any works (refer below).
3. Property owners are required to hold Public Liability Insurance (minimum \$20 million) over the awning, verandah or balcony and note Council's interests on the policy.
4. Council may request the property owner to provide proof of Public Liability Insurance and/or structural certification at any time and random checks will be undertaken as resources permit.
5. Council will maintain an awning register.
6. Council will remind property owners of their responsibilities via written notification on a five (5) year basis.

Replacement/Alteration

Depending on the scope of works, replacements, alterations or additions to existing structures will require a development application to be submitted to Council.

Maintenance

With regard to maintenance of the structure, the property owner is required to comply with the following:

1. Within 21 days of identifying any required maintenance, the property owner must seek approval from Council's Engineering department prior to commencement of any works.
2. Depending on the scope of works and impact on pedestrian safety and movement, Council's Engineering department may require the property owner to lodge an application to undertake the works under s138 of the Roads Act 1993.

2.48 Awnings, Verandahs & Balconies over Footways (cont'd)

3. If, at any time, the structure is deemed unsafe, the property owner must contact Council's Engineering department within 24 hours of identification to obtain approval to barricade the structure and footway to ensure public safety. Application under s138 of the Roads Act 1993 will be required where deemed necessary by Council.
4. All maintenance and/or rectification works must be undertaken within a timeframe that is specified by Council.
5. All costs associated with rectification works, including any adjustments or rectification works resulting in damage to Council land or assets, or any other public utilities, will be borne by the property owner.
6. Where the maintenance/rectification works are not undertaken in a manner and within a timeframe acceptable to Council or if Council becomes aware of a defective awning, verandah or balcony, Council will take appropriate action to have the structure rectified under relevant sections of the Local Government Act 1993.

POLICY ADMINISTRATION

The administration of this policy is the responsibility of Council's Engineering department.

*Adopted by Council – 19 June 2023
Refer minute No. 104/23*

*Adopted by Council – 15 May 2017
Refer minute No. 100/17*

2.49 Local Orders Policy No. 1 – Premises or Land not in a Safe or Healthy Condition

POLICY TITLE: LOCAL ORDERS POLICY NO. 1 – PREMISES OR LAND NOT IN A SAFE OR HEALTHY CONDITION

FILE REF: SC67

REVIEW DATE: April 2025

PURPOSE

This Local Order Policy (No. 1) has been written in accordance with s159 of the Local Government Act 1993.

Local Order Policy (No. 1) deals specifically with premises or land which is not in a safe and healthy condition.

Under this Local Order Policy an Order can be issued to require an owner or occupier of land, to do, or refrain from doing, certain things to ensure the land or premises are placed or kept in a safe or healthy condition.

SCOPE

The Orders Policy shall apply to:

1. All premises and all areas associated with those premises.
2. All land within the following planning zones within Lockhart Shire:
 - a) RU5 Village
 - b) R5 Large Lot Residential
 - c) IN1 General Industrial
 - d) SP2 Infrastructure

OBJECTIVE

This Local Orders Policy has been prepared to specify the criteria that Council will consider when determining whether or not premises or land which is in a safe and healthy condition and whether the issuing of an Order is warranted.

This policy aims to:

- a) Ensure consistency and fairness in the manner in which Council deals with issuing orders
- b) Make the Council's policies and requirements for orders readily accessible and understandable to the public

CIRCUMSTANCE

Council may serve an order when the land or premises are not in a safe or healthy condition.

CRITERIA

The circumstance of unsafe or unhealthy land may be considered to exist when an authorised Council officer observes any or all of the following:

Overgrown Vegetation¹

Land may be considered to be not in a safe or healthy condition when it is located in a built-up urban area and vegetation on the land:

- a) Is harbourage for vermin (evidence can include sightings, faeces, nests, runs, eggs etc.), or
- b) Is likely to be harbourage for vermin (such vegetation should be consistently thick to an average height of 500mm covering vacant land or the unbuilt portion of land). It does not follow from this that an uncleared or regenerated bush block comprising of mainly indigenous vegetation would be considered likely to be a harbourage for vermin, or
- c) Is determined by the relevant fire authority as posing a high fire hazard (Council will not consider vegetation to be a fire hazard if it has been determined not to be a fire hazard by the NSW Fire Service or the Rural Fire Service).

¹ Overgrown vegetation does not include any vegetation that is protected by legislation and does not include a commercial crop. Vermin does not include any native fauna.

2.49 Local Orders Policy No. 1 – Premises Not in a Safe or Healthy Condition (cont'd)

Accumulation of Materials, Refuse or Other Hazardous Items²

Land or premises may be considered not in a safe or healthy condition when materials accumulated thereon or in:

- a) Provide harbourage for vermin (evidence may include faeces, sightings, nests, runs, eggs etc.), or
- b) Are likely to attract, or provide harbourage for, vermin. (Council will not consider inert items that are stacked in a safe, tidy manner, at least 300 mm off the ground and at least 600mm from a boundary to allow adequate mowing around the items, as being likely to attract, or provide harbourage to vermin), or
- c) Aid the breeding of flies, mosquitoes, or other potentially disease carrying insects or animals, or
- d) Are likely to be releasing gas/dust/vapour/liquid or other emission which could be considered harmful to humans and/or the environment, or
- e) Are suspected to contain asbestos and are being handled (including, but not limited to, cutting, sanding, breaking, removing), or stored in a manner inconsistent with NSW WorkCover and/or Department of Environment and Climate Change guidelines and is considered likely to lead to the release of fibres and/or dust to present a threat to health (material suspected as being asbestos is assumed to be asbestos, unless the recipient, or proposed recipient, of an Order can prove otherwise); or
- f) The material is considered to be hazardous.

Breeding and/or Infestation of Disease Vectors or Noxious Pests³

Land or premises may be considered not to be in a safe or healthy condition when:

- a) They are infested with vermin, flies, mosquitoes or other insects or animals that are recognized as potentially carrying human diseases, or
- b) Conditions are aiding the breeding of vermin, flies, mosquitoes or other insects or animals that are recognized as potentially carrying human diseases, or
- c) Noxious pests are breeding on or infesting a premises.

Inappropriate Handling of Sewage⁴

Land or premises may be considered not to be in a safe or healthy condition when:

- a) The plumbing on the premises is failing, leading to the discharge of sewage/ inappropriate handling of sewage, or
- b) The premises are currently serviced by an on-site sewage management system (OSSM) and that system is failing to meet the requirements of:
 - i. The conditions of consent / approval in any approval to install or operate the on-site system, or
 - ii. The requirements of the Environmental and Health Protection Guidelines: On-site Sewage Management for Single Households.

Unsafe or Unhealthy Conditions in a Building or Structure

Land or premises may be considered not to be in a safe or healthy condition when:

- a) A building contravenes the structural or health and amenity provisions of the Building Code of Australia to an extent which causes it to be unsafe or unhealthy, or
- b) A wall or structure is considered dangerous by an authorised Council officer, or
- c) Overcrowded sleeping conditions prevail (as determined by the Public Health (General) Regulation 2002), or
- d) A designated drinking water supply system is contaminated or is unfit for human consumption, or
- e) A food premises contravenes health and safety requirements of Chapter 3 of the Australia New Zealand Food Standards Code.

Other

Any other situation which is deemed by the Director Planning and Environment as being likely to pose an immediate danger to health or safety to the greater public.

² Vermin does not include any native fauna.

³ Noxious Pests include European wasps, fire ants or any other pest determined by the Director of Engineering and Environment Services (in consultation with the Department of Primary Industry or any other relevant Government Authority) but does not include any native fauna.

⁴ Sewage is taken to be either grey water or black water.

2.49 Local Orders Policy No. 1 – Premises Not in a Safe or Healthy Condition (cont'd)

REMEDIAL ACTION

An order may specify certain works that need to be undertaken in order to place a property in a safe and healthy condition. These works may include, but are not limited to, any of the following:

- a) Remove, cut, slash, mow, prune, trim, or thin out overgrown vegetation on the property.
- b) Removal of waste material, and any unwanted material, and dispose of at a suitably licensed waste facility.
- c) Store materials in a safe and tidy manner at least 300 mm off the ground level and 600mm away from boundary fences (to allow mowing to be undertaken).
- d) Eradicate disease vectors or noxious pests that are harbouring on the property.
- e) Remove items or material which are aiding the harbourage and/or breeding of disease vectors or noxious pests.
- f) Engage a pest controller to manage disease vectors or noxious pests that may be present on the site and remove the potential for harbourage.
- g) Clean the premises, or aspects of the premises, to place it in a healthy condition.

NOTICE OF INTENT

Prior to the issue of an order, Council must give the owner or occupier of the land or premises a notice of intent to give an order.⁵

MAKING REPRESENTATIONS

Any person in receipt of a notice of intent may make written representations on the proposed order within 14 days.⁶

HEARING AND CONSIDERATION OF REPRESENTATIONS

Depending on the circumstances, the Director Planning and Environment, or any other delegated officer, shall be the officer to determine the representations in respect of the issue of an order.⁷

ISSUING OF AN ORDER

Should it be necessary to issue an order, a reasonable period will be given so that the terms of the order can be complied with.

The order will be issued by the Director Planning and Environment or any other delegated officer, on the owner or occupier of the land or premises.

RIGHT OF APPEAL

The person affected by the order has the right of appeal to the Land and Environment Court within 28 days after the service of the order on the person.

PENALTY

Any person not complying with an order is guilty of an offence in accordance with the Local Government Act 1993 and may be subject to prosecution or a fine.

A penalty notice (on the spot fine) may be issued for failure to comply with the terms of Order No.1. After issuing a penalty notice, Council may proceed to issue a new order for an ongoing offence.

If a person fails to comply with the terms of an Order, Council may do such things as necessary or convenient to give effect to the terms of the Order, in accordance with s678 of the Local Government Act 1993.

LEGISLATIVE PROVISIONS AND DURATION OF THIS LOCAL POLICY

This Local Order Policy (No.1) has been adopted under Part 3 of the Local Government Act - Adoption of Local Policies Concerning Approvals and Orders

Pursuant to Section 165 of the Local Government Act:

- 1) A council may amend a local policy adopted under this Part by means only of a local policy so adopted.
- 2) An amending local policy may deal with the whole or part of the local policy amended.
- 3) A council may at any time revoke a local policy adopted under this Part.

⁵ The need for a notice of intent to give an order does not apply in emergency situations (section 129 of the Local Government Act 1993).

⁶ This does not apply in emergency situations (section 129 of the Local Government Act 1993).

⁷ This does not apply in emergency situations (section 129 of the Local Government Act 1993).

2.49 Local Orders Policy No. 1 – Premises Not in a Safe or Healthy Condition (cont'd)

- 4) A local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

Adopted by Council – 16 May 2022
Refer minute No. 100/22

Adopted by Council – 18 September 2017
Refer minute No. 216/17

2.50 Low Pressure Sewer Systems

POLICY TITLE: LOW PRESSURE SEWER SYSTEMS

FILE REFERENCE: S67

EXPIRY DATE: JULY 2024

PURPOSE

The purpose of this policy is to define where and when low pressure sewer systems will be allowed within the Council boundary, whose responsibility the installation and maintenance is and what systems will be permissible.

SCOPE

Lockhart Shire Council has a preference for its sewers to be conventional gravity systems but it also recognises that this is not always possible and therefore will permit the limited use of Pressure Sewerage Systems within the Shire, where conventional sewerage schemes are not environmentally, economically or physically feasible.

POLICY STATEMENT

1. Definitions

Boundary Kit:	Valve at the property boundary incorporating isolation valve, non-return valve and inspection tee piece.
Council:	Lockhart Shire Council.
Control Panel:	The box incorporating the electrical controls and high-level alarms and switches for pumps.
Equivalent Tenement (ET):	An equivalent Tenement (ET) is the basic unit of measure used to quantify the demand or loading on water supply or sewerage services respectively. As previously stated, one ET represents the equivalent demand or loading from a standard residential household.
Pump Unit:	Comprises of grinder pump, storage vessel control panel pressure switches and ancillary equipment.
Emergency Storage:	That capacity in the storage vessel above the high-level alarm point.
Lateral Spur:	Line from the reticulation main to the property kit.
Property delivery line:	Pipeline connecting the property boundary kit to pump unit.
Standard connection:	Single dwelling equivalent to 1 ET.

2. Roles and responsibilities

The Director of Engineering will be responsible for approving all new pressure sewer installations.

The Director of Engineering will be responsible for investigating if a land owner/tenant has inadvertently through introducing banned substances as set out in the home owner's manual or wilfully damaged a pressure system and for determining whether the land owner/tenant will be billed for the repairs to the unit and the relevant cost.

3. Pressure Sewer Systems

3.1 WHAT IS A PRESSURE SEWERAGE SYSTEM

A pressure sewer system is broadly defined as a system where macerated sewerage is conveyed under pressure generated by a pump unit located on each property to another sewer system or treatment plant.

A pressure sewerage system as covered in this Policy is defined as comprising of:

- A pumping unit containing a grinder pump, specifically designed for pressure sewerage applications, installed on each property to drain that individual property. These pumping units will only be those types that have been approved by NSW Government regulatory bodies and agreed to be used by Lockhart Shire Council for that purpose;
- Connections of these pumping units to Council's pressure sewerage reticulation system, via a specially designed Boundary Kit;
- A reticulation system specifically designed for pressure sewerage applications, and capable of supporting a number of such individual pumping units to transport the sewerage to the system discharge point. An alarm system built within the overall

2.50 Low Pressure Sewer Systems (cont'd)

pumping unit to warn residents, who in turn will be required to contact Council either during work hours or after hours, that the pump is no longer working and to allow maintenance to occur within an acceptable timeframe.

3.2 WHERE CAN PRESSURE SEWERAGE SYSTEMS BE USED

Use of pressure sewerage systems will occur where designated by Council, but as a general guide this will be where:

- a) These systems are demonstrated to have significantly lower 30-year life cycle costs to Council compared with other forms of sewerage service provision, for the particular application, however even if a gravity system is more expensive it may still be the chosen option;
- b) There are particular circumstances, requiring the use of this technology;
- c) They are being used to overcome problems with on-site systems, where pressure sewerage effectively represents the only viable option;
- d) Council sewerage planning does not preclude them. It is stressed that just because pressure sewerage may, in some locations, be a lower cost technology, this will not necessarily mandate its use, as other factors may mitigate against such usage.

3.3 LIMITED PRESSURE SEWERAGE PUMP TECHNOLOGIES

Council will nominate the type/make of pressure sewer system to be used in the shire.

3.4 SUPPORTING DOCUMENTATION

Council will, in support of this Policy Statement, have the following supporting documentation:

- a) A Technical Specification to regulate the nature of all pressure sewerage pumping units purchased as well detail the manner in which they are to be installed and maintained.
- b) A Home Owner's Manual to inform the resident what is expected of them and what they can and cannot do in relation to the pressure sewerage system on their property. It will also contain instructions on what to do if their system should fail.

4. General Responsibilities

4.1 OWNERSHIP OF THE RESIDENTIAL PUMPING UNITS

The basic configuration for most pressure applications will be a separate single pumping unit provided for each separate property and this will be based on a uniform sized tank. The ownership of the pumping unit, in this standard configuration, will reside with Council and includes the following:

- a) Pump;
- b) Storage vessel;
- c) Control panel and ancillary fittings;
- d) Property delivery lines;
- e) Boundary Kit.

The hydraulic termination point for Council ownership of the pressure sewerage system will be the first flexible joint on the inlet side to the pressure sewerage storage vessel. The point for electrical termination will be the connection to the dwelling's power board where a separate 20amp circuit is to be used. Residents are reminded that under Section 635 of the Local Government Act it is an offence to wilfully or negligently remove damage, destroy or interfere with a pressure sewer system.

In general Council will not seek to take out an easement over any part of the "on-property" installation of the pressure sewerage system. However, Council reserves the right to create an easement if required so as to ensure the safe ongoing operation of the system, the minimisation of any health concerns, or the protection of any Council property.

For non-standard connection (larger than 1ET), i.e. commercial connection, see section 5.2.

4.2 MAINTENANCE OF THE RESIDENTIAL PUMPING UNIT

Council will provide all residents with a propriety pumping unit that to-date, has a proven track record in so far as reliability and performance is concerned. Based on relevant past experience, these units do not require preventative maintenance, however if repairs are required, Council will maintain the unit on behalf of the resident with the cost being covered by the annual sewerage availability charge. However, if the unit is damaged by misuse or negligence by the householder the cost of repairs will be billed to the landowner.

It will be a condition of being connected to Council's reticulation system that the residents operate the pressure sewer system in accordance with the Manufacturer's Technical specification and Council's Home Owner's Manual.

2.50 Low Pressure Sewer Systems (cont'd)

4.3 POWER FOR THE PUMPING UNIT

The pumping unit's power connection will not be metered separately, and the residents will meet the power costs for the pressure sewerage pumping unit. The pumping unit will be installed on a separate electrical circuit breaker system. The point for electrical termination will be the connection to the dwelling's power board where a separate circuit is to be used.

5. Installing Pressure Sewerage – General

5.1 DESIGN SERVICES

The design of pressure sewerage reticulation shall be undertaken by persons with proven experience with such technology. Design of "on property" works shall be undertaken by accredited installers and designers and they are to endeavour to accommodate the property owner's reasonable needs in a Council agreed consultation process, in the "on property" layout design.

For new systems or developments, design shall be checked by Council's nominated supplier of Low Pressure Sewer Systems pump units.

5.2 NUMBER OF PUMP UNITS PER PROPERTY/NON STANDARD CONNECTION

Developments for commercial or industrial properties or residential properties which are greater than 1ET are classified as NON-STANDARD connections.

Any internal sewerage system within the property boundary of the non-standard connection will be the responsibility of the property owner and will require Council approval. The sizing of the pumping units and the overall design of these non-residential systems needs to be carried out by an experienced designer, based upon the actual anticipated sewerage output and the capacity of the receiving sewers.

The ownership of these systems including design, installation, replacement and payment will be the responsibility of the owner. Council will maintain the units, at its cost, subject to the unit not being wilfully or inadvertently abused, as a result of the improper introduction of a damaging substance into the unit, by the user.

6. Installation on the Property

Council will supply the pressure sewer system components to all relevant single dwelling properties at cost. Council or their representative will discuss the requirements of the property with the property owners.

Upon application to Council, the units will be installed by an accredited installer of pressure sewer system to ensure warranty, and at the property owner's expense. The "on property" layout will be shown to the owner/ representative five days prior to construction. The owner/representative will be required to sign the layout at this time to confirm agreement to the final layout. The "on-property" design will generally involve pipelines parallel to the property boundary to minimise the impact on the property. In some cases, specific on site needs or constraints may lead to variations of this principle.

The units are to be installed to the requirements of the electricity supplier and the plumbing code of Australia.

Where a pressure unit is to be installed, to service an existing dwelling the accredited installer will first undertake a full audit of the existing dwelling power board and hydraulic connections. The installer will then advise the property owner what needs to be done to upgrade these connections if necessary to allow a pumping unit to be installed. The property owner will meet the costs associated with these upgrades.

7. Installation of the Reticulation Mains

Prior to construction of the reticulation system, the design of pressure sewerage systems shall be undertaken on behalf of Council or the proponent, by an appropriately qualified individual or company (thereby becoming the System Designer).

Construction will then be in accordance with these design plans and will be from acceptable pipe materials, generally laid at the minimal depths as defined in Council's Technical Specification. Any civil contractor wanting to deviate from the design, as shown on the drawings, will require that Council formally sign off on any changes.

The main will be extended from the street mains to just inside of the property boundaries. A valve arrangement known as the Boundary Kit will be placed at this termination point, to allow the connection of the property at a later date. The valving arrangement within the boundary kit should allow for the isolation of the property.

8. Application of the Technology

8.1 EXISTING ON-SITE SYSTEMS AND PRIVATE "PUMP UPS"

Owners of properties that have existing on site systems or private pump up systems on the fringe of a sewerage system area are NOT covered in this policy.

2.50 Low Pressure Sewer Systems (cont'd)

Any existing property that discharges into a reticulated main through a private pumping arrangement (pump up) may continue to operate their private system. They remain the responsibility of the property owner and resident. The owners of these schemes will not be able to apply to Council to take over the operation of these schemes.

If, for reasons of public or environmental health, it is determined that a property needs to be connected to Council's sewerage system, then Council will act in an advisory capacity only. The owner will meet all costs associated with the supply and installation of the system.

8.2 NEW SUBDIVISIONS – MULTIPLE LOTS

Where specifically requested at the Development Application stage, an assessment will be undertaken by developer and Council as to whether a pressure sewerage system would be applicable and approved for a particular development. For Council to assess the application, Council will require a 30 year whole of life cost between conventional and pressure sewer systems based on the following criteria within this section.

Under the definition of pressure sewerage systems, the developer will be responsible for the cost of design and installation of the pumping unit, the delivery line to the boundary kit and the reticulation system. Council will supply the pressure sewer system components to all relevant single dwelling properties at cost.

All mains and boundary kits for the specific stage of the development must be installed and tested prior to connection to Council's existing sewerage system. This will be a pre-condition for release of final plan of subdivision for any stage of the development. After testing and at point of commissioning, Council will then take ownership and responsibility for the pumping unit and associated reticulation mains.

The preferred option will always be to install a gravity sewer system in all cases where gravity sewer is able to be installed, even where the cost to do so is higher.

8.3 NEW SUBDIVISIONS – SINGLE LOT

Where allowed under Councils Local Environmental Plan, installation of a low-pressure unit to service the new lot may be allowed, pending Council's approval. The developer will be responsible for the cost of design and installation of the pumping unit, the delivery line to the boundary kit and the reticulation system. Council will supply the pressure sewer system components to all relevant single dwelling properties at cost.

Any mains and boundary kits for the development must be installed and tested prior to connection to Council's existing sewerage system. This will be a pre-condition for release of final plan of subdivision for any stage of the development. After testing and at point of commissioning, Council will then take ownership and responsibility for the pumping unit and associated reticulation mains.

9. Operation and Maintenance of the Pressure Sewerage System

9.1 LEVELS OF SERVICE

In general Council will endeavour to mirror the maintenance services provided for its more traditional sewerage services, particularly during business hours. For after-hours service, Council will specifically provide the following additional services:

- a) Next day repairs or replacement of the pumps for after-hours alarms.
- b) Response to any overflow situation as soon as practicable.

9.2 COUNCIL RESPONSIBILITIES

Council will be responsible for the maintenance and repair of the pumping units and will maintain a quantity of replacement pumps (and other spare components) for these purposes. It will also be responsible for:

- a) Supporting this maintenance regime with a 24 hour a day call centre;
- b) Providing the resident with a Home Owner's Manual and Property Service Diagram.

9.3 RESIDENT RESPONSIBILITIES

The Resident's primary role is to notify Council if their system's alarm sounds or the system overflows. They are also required to:

- a) Avoid discharging into the pumping unit any of those substances identified in the Home Owner's Manual as inappropriate for pressure sewerage;
- b) Comply with the other requirements set out in the Home Owner's Manual;
- c) Not interfere with the electrical operation of the pumps in accordance with what is detailed in the Home Owner's Manual.

9.4 PROPERTY OWNER RESPONSIBILITIES

The property owner is to ensure that the resident (if different from the property owner), understands that the property is serviced by a pressure sewerage system and that they have a copy of the Home Owner's Manual.

2.50 Low Pressure Sewer Systems (cont'd)

9.5 ACCESS FOR COUNCIL MAINTENANCE OFFICERS

It will be a condition of being connected to the Council pressure sewerage reticulation system that the property owner's consent will be given to allow Council or its agents to enter the property and undertake any repairs to the pumping unit. This is reinforced by Section 191A of the Local Government Act, 1993, which also gives Council the ability to enter the property to undertake the necessary works.

Details of the Council access requirements will be set out in the Home Owner's Manual but where the resident has not provided reasonable access, or fails to secure pets, etc. Council may refuse to provide the service call. In these instances the property owner/resident may be charged the additional costs incurred by Council.

9.6 IDENTIFICATION OF MAINTENANCE EMPLOYEES AND CONTRACTORS

Any Council employee (or contractor) entering private property must have photographic identification and appropriate authorisation to enter the property.

10. Modifications or Household Additions

Building over the pressure sewerage system will not generally be allowed but Council will allow some relocation of the "on-property" pipeline or the pumping unit subject to:

- a) The hydraulics on the property allowing the pumping unit to be moved;
- b) There being a suitable alternative route/s for the property delivery pipeline;
- c) The associated costs for the relocation works being met by the property owner;
- d) All technical requirements, as set out in Council's Pressure Sewerage Technical Specification, being met;
- e) Full details of the "as constructed" works being provided to Council;
- f) Any modifications being carried out by an accredited installer.

Residents wanting to relocate the pumping unit or property delivery line are required to contact Council for advice on what will be required.

Residents interfering with delivery lines or pumping units without Council's approval may be subject to relevant fines under the Local Government Act 1993. Residents will also be required to meet any costs arising from the loss of warranty on that pumping unit, and/or damage to that unit and/or, any other costs associated with such unauthorised works.

11. Administration

The following is to be undertaken by Lockhart Shire Council to support the supply, operation and maintenance of pressure sewer system.

11.1 OPERATION RECORDS

Council will maintain records of the operation of the pressure sewer systems including each pumping unit to build a history of performance.

11.2 PROPERTY DIAGRAMS

Council will, on behalf of the residents, maintain a copy of all house service details for their records and copies may be obtained from Council's main office during office hours.

During construction/installation phase Council will also require that a package of information be supplied with the drawings such as date of installation, commissioning, serial numbers of pump unit etc.

11.3 SPARES

Replacement pumps and other spare components will be purchased and stored ready by Council, for emergency maintenance.

Adopted by Council – 19 July 2021

Refer minute No. 126/21

2.51 Event Management

POLICY TITLE: EVENT MANAGEMENT

FILE REF: SC67

EXPIRY DATE: APRIL 2027

OBJECTIVE

The purpose of this Policy is to provide a framework for the way in which Council will assess and determine applications for organised events proposed to take place partly or wholly on public land including roads, footpaths, public reserves and other Council owned or controlled venues.

GENERAL PRINCIPLES

Lockhart Shire Council supports organised events being held in the Shire and acknowledges that such events are a catalyst for economic development, generate business activity, make a contribution to positioning the Shire as a visitor destination and can provide a social, cultural, sporting or other positive experience for its own local residents.

Council also acknowledges that organised events require planning, organisation, publicity, risk management, access to resources that the Council manages and, in some cases regulatory approval, and that a policy framework is required to ensure that all the relevant matters are considered.

POLICY STATEMENT

Event Management Plan

An organised event cannot take place wholly or partly on public land unless the event organiser has submitted an Event Management Plan (EMP) and had it approved by the Director of Engineering.

The EMP must include:

- 1) The dates and times of the event;
- 2) A site plan including details of all venues and locations;
- 3) A traffic management plan including details of any proposed road closures;
- 4) A list of all activities proposed as part of the event;
- 5) Information to the Director of Engineering's satisfaction that suitable arrangements have been made with respect to:
 - a) Toilet facilities;
 - b) Waste management;
 - c) Bus/car parking;
 - d) Temporary accommodation facilities, e.g., camping;
- 6) Evidence that the event organiser has:
 - a) Adequate insurance cover;
 - b) Informed Police, Fire & Rescue, Ambulance Service and the Lockhart Hospital of the event and any road closures;
 - c) Any other approvals required from other agencies, e.g., SafeWork NSW permit for any fireworks.

Depending on the scale of the event the Director of Engineering may approve an Event Management Plan subject to conditions including, but not limited to:

- Any stalls, tables, chairs or other street furniture should be erected so as not to impede or obstruct the general public from traversing along the public footpath. Stalls should be erected so as to leave a minimum width of 2 metres for pedestrians, with stalls to be erected adjacent to the building.
- Business owners to be consulted prior to erecting any stalls outside their premises and ensuring that stalls do not impede access to business premises.

2.51 Event Management (cont'd)

EMP and Risk Assessment Templates are available on Councils website or by contacting Council either via email or phone.

Event Scheduling

Scheduling is critical to the success of any event. When assessing an EMP consideration will be given to factors such as avoiding similar events being held in the same area, availability of required Council resources and integration with complimentary activities.

As a general rule, an event will not be approved if it is proposed to be held in the same area and at the same time as another event that has already been approved, unless the organisers of the approved event provide written confirmation that they have no objection.

With respect to event scheduling the following recurring annual events are acknowledged:

- Lockhart Little Athletics Carnival
- Lockhart Picnic Races
- Lockhart Show
- Lockhart Vintage Fest and Truck Show
- Spirit of the Land Festival Lockhart
- The Rock BnS Charity Ball
- The Rock Triathlon
- The Rock Show.

Council Contributions and In-kind Support

Due to the economic benefit provided by organised events the Council may provide financial or in-kind support towards organised events.

Any financial contribution towards an organised event must be supported by a Council resolution.

However, Council also has several event resources available to hire for free, that don't need a Council resolution.

*Adopted by Council 15 April 2024
Refer minute 61/24*

*Adopted by Council 19 April 2021
Refer minute 58/21*

2.52 Storm Water and Bridge Maintenance

POLICY TITLE: STORMWATER AND BRIDGE MAINTENANCE

FILE REF: SC67

EXPIRY DATE: JULY 2024

OBJECTIVES

- i) To clearly designate for information of the Council and public, the maintenance of Council's storm water and bridge assets.
- ii) To facilitate management of Council's road system by indicating priorities and preferences with a view to the limited funds available for storm water and bridge maintenance being expended in the most equitable and effective manner.

The general objectives of inspections include:

- To check the general serviceability of the structure for obvious signs of defects which might affect the immediate safety of road users
- To identify maintenance items that require immediate action and/or to schedule routine maintenance for completion at a later date.
- Identify and prioritise maintenance needs including monitoring, maintenance and/or repair or further investigation
- Assess the effectiveness of past maintenance treatments
- Model and forecast changes in condition (deterioration modelling) and residual life
- Estimate future requirements for maintenance budgets.

POLICY STATEMENT

That the Shire's storm water and bridge assets be classified on the following priority basis, which is hereby adopted as policy:

1. STORMWATER ASSETS

Storm water assets are to be inspected and cleared of debris immediately following large storm events.

1.1. Storm Water Assets – Urban

- Asset inspections of drainage structures to be yearly
- Cleaning of kerbed roads to be monthly
- Cleaning of unkerbed road gutters to be yearly
- Maintenance of open storm water drains to be yearly
- Storm water culverts to be maintained yearly
- Cleaning of gross pollutant traps (GPT's) to be six-monthly

1.2. Storm Water Assets – Rural

- Asset inspections to occur at time of maintenance grade for unsealed roads
- Asset inspections to be at time of maintenance shoulder grades for local, sealed roads
- Asset inspections to be yearly for sealed, regional roads
- Maintenance of open table drains to occur at the time of maintenance grades
- Storm water culverts to be maintained bi-annually

2.52 Storm Water and Bridge Maintenance (cont'd)

2. BRIDGE ASSETS

The following section outlines the basic procedures that would be employed to inspect bridge structures and provides additional information on establishing a typical inspection process.

The bridge inspection regime includes four levels of inspections:

Level	Inspection description	Frequency
1	Level 1 inspections are drive-by inspections which identify obvious safety issues on a bridge.	Generally, in accordance with the road maintenance inspection regime (minimum of once every six months).
2	Level 2 inspections are condition rating inspections that are carried out in accordance with the Bridge Inspection Procedure by trained Bridge Inspectors.	Normally a 2-year interval.
3	Level 3 inspections are structural engineering inspections carried out by an experienced structural engineer with a trained Bridge Inspector.	The need for a Level 3 inspection is identified by: <ul style="list-style-type: none"> (i) A level 2 inspection, (ii) A Level 4 inspection indicating strength issues, or (iii) Performance of similar class of bridges/bridge elements. (iv) Incident on the bridge impacting structural capacity (v) Post natural disaster such as heavy floods, earth quake, etc.
4	Level 4 inspections involve load assessment due to proposed changes in legal loading, new vehicle types, or the need to confirm the structural capacity of a bridge carried out by an experienced structural engineer.	As requested for changes in legal loads or new vehicles.

2.1. Bridge maintenance

The primary objective of maintenance activities should be preventative in order to avoid the need for member replacement or other major repairs.

2.2. Types of maintenance tasks

Maintenance tasks are split into routine maintenance procedures (clearing deck drainage scuppers) and repair or replacement of items as identified in the inspection process:

- Routine maintenance are the periodic tasks that are required to keep the asset/component in a satisfactory condition, including cleaning deck drainage scuppers.
- Repair or replacement to the asset/component when the condition has reached an unsatisfactory level, including replacing elastomeric bearings, and replacing deck seals.

3. Bridge Operation and Maintenance Strategy

The table on the following page lists the major components of a bridge and the asset maintenance tasks associated with them.

2.52 Storm Water and Bridge Maintenance (cont'd)

Bridge element or component	Design life	Planned access	Inspection cycle	Inspection activities	Maintenance cycle	Maintenance activities
Internal precast concrete module <ul style="list-style-type: none"> Concrete deck wearing surface Webs Top flanges (top surface underside). 	100 years	<ul style="list-style-type: none"> Standard inspection of upper surfaces from bridge deck Access to ensure inspected from within 3m of all visually available surfaces of the component. 	2-year interval	Level 2	As determined from inspection results	Superstructure designed to be maintenance free during design life. Where damage occurs, repair the deteriorated areas as required.
External precast concrete module <ul style="list-style-type: none"> Webs End cross girders Top flanges (top surface and underside) Kerb. 	100 years	Inspect with the internal precast concrete module			As determined from inspection results	Superstructure designed to be maintenance free during design life. Where damage occurs, repair the deteriorated areas as required.
Low performance level steel traffic barrier <ul style="list-style-type: none"> Posts Rails Expansion joints Connections. 	25 years	Inspection from bridge deck	2-year interval	Level 2	As determined from inspection results	Touch up protective coating. Check bolts and tighten bolts to the torque provided on the drawings.
Insitu concrete closure strip	100 years	Inspect with the internal precast concrete module			As determined from inspection results	Superstructure designed to be maintenance free during design life. Where damage occurs, repair the deteriorated areas as required.
Piled foundations	100 years	Inspection for cracks and spalling (above ground only)	2-year interval	Level 2	N/A	Substructure is designed to be maintenance free during project life

2.52 Storm Water and Bridge Maintenance (cont'd)

Bridge element or component	Design life	Planned access	Inspection cycle	Inspection activities	Maintenance cycle	Maintenance activities
Precast reinforced concrete abutment sill beam and wall panel <ul style="list-style-type: none"> • Lateral restraint blocks • Curtain wall • Wing wall returns • Kerb. 	100 years	Access to ensure inspected from within 3m of all visually available surfaces of the component.	2-year interval	Level 2	As determined from inspection results	Substructure is designed to be maintenance free during project life. Where damage occurs, repair the deteriorated areas as required.
Precast reinforced concrete pier headstock <ul style="list-style-type: none"> • Lateral restraint blocks 	100 years	Access to ensure inspected from within 3m of all visually available surfaces of the component.	2-year interval	Substructure is designed to be maintenance free during project life. Where damage occurs, repair the deteriorated areas as required.	N/A	N/A
Laminated elastomeric bearing	100 years	Access to ensure inspected from within 3m of all visually available surfaces of the component.	2-year interval	Level 2	As determined from inspection results	Remove debris from the bearings
Shear key plinth	100 years	Access to ensure inspected from within 3m of all visually available surfaces of the component.	2-year interval and after significant flood events	Level 2	As determined from inspection results	Shear key is designed to be maintenance free during project life. Where damage occurs, repair the deteriorated areas as required.
Module holding down bracket	40 years	Access to ensure inspected from within 3m of all visually available surfaces of the component.	2-year interval and after significant flood events	Level 2	As determined from inspection results	<ul style="list-style-type: none"> • Touch up protective coating • Replacement of missing nuts • Tightening of bolts.
Sealant deck joint	25 years	Inspection from bridge deck.	2-year interval	Level 2	As determined from inspection results	Remove debris from the joints

2.52 Storm Water and Bridge Maintenance (cont'd)

Bridge element or component	Design life	Planned access	Inspection cycle	Inspection activities	Maintenance cycle	Maintenance activities
Thrie beam <ul style="list-style-type: none"> Transition connection 	25 years	Inspection from bridge deck.	2-year interval	Level 2	As determined from inspection results	<ul style="list-style-type: none"> Touch up protective coating Check bolts and tighten bolts to the torque provided on the drawings.
Deck running surface/sprayed seal (if applicable)	10 years	Inspection from bridge deck	Inspected as part of road maintenance inspection regime and 2-yearly bridge inspection	Level 1 and 2	As determined from inspection results	Where damage occurs, repair the deteriorated areas as required.
Scuppers	100 years	Inspection from bridge deck	Inspected as part of road maintenance inspection regime and 2-yearly bridge inspection	Level 1 and 2	Annually	Remove debris from the scuppers

2. REFERENCES

The following publications are referenced in this guide:

- IPWEA (NSW) (2009) BRIDGEguide Bridge Inspection and Management Manual.
- Roads and Maritime Services (2011) Bridge inventory, inspection and condition rating - Policy
- NSW Work Health and Safety Act and Regulation 2011 and the Safe design of structures Code of Practice.

Adopted by Council 19 July 2021
Refer Minute No. 126/21

2.53 Mobile Garbage Bin Issue & Replacement

POLICY TITLE: MOBILE GARBAGE BIN ISSUE & REPLACEMENT

FILE REF: SC305

EXPIRY DATE: JUNE 2025

OBJECTIVE

To provide uniform guidelines for the issue and replacement of Mobile Garbage Bins (MGBs).

GENERAL

- 1) Dwellings and businesses located within Council's designated kerbside collection areas shall be allocated 1 x 240L food organics & garden organics (FOGO) bin, 1 x 240L garbage bin and 1 x 240L recycling bin at fee set out in Council's Fees and Charges.
- 2) The Bins are to remain with the premises. Where either one or all bins are removed, the new owner/s will be responsible for the cost of replacement.
- 3) In the case of lost, stolen or damaged MGBs, the landholder may request a new MGB from Lockhart Shire Council which will be provided as soon as possible with a purchase/ replacement charge payable by the landholder, as set each year in Council's Fees and Charges.

Any MGB provided by Council that is stolen or damaged beyond repair by unknown persons at no fault of the landholder, including bins worn out due to age, may be replaced free of charge, at the discretion of Council's Director of Engineering , provided the theft or damage has been reported to Council or the Police and a copy of the Police Report number or signed statutory declaration is submitted to Council, unless proven bin damaged by Council's Contractor.

Adopted by Council – 20 June 2022
Refer minute No. 118/22

Adopted by Council – 18 March 2019
Refer minute No. 45/19

2.54 Contract Management

POLICY TITLE: CONTRACT MANAGEMENT

FILE REF: SC67

REVIEW DATE: JULY 2025

OBJECTIVE

The aim of this Policy is to ensure that:

- 1) Lockhart Shire Council manages the risk associated with contracts by providing clear direction to staff responsible for establishing and managing contracts with third parties.
- 2) Relevant legislation, codes and policies are complied with.
- 3) Obligations under contracts are performed.

SCOPE

This Policy applies to contracts for the supply of goods or rendering of services entered into by Lockhart Shire Council and third parties with the exception of:

- 1) Employment contracts.
- 2) Non-binding agreements or memorandums of understanding.

POLICY STATEMENT

- 1) All contracts must be in writing.
- 2) Only staff with the requisite delegation of authority may sign and execute contracts on behalf of Council.
- 3) All contracts must be entered into the Council's Contracts Register a copy of which is to be made available on the Council's website.
- 4) The goods or services to which the contract relates must be procured in accordance with Council's Procurement Policy.
- 5) Conflicts of interest that may arise in the negotiation, establishment and execution of a contract must be managed in accordance with the Local Government Act, 1993 and Council's Code of Conduct.
- 6) Contractual relationships will be established and managed having regard to the Council's Statement of Business Ethics.
- 7) All contracts and relevant documentation must be registered and securely stored in accordance with Council's Records Management Policy.
- 8) All commercial-in-confidence information will be treated as confidential.
- 9) A contract management plan will be prepared for contracts that are assessed as "high risk".
- 10) The Council may undertake an evaluation of contractors' performance. The evaluation may be considered in the assessment of future requests for services of a similar nature.

CONTRACT MANAGEMENT PLAN

In assessing the risks associated with an individual contract the risk assessment will not be limited to the dollar value of the contract but also have regard to other relevant factors such as complexity, duration, type of contractor, etc.

A contract management plan is to be prepared for contracts that are assessed as "high risk".

A contract management plan should be prepared prior to the execution of the relevant contract.

A contract management plan should, as a minimum:

- 1) Appoint a contract manager.
- 2) Identify other key individuals with roles and responsibilities in the management of the contract.

2.54 Contract Management (cont'd)

- 3) Identify the relevant officer with the appropriate delegation of authority to sign the contract.
- 4) Ensure that funds have been properly appropriated or budgeted for the contracted expenditure.
- 5) Identify what files need to be established for the contract, e.g. tender file, contract file, DA file, etc.
- 6) Determine that there is no conflict of interest, or potential conflict, in managing the contract.
- 7) Identify specific contract risks and appropriate mitigation strategies.
- 8) Identify the purchase order corresponding to the contract.
- 9) Establish arrangements for payments to be made under the contract.
- 10) Establish appropriate methods of communication between Council and the contracted party.
- 11) Outline any relevant reporting requirements for the contract.

RELATED DOCUMENTS

This Policy should be read in conjunction with:

- 1) Policy 1.4 Code of Conduct
- 2) Policy 1.6 Statement of Business Ethics
- 3) Policy 1.9 Records Management
- 4) Policy 1.19 Local Preference Purchasing
- 5) Policy 2.31 Procurement

Adopted by Council 18 July 2022
Refer Minute 144/22

Adopted by Council 15 April 2019
Refer Minute 94/19

2.55 Roadside Vegetation Management

POLICY TITLE: ROADSIDE VEGETATION MANAGEMENT

FILE REF: R40-107

EXPIRY DATE: AUGUST 2025

OBJECTIVES

The objectives of this policy are:

- To protect the integrity of the environmental assets that are present within the Council's roadside reserves and meet Council's legislative obligations regarding roadside vegetation.
- To support decision making during planning of Council projects by incorporating the principles and recommendations outlined in the Lockhart Roadside Vegetation Management Plan.

BACKGROUND

The Lockhart Shire Roadside Vegetation Survey and Recommendations, which was created in 1997 and previously endorsed by Council, set forth conservation objectives for roadside vegetation in the Lockhart Shire, and applied conservation values to sites of significance. Council staff used this document to support decision making with respect to local approvals, permits, roadside environment preservation projects and engineering works. The Lockhart Roadside Vegetation Management Plan, referenced in this Policy, replaces the Lockhart Shire Roadside Vegetation Survey and Recommendations.

LEGISLATIVE RESPONSIBILITIES

Council is obligated to comply with State and Federal legislation (and associated regulations) relating to the management of roadside reserves. This includes:

- Commonwealth Environment Protection and Biodiversity Conservation Act 1999
- NSW Environmental Planning and Assessment Act 1979
- NSW Biodiversity Conservation Act 2016
- NSW Fisheries Management Act 1994
- NSW National Parks and Wildlife Act 1974
- NSW Heritage Act 1977
- NSW Protection of the Environment Operations Act 1997
- NSW Water Management Act 2000
- NSW Roads Act 1993
- State Environmental Planning Policy (Infrastructure) 2007
- NSW Local Land Services Act 2013
- NSW Biosecurity Act 2015.

POLICY CONTENTS

To preserve the natural resources within Lockhart local government area, and to comply with legislative obligations, the principles and recommendations outlined in the Lockhart Roadside Vegetation Management Plan will be incorporated into Council's work-related activities by:

1. Identifying sites of significant environmental value, particularly endangered ecological communities, and threatened species and their habitats.
2. Providing road-specific conservation values for the completion of the engineering project management plan prior to the initiation of works within the Shire, when addressing environmental considerations.
3. Providing guidance to minimise detrimental effects to roadside vegetation during routine maintenance work.
4. Providing base data to address customer requests, specifically those involving the maintenance and installation of

2.55 Roadside Vegetation Management (cont'd)

infrastructure and telecommunications.

5. Providing guidance in the improvement of degraded vegetation and increasing connectivity of habitat within the Lockhart LGA.
6. Providing supportive documentation for funding applications, ecological promotion and community education.

RELEVANT POLICIES

2.17 Local Roads Classification & Maintenance.

2.35 Collection of Firewood from Council Road Reserves and Dead Standing Trees.

2.45 Stock Movement and Grazing Policy.

RELEVANT DOCUMENTS

CTENVIRONMENTAL (2019) Lockhart Roadside Vegetation Management Plan. Prepared for Lockhart Shire Council. Wagga Wagga, Australia.

Bull, L (1997) Roadside Vegetation Survey and Recommendations for Lockhart Shire. Albury, Australia.

POLICY ADMINISTRATION

The administration of this policy is the responsibility of Council's Engineering department.

Adopted by Council 15 August 2022
Refer Minute 170/22

Adopted by Council 20 May 2019
Refer Minute 119/19

2.56 Local Approvals Policy for Mobile Food Vans

POLICY TITLE: LOCAL APPROVALS POLICY FOR MOBILE FOOD VANS

FILE REFERENCE: SC67

EXPIRY DATE: AUGUST 2025

PURPOSE

Lockhart Shire Council supports the operation of mobile food vans to encourage diversity in takeaway food options. The purpose of the Policy is to provide the framework for the operation of mobile food vans in the Lockhart Local Government Area. The Policy sets out the relevant legislative requirements for safe food handling and preparation, safe operation of food vans and trucks within Council's road reserves, car parks, parks and public land.

POLICY STATEMENT

1. Objectives

The Policy aims to:

- a) Ensure the Mobile Food Vans operate in accordance with the rules and restrictions within lawful car parking spaces on Council owned roads and public reserves;
- b) Ensure the operation of the Mobile Food Vans are located within appropriate locations within Council's parks and public reserves;
- c) Ensure that food sold through Mobile Food Vans is safe and fit for human consumption;
- d) Provide guidance and assistance for people wanting to operate Mobile Food Vans within the Lockhart Local Government Area;
- e) Ensure the construction, fitting out and facilities for cleaning utensils, articles, fitting and appliances in the Vans are adequate;
- f) Minimise any potential adverse impacts of the operation of Mobile Food Vans;
- g) Ensure the safe operation of the Mobile Food Vans for staff and patrons;
- h) Ensure the operation of the Mobile Food Vans considers and minimises adverse impacts on the surrounding amenity, and
- i) Ensure that trading improves the mix and diversity of takeaway food available, and has regard to existing comparable trading takeaway food and drink premises.

2. Scope

2.1 The Policy applies to Council-owned or managed roads, parks and public reserves within the Lockhart Local Government Area where the development is exempt development in accordance with Subdivision 27A Mobile food and drink outlets of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or where development consent has been granted specifically for Mobile Food Vending.

2.2 This Policy does not apply to Mobile Food Vans:

- Trading in accordance with a development consent on private land;
- Trading on public land in accordance with an approved event;
- Providing catering services to private events;
- Non-stationary mobile food vans, and
- Not operating a food business.

2.3 Exemptions from approval

There are no exemptions from the necessity to obtain approval under this Policy for Mobile Food Vending that is used for the sale of food and drink in public places within the Lockhart Local Government Area.

2.4 Council Approval Requirements

Council must consider the criteria in this Policy when determining Section 68 Approvals under the Local Government Act 1993 for:

“use of a standing Vans or any article for the purpose of selling any article in a public place”

For the purpose of this Policy a ‘standing Vans’ include any food van that has stopped to make a sale, or with the intention to sell.

2.56 Local Approvals Policy for Mobile Food Vans (cont'd)

3. Criteria council must consider when determining applications for mobile food vans

Council must consider the following when determining applications for Mobile Food Vans:

3.1 General Requirements of Mobile Food Vans:

- a) Approval under the Local Government Act 1993 is required prior to commencement of operation of a mobile food van on Council-owned or managed roads or parks.
- b) An application for approval to use a mobile food van is to be made on the approval form. The prescribed fee is also to be paid before the application is assessed.
- c) Prior to the issue of an approval under this Policy, the mobile food van is to be made available for inspection by Council's Environmental Health Officer. Council will charge a fee for inspecting the mobile food vans as per Council's adopted fees and charges schedule.
- d) An applicant will need to provide a plan detailing the layout for outdoor dining associated with the operation of the food van.
- e) All approvals will be for one year with an end date of 30 June each year.
- f) Operators are to notify the food business to Council.
- g) Applications to renew approvals are to be lodged with Council prior to the expiration of current approvals.
- h) The criteria to be used in the assessment of a mobile food van for approval will include all the relevant provisions contained in the standards as set out in this Policy, the Food Act 2003, Food Regulation 2010 and the Food Standards Codes.
- i) Approvals may be issued subject to conditions, including but not limited to compliance with this Policy.
- j) Only the sale of foodstuffs and drinks will be allowed from mobile food vans. No sale of alcohol, cigarettes or other products from mobile food vans will be approved.
- k) The applicant is to submit a copy of a broad form public liability indemnifying the applicant against any actions, suits, claims, demands or proceedings for death or injury to any third party or parties or loss of, or damage to, any property, with an indemnity amount of not less than \$20,000,000 per occurrence and noting Council as an interested party. The insurance is to be valid at all times from the date of approval through to the date the approval lapses.
- l) The applicant is to submit copies of valid insurance policies that protect the applicant:
 - i) against any injury to any third party or parties under Compulsory Third Party Insurance as required by the NSW Motor Accidents Act 1988; and
 - ii) Against loss of, or damage to, any property whatsoever caused by the use of the vans when being driven by the Licensee, an employee of the Licensee, an independent contractor or any other person (including a person not employed by the Licensee). The policy is to have a limit of indemnity of not less than \$20,000,000 and shall be extended to include "CTP Gap Coverage Endorsement" cover. The insurance is to be valid at all times from the date of approval through to the date the approval lapses.
- m) The applicant is to provide a copy of their Food Safety Supervisors Certificate.

3.2 General Requirements in Accordance with Food Safety Standard 3.2.3

The design and construction of a mobile food vans is to:

- a) Be appropriate for the types of food produced and activities conducted;
- b) Provide adequate space for all activities and for all equipment to be used or stored;
- c) Allow easy cleaning/sanitising procedures of all structures and equipment;
- d) Prevent entry of pests, dust, fumes, smoke and other contaminants; and
- e) Exclude favourable sites for pests to live and breed.

Further details on these requirements are contained within Mobile Food Vans – Operation, construction and food handling guidelines, prepared by the NSW Food Authority. All mobile food vans approved by Council are required to comply with these guidelines.

3.3 Location

Council will use the following principles in determining the suitability of locations:

- Land use zoning and permissible uses within that zone (compatibility considerations);
- Proximity to residential properties (potential residential amenity impacts);
- Proposed hours of operation (consideration of other food and drink premises in proposed location);

2.56 Local Approvals Policy for Mobile Food Vans (cont'd)

- Road, road-user and pedestrian safety;
- Availability of alternate locations.

Mobile food vans are to arrive at a location fully equipped. Deliveries are not to be made to a mobile food van while it is in operation.

3.4 Proximity to an Operating mobile food van

Mobile food vans are not to trade within a 50m radius of another mobile food van.

3.5 Proximity to Existing Comparable Premises

Mobile Food Vans are to be located 50m away from any operating food and drink premises or kiosk or a special event selling food. This minimum distance requirement is measured in a straight line from the closest point of the mobile food van (location) to the main entrance of a food and drink premises or kiosk or boundary of a licensed event area.

3.6 Parking

Mobile food vans are to operate so as to:

- a) Ensure access to pedestrian ramps and footpaths are not compromised; and
- b) Ensure that access or egress from any building is not restricted by the operation of the mobile food van; and
- c) Ensure access to public street furniture such as seats, bicycle parking, drinking fountains, rubbish bins, fire hydrants, telephone booths and post boxes or the like are not impacted upon.

4. Other matters relating to approvals for mobile food vans

4.1 Permitted Days and Hours of Operation

The use of Council owned roads for the purpose of operating a mobile food van is restricted to between 7:00 am and 7:30 pm each day, inclusive of set up and set down times.

4.2 Bookings

The booking of a park or public space where the food van is approved to operate are required to be provided to Council one month in advance.

Council reserves the right to request the removal of the van where there is a booking conflict.

Council-run events will take precedent over prior food van bookings.

4.3 Noise

The LA 10 noise level emitted from the van shall not exceed the background noise level by more than 5dB(A). No correction for tonality is applied. Measurement is taken at the worst affected residence.

4.4 Serving

Mobile food vans are not to operate with their serving window opening onto any part of a vehicular carriageway.

4.5 Sale of Alcohol

Proposals for food vans to serve alcohol will require development consent and a liquor licence.

4.6 Waste Management and Recycling

Provisions for waste management are to include the following:

- a) Mobile food van operators are responsible for the waste materials generated during the trading period. Waste materials such as food packaging should be collected in bins or suitable receptacles, bagged or contained, and stored and disposed of at the cost of the operator.
- b) Any waste produced by the operation of the mobile food van is to be removed from the site via the mobile food van at the end of the trading period.
- c) The trading area is to be left in a clean and tidy condition at the end of each trading interval.
- d) The trading approval holder is liable to reimburse Council for any cleaning cost incurred by Council during the duration of the trading period as a result of the operation of the mobile food van.
- e) Disposal of all liquid wastes generated within the food van is to be discharged to the sewer or as approved by an authorised Council Officer. Under no circumstances is liquid waste to be discharged on the ground or in the stormwater drain.
- f) Details of liquid waste and garbage disposal arrangements must be supplied with the application for the mobile food van.

2.56 Local Approvals Policy for Mobile Food Vans (cont'd)

4.7 Signage

An Approval under the Policy does not infer any approval for the erection or display of any sign or sign structure not directly attached to the mobile food vans.

The Policy does not allow the use of any temporary signage (e.g. A-frame boards) in association with the operation of any mobile food van unless specifically identified in the application.

4.8 Animals and Pests

All practicable measures are to be taken to prevent pests (including birds, spiders and flying insects) from entering or remaining in the van.

No animal is permitted to enter any van, whether the van is in operation or not.

4.9 Water Supply

The van must be provided with an adequate supply of potable water stores in approved containers and suitably protected against contamination, for hand washing, cleaning equipment and for use of food preparation. There must also be an adequate supply of hot water for these purposes.

The van is to be equipped with a wastewater tank external to the vans, of at least 50 litre capacity with an outlet of sufficient diameter to facilitate easy flushing and cleaning.

4.10 Electricity Supply

The food van is required to be operated via a generator for electricity supply or may be connected to Council's electricity supply subject to approval and charges for the electricity where this is available.

4.11 Noise

The emission of noise associated with the use of the van, including the operation of any mechanical plant and equipment, is to comply with the following:

- a) The use of the van must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997.
- b) If any noise complaints are received and substantiated by an authorised Council officer, the officer may direct that the use of the mobile food van/business is to be suspended or moderated to prevent nuisance until attenuation measures are completed and Council has confirmed in writing that the use may resume.

4.12 Odour

If any odour or smoke complaints are received and substantiated by an authorised Council officer, then the use of the van or apparatus is to be moderated as directed by an authorised Council officer as deemed necessary to prevent nuisance.

4.13 Maintenance

The van and its associated fixtures, fittings and equipment must be kept clean and in a good state of repair and working order, free from dirt, fumes, smoke, foul odours and other contaminants.

4.14 Non-compliance

Council's Authorised Officers may issue penalty infringement notices, orders, clean up notices, prevention notices or court attendance notices for non-compliance with the Policy and all related offences.

REFERENCES, ASSOCIATED DOCUMENTS AND RELEVANT LEGISLATION

This Policy supplements the provisions set out for food vans and trucks within:

- Local Government Act 1993;
- Local Government (General) Regulations 2005;
- Roads Act 1993;
- Roads Regulation 2008;
- Food Act 2003;
- Food Regulation 2010, and
- Subdivision 27A Mobile food and drink outlets of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Adopted by Council 15 August 2022
Refer Minute 170/22

Adopted by Council 20 May 2019
Refer Minute 125/19

2.57 Grants Management

POLICY TITLE: GRANTS MANAGEMENT

FILE REF: SC153

EXPIRY DATE: DECEMBER 2026

PURPOSE

The purpose of this policy is to clearly enunciate the steps that are generally to be followed to search out, apply for, accept, manage, report, acquit, claim for reimbursement, sign-off and finalise the processing of any government grant.

The policy also aims to assist Council in monitoring the progress of grant funded projects and managing the expenditure of grant it receives from external sources.

POLICY STATEMENT

Council will aim to maximise its opportunities to seek out and apply for grants that are relevant to its functions and within its capacity to deliver. Council acknowledges that grants are an important source of revenue and can assist Council in meeting the objectives contained in the Community Strategic Plan including the following:

- Our community services and facilities meet the needs of the community.
- Our shire is attractive and welcoming to businesses, industry, residents, and visitors.
- Our assets and infrastructure are well planned and managed to meet the needs of the community now and into the future.
- Council is strong, sustainable and able to stand alone.

SCOPE

This policy applies to grant programs which are announced from time to time and require Council to submit applications and/or project proposals for independent assessment against relevant criteria and grant program guidelines.

This policy does not apply to long established, recurring, and predetermined grants received by Council on an annual basis e.g. Financial Assistance Grants, Roads to Recovery grants, Regional Roads Block grants, Weeds Action Plan grants and the like.

GRANT MANAGEMENT PROCEDURES

Council will keep abreast of grant opportunities by subscribing to and/or receiving circulars from the Australian Local Government Association, Local Government NSW and Office of Local Government, media releases from government ministers, local parliamentarians and government departments, and specific grant platforms such as GrantGuru.

The Director of Community and Corporate Services will be responsible for maintaining a data base of community based not-for-profit organisations, including Council's section 355 committees, that will be used for distributing information regarding grant opportunities that may be applicable to community organisations.

Each Directorate within Council will be responsible for seeking out, applying for and, if successful, submitting progress reports and otherwise managing grants received from external sources that are relevant to the Directorate's functions.

Where a grant application requires a contribution from Council that is not incorporated in Council's adopted budget, the matter will be reported to Council.

Where the grant will result in the acquisition of a new asset, the report will include the financial impact of the acquisition on the Council's Annual Operational Plan and Budget, and Long-term Financial Plan.

RECORD KEEPING

Where Council has been successful in securing a grant, a new Special Container will be created in Council's Electronic Document and Records Management System, Content Manager, for the purposes of registering and recording all relevant documentation relating to that grant.

MONITORING AND COMPLIANCE

The General Manager will be responsible for maintaining a 'Grant Funded Projects Status Report' for the purposes of:

- Monitoring progress of grant funded projects.
- Monitoring and controlling expenditure of the grant funds.
- Ensuring compliance with any funding agreement and conditions of the grant funding.

The 'Grant Funded Projects Status Report' will be a standing agenda item for meetings of the Council's Management Executive (MANEX) and be tabled at a Council meeting on a quarterly basis.

*Adopted by Council 18 December 2023
Refer minute 235/23*

*Adopted by Council 21 December 2020
Refer minute 268/20*

2.58 Conflict of Interest – Council Related Development

POLICY TITLE: CONFLICT OF INTEREST – COUNCIL RELATED DEVELOPMENT

FILE REF: SC67

EXPIRY DATE: APRIL 2026

OBJECTIVE

- 1) This policy aims to manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development.

SCOPE

- 2) This policy applies to council-related development as defined in clause 3)(c) of this policy

DEFINITIONS

- 3) In this policy:
 - a) “Application” means an application for consent under Part 4 of the Act to carry out development and includes an application to modify a development consent. It does not include an application for a complying development certificate.
 - b) “Council” means Lockhart Shire Council
 - c) “Council-related development” means development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator consent authority
 - d) “Development process” means application, assessment, determination, and enforcement
 - e) “High and Very High Risk development applications” means applications with a capital value exceeding \$1 million and/or is controversial in nature i.e. 10 or more objections have been received following advertising of the development application.
 - f) “Low and Moderate Risk development applications” means non-controversial, small-scale development, development of a certain value with/without a commercial interest,
 - g) “The Act” means the Environmental Planning and Assessment Act 1979.

MANAGEMENT CONTROLS AND STRATEGIES

- 4) The following management controls may be applied to:
 - a) The assessment of an application for council-related development
 - For low and moderate risk development applications the assessment of an application is to be carried out under delegation by a suitably qualified council employee who had no involvement with the preparation of the application.
 - For high and very risk development applications the application will be referred to another council or a suitably qualified planning consultant for assessment.
 - b) The determination of an application for council-related development
 - For low and moderate risk development applications the determination of an application is to be made under delegation by a suitably qualified council employee who had no involvement with the preparation of the application.
 - For high and very risk development applications the determination of an application is to be made by the General Manager based on the recommendation of the other council or planning consultant that assessed the application in accordance with 1)(a) above.
 - c) The regulation and enforcement of approved council-related development
 - For low and moderate risk development applications the ongoing regulation and enforcement of any consent issued for the development is to be carried out by a council employee who had no involvement with the preparation of the application.
 - For high and very risk development applications the ongoing regulation and enforcement of any consent issued for the development is to be carried out by a council employee who had no involvement with the preparation of the application.

2.58 Conflict of Interest – Council Related Development (cont'd)

- 5) The management strategy for the following kinds of development is that no management controls need to be applied:
- Commercial fit outs and minor changes to the building façade
 - Internal alterations or additions to buildings that are not a heritage item
 - Advertising signage
 - Minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)
 - Development where the council might receive a small fee for the use of their land.

IDENTIFYING WHETHER A POTENTIAL CONFLICT OF INTEREST EXISTS, ASSESSMENT OF LEVEL RISK AND DETERMINATION OF APPROPRIATE MANAGEMENT CONTROLS

- 6) Development applications lodged with the council that are council-related development are to be referred to the General Manager (or a delegate) for a conflict-of-interest risk assessment. The General Manager is to:
- Assess whether the application is one in which a potential conflict of interest exists
 - Identify the phase(s) of the development process at which the identified conflict of interest arises
 - Assess the level of risk involved at each phase of the development process
 - Determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in clause 4) of the policy and the outcome of the General Manager's assessment of the level of risk involved in accordance with clause 6) (c).
(Note: The General Manager could determine that no management controls are necessary in the circumstances).
 - Document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.

Note: The following template is to be used by Council for publishing a statement to document its proposed management approach in a particular circumstance in accordance with clause 6)(e).

Conflict of Interest Management Statement	
Project Name	
DA Number	
Potential Conflict	Assessment Phase <ul style="list-style-type: none"> ▪ Determination Phase <ul style="list-style-type: none"> ▪ Enforcement Phase <ul style="list-style-type: none"> ▪
Management Strategy	The council is managing potential conflicts of interest in this matter as follows: Assessment Phase <ul style="list-style-type: none"> ▪ Determination Phase <ul style="list-style-type: none"> ▪ Enforcement Phase <ul style="list-style-type: none"> ▪
Contact	Anyone with concerns about Council fulfilling its obligations should report their concerns to: General Manager Lockhart Shire Council 65 Green Street (PO Box 21) Lockhart NSW 2656 (02) 6920 5305 mail@lockhart.nsw.gov.au

Adopted by Council 17 April 2023
Refer minute 57/23

2.59 Mowing of Nature Strips by Council

POLICY TITLE: MOWING OF NATURE STRIPS

FILE REF: SC67

REVIEW DATE: JUNE 2026

OBJECTIVES

The purpose of the Policy is to ensure requests for assistance in mowing nature strips received by Council are handled in a consistent, equitable and transparent manner.

POLICY STATEMENT

Council will consider the provision of assistance by way of mowing nature strips based on set criteria.

Council relies on residents and businesses to maintain nature strips adjoining their property. The policy confirms Council's position and recognises the importance of community involvement and cooperation. This policy does not extend to mowing on private property. Only where residents meet the criteria will a nature strip mowing service be provided by Council. At all times the mowing service will only be provided subject to the availability of funding and resources.

POLICY CRITERIA

1. To be considered eligible for assistance the following criteria must be met:
 - a) Be a permanent resident of Lockhart Shire and occupy the property which is the subject of the nature strip mowing service application; and
 - b) Be receiving or be assessed as eligible to receive home care services or have a disability or other medical condition which makes it impossible for that person to mow their nature strip; and
 - c) Be the holder of a current Pensioner Concession Card issued by the Commonwealth Government or in receipt of a Service Pension; or some other type of income substitution resulting from a physical disability that restricts a person from mowing their nature strip e.g. workers compensation or income protection benefit; and
 - d) Have no other members of the household who are able to mow the nature strip.

Council reserves the right to take special conditions into consideration, other than those listed above. The nature strip mowing service does not provide a guaranteed mowing frequency and mowing will be limited to four times per year. No rubbish, debris or green waste will be cleaned up and/or removed other than grass clippings that result from the mowing service.

Applications for the mowing service must be made in writing. All recipients are to reapply annually to confirm eligibility. Residents will be removed from the service if any of the following occur:

- The person sells or otherwise transfers their interest in the property or ceases to occupy the property;
- The owner/occupier no longer meets the eligibility criteria.

*Adopted by Council – 19 June 2023
Refer Minute No. 97/23*

2.60 Refund of Application Fees

POLICY TITLE: REFUND OF DEVELOPMENT-RELATED FEES

FILE REF: SC299, SC24, SC67

EXPIRY DATE: SEPTEMBER 2026

LEGISLATIVE CONTEXT

Pursuant to clause 52 (3) of the Environmental Planning and Assessment Regulation 2000 a consent authority may (but is not required to) refund to the applicant the whole or any part of any application fee paid in connection with an application that has been withdrawn.

Pursuant to Section 356 of the Local Government Act 1993 Council may, by resolution, provide financial assistance to others.

POLICY STATEMENT

1. Council will refund development related application fees to the applicant in the following circumstances:
 - a) The applicant's advice that the application is withdrawn and request to receive a refund of application fees paid must be in writing.
 - b) Refunds will only be made where the applicant's written advice is received prior to the completion of the draft assessment by Council.
 - c) Subject to a) and b) above, refund of 50% of the application fees paid to Council will be made for the following applications:
 - Development application
 - Construction Certificate
 - Installation of solid fuel heaters
 - Installation of plumbing and drainage
 - Occupation Certificate
2. Council is mindful of the contribution made to the community by community-based, not-for-profit organisations. Council will therefore refund by way of equal donation any fees listed in Council's adopted Fees and Charges which would otherwise be retained by Council with respect to development related applications lodged by or on behalf of community-based not-for-profit organisations in Lockhart Shire.
3. The types of eligible organisations to which this policy applies will include Council's Section 355 Committees, service clubs, show societies, community-based sporting clubs, progress associations and community-based pre-school kindergartens.
4. Any refund of development related application fees paid to Council will be met from Council's Section 356 Contributions budget allocation.

Adopted by Council – 18 September 2023
Refer Minute No. 170/23

3.1 Provision of Protective Clothing/Equipment

POLICY TITLE: PROVISION OF PROTECTIVE CLOTHING/EQUIPMENT

FILE REF: SC67

EXPIRY DATE: AUGUST 2025

OBJECTIVES

A. To comply with Council's obligations as an employer under the:

- a) Work Health & Safety Act 2011; and
- b) Local Government (State) Award 2017; and

Any relevant legislation by, inter alia, supplying workers with protective clothing and equipment suitable to the nature of the work performed and the work environment.

B. To demonstrate a positive approach towards work health and safety.

POLICY STATEMENT

1. Application of the Policy

This Policy applies to all workers of Lockhart Shire Council who work in an environment where they are exposed to workplace hazards such as ultraviolet radiation, chemical and mechanical hazards. These positions shall be supplied with personal protective clothing and equipment to reduce the risk of exposure.

2. Employee Responsibilities

All Lockhart Shire Council workers are responsible for their personal health, safety and welfare and that of their fellow workers. They are required to co-operate with their employer in the interest of health and safety in accordance with Section 28 of the Work Health & Safety Act 2011.

In conjunction with this employee statutory requirement, it is the responsibility of supervisory staff to enforce this Policy to ensure that each worker, required to wear protective clothing/equipment, does so at the appropriate times.

3. Clothing Protection

Employees are to wear clothing in accordance with Council's Personal Protection Equipment and Clothing procedure.

4. Supply of Protective Clothing/Equipment

Council will supply safety boots that meet the Australian Standard to a value of \$120.00. Any cost above this amount is required to be met by the employee.

Council will provide all other protective clothing and equipment outlined in Clause 3 at no cost to the employee. Quantities of clothing supplied will be at the discretion of the Director of Engineering.

5. Maintenance and Replacement of Items

Items will be replaced only if the unserviceable items are returned to the Storeperson who will determine whether the item is serviceable or not.

The worker will be responsible for notifying the Storeperson of any lost or stolen items.

The worker will be responsible for the daily maintenance and safe keeping of all personal protective clothing and equipment issued to them.

6. Disputes

Any disputes regarding the replacement of unserviceable or lost items will be referred to the relevant Director.

7. Property Ownership

At all times personal protective equipment remains the property of Lockhart Shire Council.

3.1 Provision of Protective Clothing/Equipment (cont'd)

8. Return of Personal Protective Clothing and Equipment

Permanent and temporary employees upon termination may be required, at the discretion of Director of Engineering, to return all items of personal protective clothing and equipment to the Council Storeperson. If clothes are deemed serviceable Council will arrange for their suitable cleaning and they will go into a pool of clothing for temporary workers.

9. Exemption

There will be no exemptions to the wearing of personal protective clothing and equipment and other safety equipment deemed necessary under the circumstances.

10. Disciplinary Procedures

Any worker who fails to wear any of the personal protective clothing/equipment shall not be paid until such time that they report to work wearing the correct personal protective clothing/equipment. The incident will be reported to the relevant Director and the disciplinary procedure as outlined in the NSW Local Government (State) Award 2017 applied.

11. Education and Training of Employees

At induction to Council all new workers are to be made aware of the Protective Clothing & Equipment Policy and their duty to comply with this Policy.

Supervisors who work in an environment exposed to solar UV radiation will be required to participate in sun protection education training dealing with issues surrounding supervisory responsibilities.

12. Plant

Where practicable all items of plant shall be air-conditioned, and all large areas of glass shall be tinted. Seatbelts, where fitted, must be worn at all times.

13. Contractors

Contractors and their workers are required to meet the minimum personal protective equipment requirements as set out in Council's Personal Protection Equipment and Clothing procedure at their own cost. Pool lifeguard Contractors will be provided with approved lifeguarding apparel and personal protective equipment as required.

*Amendments adopted by Council – 15 August 2022
Refer Minute No. 169/22*

*Amendments adopted by Council – 18 March 2019
Refer Minute No. 68/19*

*Amendments adopted by Council – 18 June 2018
Refer Minute No. 172/18*

*Amendments adopted by Council – 13 December 2010
Refer Minute No. 392/10*

*Adopted by Council 17 August 2009
Refer Minute 283/09*

*Amendments adopted by Council – 20 June 2005
Refer Minute No. 24669*

*Amendments adopted by Council – 23 April 2001
Refer Minute No. 22610*

3.2 Rescinded – Telephone Rents & Charges – Staff Residences

3.3 Bullying And Harassment

POLICY TITLE: BULLYING AND HARASSMENT

FILE REF: SC66

EXPIRY DATE: OCTOBER 2024

OBJECTIVE

Everyone has a right not to be bullied at work. Lockhart Shire Council is committed to providing employees with a work environment which is free of intimidation, threat, offence and humiliation. Lockhart Shire Council will not tolerate any form of bullying and harassment.

This Policy should be read in conjunction with the Model Code of Conduct for local councils in NSW. The Code of Conduct includes provisions regarding general conduct obligations with specific reference to harassment, discrimination and bullying.

POLICY STATEMENTS

Harassment and discrimination

You must not harass or unlawfully discriminate against others or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

For the purposes of this Policy, "harassment" is defined as any form of behaviour towards a person that:

- a) is not wanted by the person
- b) offends, humiliates or intimidates the person, and
- c) creates a hostile environment.

Bullying

You must not engage in bullying behaviour towards others.

For the purposes of this Policy, "bullying behaviour" is defined as any behaviour in which:

- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
- b) the behaviour creates a risk to health and safety.

Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

- a) aggressive, threatening or intimidating conduct
- b) belittling or humiliating comments
- c) spreading malicious rumours
- d) teasing, practical jokes or 'initiation ceremonies'
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

What is not Bullying

Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this Policy. Examples of reasonable management action may include, but are not limited to:

- a) performance management processes
- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job

3.3 Bullying and Harassment Policy (cont'd)

- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

How is Bullying Different to Discrimination?

Discrimination happens when there is adverse action, such as firing or demoting someone, because of a person's characteristics like their race, religion or sex.

Bullying happens when someone in the workplace repeatedly behaves unreasonably towards another person or group of people and causes a risk to health and safety in the workplace. This behaviour doesn't have to be related to the person or group's characteristics and adverse action doesn't have to have happened.

Who is Protected from Bullying in the Workplace

This Policy applies to:

- a) All workers including full-time, part-time, permanent, temporary and casual employees.
- b) Contractors or subcontractors
- c) Work experience students
- d) Volunteers.

Reporting Bullying and Harassment

If you think bullying or harassment is happening at your work, it should be reported to:

- A supervisor or manager
- A workplace health and safety representative
- The Human Resources/Work Health and Safety Co-ordinator

Training and Education

Training in the Code of Conduct, and in relation to bullying and harassment in the workplace, will be mandatory for all new employees and will be incorporated into Council's new employee induction procedures.

Revised by Council – 18 October 2021

Refer Minute No. 194/21

3.4 Superseded – Private Use of Motor Vehicles (By Policy 2.13)

3.5 Return-to-Work Program

POLICY TITLE: RETURN-TO-WORK PROGRAM

FILE REF: SC278

EXPIRY DATE: NOVEMBER 2024

OBJECTIVES

To provide guidelines for ensuring that Council and staff comply with the Workers Compensation Act 1987, Workplace Injury Management and Workers Compensation Act (1998) and the Workers Compensation Regulation 2016, and to support the concept of injury management to assist in the early return to work of injured or ill employees.

STATEMENT OF COMMITMENT

Lockhart Shire Council is committed to the rehabilitation of employees who are injured or develop an illness or disease during the course of their employment. In the event that employees are injured or develop an illness or disease due to other circumstances, sympathetic consideration may be given to the rehabilitation of the employee under Council's Return-to-Work Program. Council is committed to:

- 1) The prevention of injury and illness through providing a safe and healthy working environment.
- 2) Developing and implementing a Return-To-Work Program in consultation with its employees and their representatives, which is consistent with its insurer's Injury Management Program.
- 3) The early commencement of rehabilitation of an injured worker to encourage an early return to work.
- 4) Ensuring that all reasonable efforts are made to provide meaningful and suitable duties consistent with medical judgment. Return-to-Work Plans for individuals will be devised to support Council's commitment to rehabilitation and minimise the effects of the injury or illness on employees.
- 5) Ensuring that no employee is disadvantaged whilst participating in Return-to-Work Plans and expects its employees to cooperate with Council's rehabilitation efforts
- 6) Council's Return to Work Coordinator is Council's Human Resources/ Work Health and Safety Co-ordinator Officer.

RESPONSIBILITIES

1) Council's (Employer's) Responsibilities

Council is a Category 1 employer for the purposes of the Workers Compensation Regulation 2016 and as such is responsible for:

- a) Appointing a Return to Work Co-ordinator;
- b) Ensuring the Return to Work Co-ordinator is provided with the necessary training to perform the role;
- c) Developing a return to work program;
- d) Consulting workers and unions
- e) Implementing the return to work program.

2) Return-to-Work Coordinator Responsibilities

- a) Developing and implementing the Return-to-Work Program, educating the workforce, keeping injury and return to work statistics and developing policies for the consideration of Management and Council to improve systems.
- b) Providing information on the return to work process and associated workers compensation benefits to injured workers.
- c) Obtaining the injured worker's consent before obtaining or releasing rehabilitation information about the worker.
- d) Determining the injured worker's needs by discussion with the worker, the nominated treating doctor and other treatment practitioners.
- e) Working with the insurers as they develop an injury management plan for the injured worker.
- f) Identifying appropriate suitable duties and assisting the injured worker to return to work as soon as possible.
- g) Supporting the redeployment of workers into suitable employment when they cannot return to their pre-injury duties;

3.5 Return-to-Work Program (cont'd)

- h) Preparing a Return-to-Work Plan to document suitable duties and work restrictions so that all parties are informed and managing the return-to-work process.

3) Rehabilitation Provider's Role

- a) Council engages fully accredited rehabilitation providers who are available to assist in the rehabilitation of those workers who suffer a workplace injury or illness at Lockhart Shire Council.
- b) Notwithstanding that the Council has appointed its own Rehabilitation Provider(s), an injured or ill employee will retain the right to nominate an accredited Provider(s), of his/her own choice.
- c) Council will facilitate reasonable access to the workplace by any accredited Rehabilitation Provider(s) involved in rehabilitation at this workplace, so as to enable familiarity with the workplace.
- d) Council will ensure ready access to any injured or ill employees nominated accredited Rehabilitation Provider(s) at all stages of rehabilitation, including the initial workplace assessment.

4) Management Responsibilities

A crucial element of the Council's Return-to-Work Program is the prevention of injury or illness to our employees. To this end, Council is committed to:

- a) Ensure the health, safety and welfare of all workers.
- b) Develop, implement and review the Return-to-Work Program in consultation with workers and relevant unions.
- c) Assist injured or ill employees return to pre-injury occupation or suitable alternatives without prejudice.
- d) Encourage rehabilitation at the workplace through the provision of modified or suitable duties where practicable and consistent with stated medical judgment.
- e) Display a summary of the program prominently at the Council Administration building, Lockhart Works Depot and The Rock Works Depot.
- f) Provide employees with adequate information on rehabilitation and workers compensation.
- g) Appoint and train a Return-to-Work Coordinator.
- h) Notify the insurer within the prescribed timeframe(s) when the worker has an injury.
- i) Provide suitable employment for injured workers for as long as is practicable.
- j) Participate and cooperate in the establishment of an injury management plan for an injured worker.
- k) Comply, to the fullest extent practicable, with obligations on the employer in the Injury Management Plan written by the insurer.

5) Employee's Responsibilities

- a) To take all necessary care in the performance of work with a view to preventing work related injuries to themselves and fellow employees.
- b) To actively co-operate in the specific Return-to-Work Plan designed as part of their recovery process.
- c) To actively co-operate in the specific Return-to-Work Plan designed as part of a fellow employee's recovery process.
- d) To report all injuries/illnesses promptly to allow corrective action to be implemented.
- e) To specify one nominated doctor or medical practitioner who is prepared to participate in the development of any injury management and Return-to-Work Plan.
- f) To provide their consent for information regarding their injury management and recovery at work to be shared between the insurer, employer, nominated treating doctor, treating practitioner providers and the State Insurance Regulatory Authority.
- g) To participate and co-operate in the establishment of an injury management plan.
- h) To comply with obligations in any Injury Management Plan written for them.
- i) To make all reasonable efforts to recover at work.

3.5 Return-to-Work Program (cont'd)

RETURN TO WORK PROGRAM

- 1) A Return to Work Program shall be developed and maintained that complies with the Workers Compensation Act 1987, Workplace Injury Management and Workers Compensation Act (1998), Workers Compensation Regulation 2016 and the Guidelines for Workplace Return to Work Programs issued by the State Insurance Regulatory Authority.
- 2) The Return to Work Program will cover the following aspects:
 - a) Leadership and commitment;
 - b) Workplace arrangements;
 - c) Rights and obligations;
 - d) After an incident;
 - e) Support for the worker;
 - f) Recovery at work;
 - g) Dispute prevention and resolution;
 - h) Administration.
- 3) The Work Health and Safety Committee will be consulted on the initial development of the Return to Work Program and any significant changes to the Program.

Revised by Council 15 November 2021
Refer Minute No. 222/2021

Revised by Council 19 November 2018
Refer Minute No. 320/2018

Amended by Council 17 August 2009
Refer minute 283/09

Amendments adopted by Council – 20 June 2005
Refer Minute No. 24669

Amendments adopted by Council – 17 July 2000
Refer Minute No. 22273

3.6 Work Health & Safety

POLICY TITLE: WORK HEALTH & SAFETY

FILE REF: SC278

EXPIRY DATE: NOVEMBER 2024

COMMITMENT STATEMENT

Council's commitment is to the provision of a safe and healthy work environment for all of its employees, volunteers, contractors, visitors and persons that may be affected by works undertaken by Council, through the elimination or minimisation of risks, whilst meeting its legislative obligations under the Work Health and Safety Act (2011) and the Work Health and Safety Regulation (2011), and other Work Health and Safety legislation as it applies.

Council's commitment to work health and safety (WHS) will be demonstrated by:

- Ensuring that employees, volunteers, visitors and contractors comply with appropriate WHS standards, codes of conduct and workplace directions to ensure their own and others health and safety at work.
- Promoting a culture where harm to our people through work is unacceptable.
- Consultation between management, employees, volunteers, visitors and contractors on WHS issues.
- Establishing measurable objectives and targets to ensure continuous improvement.
- Allocating necessary resources to meet commitments, and by developing and implementing health and safety standards that exceed the minimum legislative requirements.
- Adopting a risk management approach to achieve compliance with all NSW Work Health and Safety related legislation to ensure the health and safety of employees, contractors, volunteers and visitors to its workplaces.
- Ensuring that plant, equipment and substances are safe and without risk to health and safety of employees.
- Investigating all accidents, incidents, and occurrences with control measures implemented and reviewed to ensure elimination of initial breakdown.
- Communicating WHS through instruction, training and supervision to improve individuals' understanding of workplace hazards, including safe work practices and emergency procedures.
- Providing adequate systems and resources to effectively manage rehabilitation and return to work processes.
- Implementing, maintaining and reviewing the Health and Safety Management System.

RESPONSIBILITIES

While the obligation for each person is different, all persons must ensure that the way they carry out their work does not interfere with the health and safety of themselves and other persons at the place of work.

Duty Holders

Person conducting business or undertaking (Council)

Council must ensure, so far as is reasonably practicable, the health and safety of:

- Workers engaged, or caused to be engaged by the person, and
- Workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.

The General Manager has ultimate responsibility for the implementation of Council's WHS protocol and regularly reviewing overall organisational health and safety performance.

Officer duties

Officers of Council have a duty to exercise 'due diligence' to ensure that Council complies with its duty to reasonably ensure health and safety. Officers are defined as a person who makes, or participates in making, decisions that affect the whole or a substantial part of a business or undertaking.

3.6 Work Health & Safety (cont'd)

Council shall fulfill these responsibilities through the appointed General Manager, Directors, and Managers who are responsible and accountable for the safety of workers including contractors, volunteers and Council property under their control.

All workers

All workers have responsibility for:

- Taking reasonable care for their own health and safety;
- Taking reasonable care that their acts or omissions do not adversely affect the health and safety of other persons;
- Following all WHS legislation, Council safety requirements and relevant Codes of Practice;
- Cooperating with management in the support of promotion of Health and Safety in the workplace;
- Not undertaking any task without the relevant induction, training or competency;
- Promptly reporting all hazards, injuries and safety incidents;
- Presenting for work in a fit state that does not prevent them carrying out their duties in a safe and responsible manner.

Compliance with health and safety requirements

Council employees must observe Council's health and safety policies, protocols, procedures and instructions. If a breach occurs, it may be necessary for disciplinary action to be undertaken in accordance with disciplinary procedures under the Local Government (State) Award 2020.

WORK HEALTH AND SAFETY WORKPLACE COMMITTEE

The Work Health and Safety Committee will provide a forum for consultation on WHS related matters and will endeavour to reach consensus on all aspects of the organisation's WHS Policy and Program. To this end, each committee meeting will be attended by employer representatives who have the necessary authority to make recommendations / decisions on behalf of Council for each of the matters discussed.

RELATED POLICIES

This Policy should be read in conjunction with the following Council Policies:

- Policy 2.3 Response to Incidents Involving Hazardous Materials
- Policy 2.28 Asbestos
- Policy 3.1 Provision of Protective Clothing/Equipment
- Policy 3.3 Bullying and Harassment
- Policy 3.5 Return to Work
- Policy 3.11 Smoke Free Workplace Policy
- Policy 3.15 Incident/Accident Investigation
- Policy 3.16 Drugs & Alcohol in the Workplace
- Policy 3.17 Work, Health and Safety Communication
- Policy 3.21 Risk Management Plan
- Policy 3.26 Remote and Isolated Work

*Revised by Council – 15 November 2021
Refer Minute No. 222/21*

*Revised by Council – 19 November 2018
Refer Minute No. 320/18*

*Amended by Council - 14 October 2014
Refer Minute No. 292/14*

*Adopted by Council 17 August 2009
Refer Minute No. 283/09*

*Amendments adopted by Council – 20 June 2005
Refer Minute No 24669*

*Amendments adopted by Council – 17 March 2003
Refer Minute No 23508*

3.7 Rental of Staff Dwellings

POLICY TITLE: RENTAL OF STAFF DWELLINGS

FILE REF: SC67

EXPIRY DATE: OCTOBER 2026

OBJECTIVE

To provide a framework for the fixing and reviewing of rent for Council owned dwellings whilst incorporating therein a concession to assist with recruitment and retention of certain staff.

POLICY STATEMENT

1. Council acknowledges that offering subsidised rental accommodation can be a key component in attracting and retaining key staff to work at Lockhart Shire Council, as determined by the General Manager.
2. The rent payable for Council owned dwellings leased to staff will be set at 60% of the assessed market rental.
3. Rent will be adjusted annually from 1 October in accordance with the CPI (Housing - Rents - subgroup) index that was applicable for the previous July to June financial period.
4. Council will offer Salary Sacrifice arrangements (i.e. pre-tax payment of rent) in relation to rental of staff dwellings noting that:
 - a) The Fringe Benefits Tax Assessment Act 1986 defines "remote area housing" to be an area at least 40 kilometres from a town with a Census population of 130,000 or more.
 - b) In accordance with Section 58ZC of the Fringe Benefits Tax Assessment Act 1986, all housing benefits defined as "remote area housing benefits", provided by the employer will be exempt from FBT. Any rentals made in accordance with salary sacrifice arrangements will be deemed non-taxable in relation to FBT and as such no liability will be incurred by Council.

*Adopted by Council – 16 October 2023
Minute No. 187/23*

*Adopted by Council – 21 September 2020
Refer Minute No. 194/20*

3.8 Conference Expenses – Senior Officers

POLICY TITLE: CONFERENCE EXPENSES – SENIOR OFFICERS

FILE REF: SC184

EXPIRY DATE: OCTOBER 2026

OBJECTIVES

To encourage and assist senior staff to attend the annual state conferences of their respective professional associations so as to promote self-development and maintenance of a high level of competence.

POLICY STATEMENT

That Council make payment of:

- (i) Conference registration fees, if any; and
- (ii) Reasonable accommodation and associated sustenance expenses for the scheduled period of conference activities as well as reasonable time engaged travelling to and from such conference; and
- (iii) Travel expenses up to the level of return airfare or other equivalent public transport or, where travel is by Council vehicle, the cost of reasonable out-of-pocket expenses for fuel.

*Adopted by Council – 16 October 2023
Minute No. 187/23*

*Adopted by Council – 21 September 2020
Refer minute 194/20*

3.9 Training

POLICY TITLE: TRAINING
FILE REF: SC284
EXPIRY DATE: NOVEMBER 2024

OBJECTIVES

To ensure that Council, through the provision of appropriate training and development, maintains a workforce that has the knowledge, skills and attitudes necessary for the efficient performance of individual jobs and effective functioning of the organisation.

POLICY STATEMENT

- 1) Council is committed, within its financial capacity to the provision of ongoing training, both on and off-the-job, for all its employees.
- 2) Core training is designated to be an essential requirement of a particular job and employment with Council.
- 3) Attendance and participation in core training is regarded as part of an employee's prescribed duties and responsibilities. Therefore non-attendance, without a reasonable excuse, may present grounds for disciplinary action as per the award.
- 4) There will be no discrimination in access to training and development.
- 5) It is the prime responsibility of every director, manager and supervisor to ensure that employees under their control receive the appropriate induction, training and development to enable them to perform their duties effectively. Each employee has a responsibility to make their management/supervisor aware of their training and development needs.

TRAINING PLAN

- 1) Training and development needs for individual employees will be identified through:
 - a) Recruitment and induction processes;
 - b) Annual performance reviews undertaken for all permanent employees; and
 - c) Consultation with individual employees.
- 2) Training and development needs identified through 1) above will be incorporated into an annual Training Plan and categorised as "high", "medium" or "low" priority.
- 3) A "high" priority will be given to training that is related to work health and safety or involves mandatory licensing and accreditation requirements relevant to the employee's position.
- 4) The Training Plan will include both personalised training and development opportunities for individual employees as well as generic organisation wide training relating to matters such as WHS, governance and integrity management issues.
- 5) Accurate records of all training activities, including on the job and induction, will be maintained.
- 6) All employees required by Council to attend training will be consulted and given reasonable notice prior to attending the training requirements.

TRAINING COSTS

- 1) Council shall pay course fees for employees required by the employer to undertake training.
- 2) Council shall, for employees required by it to undertake training, either provide transport, or pay reasonable travelling expenses to attend course requirements as per the Local Government (State) Award.
- 3) Council will pay the full cost of accommodation where necessary. Accommodation will be booked and approved by Council and will be of a suitable standard.
- 4) Reasonable sustenance expenditure will be reimbursed by Council on presentation of receipt(s) to the Accounts Payable/ Payroll Officer.
- 5) An employee who attends training outside their normal working hours will not be paid overtime however reasonable time in lieu may be granted by Council.

3.9 Training

*Revised by Council 15 November 2021
Refer minute 222/21*

Revised by Council 19 November 2018
Refer minute 320/18

Adopted by Council 17 August 2009
Refer minute 283/09

Amendments adopted by Council – 17 July 2000
Refer Minute No. 22273

3.10 Equal Employment Opportunity

POLICY TITLE: EQUAL EMPLOYMENT OPPORTUNITY

FILE REF: SC287

EXPIRY DATE: NOVEMBER 2021

OBJECTIVES

To prevent employment discrimination and to promote equal employment opportunity thereby ensuring compliance with the Anti-Discrimination Act, 1977 and the Local Government Act, 1993.

POLICY STATEMENT

Equal Employment Opportunity (EEO) means that all employees receive fair and equitable treatment in the workplace.

In the policies and practices of Council there shall be no discrimination in respect of age, sex, marital or domestic status, race or ethno-religious background, disability, homosexuality, transgender, or carers' responsibilities.

Selection of individuals for employment, promotion or advancement, training and staff development will be on the basis of personal merit in fair and open competition according to the skills, abilities, qualifications, experience, knowledge and efficiency relative to the position.

No employee of Council shall be impaired in or detracted from performing their day to day activities through discriminatory practices or ideals.

This policy on Equal Employment Opportunity reflects the desire of Council and senior management to enjoy a workplace free of discrimination where each individual has the opportunity to progress to the extent of his or her ability.

EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN

EEO is fundamental to good human resource management. Council in accordance with the Local Government Act (1993) has prepared an Equal Employment Opportunity Management Plan.

This Management Plan states the objectives, actions and targets to achieve Council's overall strategy for equal employment opportunity in the workplace. It complements this Policy and ensures compliance with the Policy.

EQUAL EMPLOYMENT OPPORTUNITY OFFICER

The Equal Employment Opportunity Officer has the overall responsibility for the implementation and co-ordination of the Equal Employment Opportunity Management Plan.

The EEO Officer for Lockhart Shire Council is the incumbent Human Resources/Work Health and Safety Coordinator, however, Council recognises that EEO is the responsibility of all persons in the Council and as such will ensure advice on EEO matters is available on an ongoing basis to all staff.

All employees of Council have a legal and moral responsibility to treat each other fairly and are expected to fulfil these responsibilities as a condition of employment.

*Revised by Council 21 November 2021
Refer minute 222/21*

Revised by Council 19 November 2018
Refer minute 320/18

Adopted by Council 17 August 2009
Refer minute 283/09

Amendments adopted by Council – 17 June 2002
Refer Minute No. 23118

3.11 Smoke-Free Workplace

POLICY TITLE: SMOKE-FREE WORKPLACE

FILE REF: SC67

REVIEW DATE: FEBRUARY 2026

OBJECTIVES

The aim of this policy is to ensure a Smoke-Free Workplace during working hours.

For the purposes of this policy “smoking” includes Environmental Tobacco Smoke (ETS) as well as vaping. The difference between traditional smoking and vaping is that smoking delivers nicotine by burning tobacco whilst vaping can deliver nicotine by heating a liquid.

FOCUS

This policy applies to all employees, contractors, and visitors to Council's work sites.

The focus of this Policy is to eliminate or reduce the risk associated with passive smoking/vaping in the workplace. Given that ETS is a major airborne contaminant, employers who continue to allow smoking in their workplace may be in breach of the *Work Health and Safety Act 2011*. In this regard:

Section 17 of the Act imposes a duty to:

- a) Eliminate risks to health and safety, so far as is reasonably practicable, and
- b) If it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable.

Section 19 of the Act requires the provision and maintenance of a work environment without risks to health and safety.

POLICY STATEMENT

1. Smoking is not permitted at any time in or around any Council workplace. This includes:
 - a) All Council owned or controlled buildings and enclosed structures
 - b) All Council vehicles and items of plant
 - c) All Council work sites whether in the open air or not.
2. Staff are not permitted to leave the workplace to smoke. Whilst not encouraging such departure for the purpose of smoking, Council acknowledges staff are entitled to leave the workplace during a non-paid break.
3. It is the responsibility of all supervisors and employees to ensure that no employee, contractor and/or visitor, smokes whilst on a Council work site. Employees who fail to look after the safety of other people at work by not complying with Council's Smoke-Free Workplace Policy may be in breach of the *Work Health and Safety Act 2011*.
4. Council will give assistance to any employee who wishes to quit smoking/vaping by way of counselling and/or financial assistance. An employee can contact Council's Human Resources/Work Health and Safety Co-ordinator for further information and all enquiries will be treated as confidential.
5. Employees found breaching Council's Smoke-Free Workplace Policy may be disciplined in accordance with the disciplinary procedures contained in the *Local Government (State) Award*.

*Adopted by Council 20 February 2023
Refer minute 15/23*

*Reviewed by Council 5 February 2018
Refer minute 23/18*

*Adopted by Council 15 March 2021
Refer minute 38/21*

*Adopted by Council 17 August 2009
Refer minute 283/09*

3.12 Provision of Indoor Staff Uniform

POLICY TITLE: PROVISION OF INDOOR STAFF UNIFORM

FILE REF: SC67

EXPIRY DATE: MARCH 2026

OBJECTIVES

To make available a corporate uniform for indoor staff, which is comfortable to wear, promotes local government and Council's image and enhances employee morale.

POLICY STATEMENT

1. Application of the Policy

This section of the policy applies to all indoor administration and management staff, and any other approved staff as deemed appropriate by the General Manager.

2. Supply of Uniform

Council will contribute a one-off payment of up to \$250 towards the cost of any uniform garment that meets the requirements of the Approved Occupational Clothing Guidelines for each new staff member at the completion of their 6-month probation period.

Further, Council will contribute up to \$250 per annum (July to June) per existing employee towards the cost of any uniform garment that meets the requirements of the Approved Occupational Clothing Guidelines,

3. Supply of Personal Protective Equipment

All permanent and temporary indoor staff required to work outdoors from time to time on work sites are eligible for protective clothing and personal protective equipment in accordance with Policy 3.1 Provision of Protective Clothing/Equipment.

4. Standard Clauses

The wearing of a uniform by staff is not compulsory.

Each staff member is responsible for the cleaning and repair of their uniform.

Confirmed by Council 20 March 2023
Refer minute 47/23

Adopted by Council 16 March 2020
Refer minute 49/20

Adopted by Council 17 August 2015
Refer Minute No. 197/15

Reviewed by Council 20 July 2015
Refer Minute No. 159/15

Amended by Council 17 August 2009
Refer minute 283/09

Reviewed by Council – 20 March 2000
Refer Minute No. 22137

3.13 Rescinded – Accrualment of Long Service Leave

RESCINDED 21 SEPTEMBER 2020
Resolution No. 196/20

3.14 Complaints Management

POLICY TITLE: COMPLAINTS MANAGEMENT

FILE REF: SC95

EXPIRY DATE: FEBRUARY 2027

OBJECTIVE

The objective of this Complaints Management Policy is to improve customer service in all areas.

POLICY STATEMENT

Lockhart Shire Council aims to promote integrity, ethical conduct and accountability.

In pursuing this aim, one of Council's responsibilities is to receive and act upon complaints from external sources, which relate to any aspect of Council's operations or services.

Council will handle complaints in a professional, respectful and timely manner in order to resolve the issues raised by complainants.

Council will support fully any investigations by external agencies such as the Independent Commission Against Corruption (ICAC), the NSW Ombudsman and Office of Local Government.

PROCEDURE

Lodging Complaints

Complaints may be lodged with Council in the following ways:

- a) By telephone
- b) In person
- c) In writing including by facsimile, email or other electronic means.

Recording of Complaints

- a) All complaints received by Council will be recorded in Council's Electronic Document Management System or Customer Requests Management System.
- b) When a complaint is made in person, subject to the gravity of the complaint, staff and volunteers in the field will advise the complainant to contact Council's office by formal means.
- c) When a complaint is made in person to a Councillor, the Councillor should assess the gravity of the situation and contact the General Manager.
- d) Where a complainant is requesting a service, and there are no prior indications of failure to provide that service to the complainant, the request will be recorded as an 'action request' rather than a complaint.

Complaint Handling

- a) Complaints received by Council concerning Council affairs will be referred to the appropriate staff member at Director or Supervisor level to investigate in the first instance.
- b) Should the processes undertaken by the Director or Supervisor fail to resolve the complaint, or the outcome be regarded as unsatisfactory to the complainant, the Director or Supervisor will refer the complaint to the General Manager for further review.
- c) Council may seek to use alternative dispute resolution methods to resolve the complaint in circumstances where such a course of action is deemed appropriate by the General Manager.
- d) The General Manager may authorise internal investigations and notification to external agencies where appropriate.
- e) Council may engage external assistance to undertake the investigation where the initial investigation discloses a serious or complex situation beyond the Council's resources and investigative capabilities.

3.14 Complaints Management (cont'd)

Communication with Complainant

- a) Within seven working days of receipt of a complaint, in circumstances where a complainant has provided his/her name, address and contact details, the staff member responsible for handling the complaint will provide acknowledgement of receipt of the complaint to the complainant. Such acknowledgement may be by telephone or in writing as appropriate.
- b) The staff member responsible for handling the complaint will ensure that the complainant is kept informed of progress regarding investigation and resolution of the complaint.
- c) The staff member responsible for handling the complaint will provide written advice to the complainant as to the outcome of investigations. Where appropriate the complainant will also be advised of any measures taken to minimise chances of the issue(s) underlying the complaint occurring again.

Confidentiality

- a) Council will ensure that confidentiality is maintained in regard to complaints received.
- b) Staff receiving and recording complaints alleging corrupt conduct, pecuniary interest, maladministration or improper use of positions must ensure that all allegations contained therein, are not discussed other than with the Public Officer and/or General Manager.
- c) Council will take all care that reporting of complaints about Council activities will not result in the complainant experiencing any form of victimization or retribution as a result of the complaint.

Malicious, Frivolous and Vexatious Complaints

- a) All complaints received by Council will be treated with the utmost seriousness. However if, following investigation, a complaint is found to be malicious, frivolous, or vexatious, Council will take no further action on the complaint.
- b) A decision to take no further action will be made by a member of staff at the level of Director or General Manager and the complainant will be informed of the decision in writing.

SPECIFIC TYPES OF COMPLAINTS

- a) Policy 1.18 Public Interest Disclosures and Reporting System provides a clear procedure for Councillors and staff of Lockhart Shire Council to follow so that corrupt conduct, and maladministration, serious and substantial waste of public money and government information contravened can be revealed, investigated and dealt with by appropriate corrective action.
- b) 'Corrupt conduct' is defined in the Independent Commission Against Corruption Act (s.8). The definition used in the Act is intentionally quite broad – corrupt conduct is defined to include the dishonest or partial exercise of official functions by a public official. Conduct of a person who is not a public official, when it adversely affects the impartial or honest exercise of official functions by a public official, also comes within the definition.
- c) 'Maladministration' is defined in the Public Interests Disclosures Act as 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.
- d) 'Serious and Substantial waste' is the uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which could result in a loss/wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of council.
- e) A 'government information contravention' is a failure to properly fulfil functions under the Government Information (Public Access) Act.
- f) Policy 1.18 Public Interest Disclosures and Reporting System also outlines how these types of complaints can be reported internally within Lockhart Shire Council or externally to the relevant agencies as outlined below.
 - Independent Commission Against Corruption (ICAC) — for corrupt conduct
 - Ombudsman — for maladministration
 - Office of Local Government — for serious and substantial waste in local government
 - Information and Privacy Commissioner — for disclosures about a government information contravention.

RELATED DOCUMENTS

This Policy should be read in conjunction with the following documents:

- Policy 1.4 Code of Conduct
- Policy 1.5 Privacy Plan and Privacy Code of Practice

3.14 Complaints Management (cont'd)

- Policy 1.6 Statement of Business Ethics
- Policy 1.7 Fraud Control Policy
- Policy 1.18 Public Interest Disclosures and Reporting
- Policy 1.24 Bribes, Gifts and Benefits Policy
- Policy 3.3 Bullying and Harassment

*Adopted by Council – 19 February 2024
Refer Minute No. No. 26/24*

*Adopted by Council – 15 February 2021
Refer Minute No. No. 17/21*

*Confirmed by Council 17 August 2009
Refer Minute No. 283/09*

*Adopted by Council – 19 February 2001
Refer Minute No. 22516*

3.15 Incident/Accident Investigation

POLICY TITLE: INCIDENT/ACCIDENT INVESTIGATION

FILE REF: SC278

EXPIRY DATE: FEBRUARY 2027

OBJECTIVES

To provide guidelines to assist Council comply with its obligations under the Work Health and Safety Act 2011 and support the concept of risk management so as to minimise accidents and incidents in the workplace.

POLICY STATEMENT

Lockhart Shire Council will carry out a preliminary review of all incidents, accidents, near misses and hazards which occur at its place of work within two (2) working days of being given notice by the employee or other third parties with a view to determining whether a more comprehensive investigation is warranted.

Council will apply the principles of risk management in performing its investigations. Council's Incident/Accident Investigation Procedure will be used to conduct all investigations associated with these occurrences.

It is the responsibility of the relevant Director to ensure all investigations are carried out in accordance with the Incident and Reporting Investigation Procedure.

PROCEDURE

1. The employee involved in the incident/accident or near miss MUST notify their immediate Supervisor IMMEDIATELY after the occurrence.
2. In the event of a death/serious workplace incident SafeWork NSW must be notified IMMEDIATELY by phoning 131 050 and the area around the incident must not be disturbed except to assist any injured persons and to avoid further injuries and problems.
3. Serious workplace incidents are also to be reported to the Police.
4. The employee(s) involved in an incident/accident which involves injury or property damage is/are required to complete Council's Injury/ Incident/ Near Miss Report Form and forward it to the relevant Director within 24 hours of the occurrence. In the event that they are unable to complete the Injury/ Incident/ Near Miss Report Form either a witness or Supervisor MUST complete it on their behalf and forward it to the relevant Director within 24 hours of the occurrence.
5. All 'near misses' and hazards identified MUST be reported by the employee(s) involved using Council's Incident Report Form. This report must be forwarded to the relevant Director within 24 hours of the occurrence.
6. The relevant Director (or a person delegated by them) will conduct a preliminary review within two (2) working days of receiving an Injury/ Incident/ Near Miss Report Form from an employee with a view to determining whether a more comprehensive investigation is warranted.
7. It is the responsibility of the relevant Director to ensure that a thorough investigation is conducted into all incidents, accidents, near misses, and/or reported hazards that occur at Council's place of work. In conducting these investigations a risk management approach shall be exercised in determining the most appropriate controls to minimise the risk associated with workplace hazards.
8. On completion of an incident/accident investigation process, corrective action and a specified time frame for corrective action SHALL be recommended by persons undertaking the investigation using the Injury/ Incident/ Near Miss Report Form.
9. The relevant Director is responsible for ensuring that appropriate corrective action is implemented within the specified time frame indicated on the report form. This will assist in eliminating and/or reducing the risk associated with the workplace hazard identified on the Injury/ Incident/ Near Miss Report Form. In the event that resources are not immediately available to the Director to enable corrective action the matter will forthwith be reported to the General Manager with appropriate recommendations for consideration.

WORK HEALTH & SAFETY COMMITTEE

1. The Work Health & Safety Committee can, in consultation with the relevant Director, carry out an inspection of Council's place of work at any time following an accident or possible hazardous situation which is brought to the attention of the Committee.
2. The Work Health & Safety Committee can make recommendations to Council to ensure the health and safety of persons at that place of work.

3.15 Incident/Accident Investigation (cont'd)

3. It is the objective of Council that persons required to conduct Incident/Accident Investigations will have completed an accredited Accident Investigation training course.

Adopted by Council – 19 February 2024

Refer Minute No. 26/24

Adopted by Council – 15 February 2021

Refer Minute No. 17/21

Adopted by Council 17 August 2009

Refer minute 283/09

Amendments Adopted by Council – 20 June 2005

Refer Minute No. 24669

Adopted by Council – 18 June 2001

Refer Minute No. 22703

3.16 Drugs & Alcohol in the Workplace

POLICY TITLE: DRUGS & ALCOHOL IN THE WORKPLACE

FILE REF: SC67

REVIEW DATE: MARCH 2026

OBJECTIVE

The objective of this Policy is to deal with Alcohol and other Drugs and their effect on workers' fitness for work whilst performing duties at Lockhart Shire Council (the "Council") and to ensure that Council has a mechanism to appropriately manage the misuse of alcohol and other drugs in the workplace through training, education and where required, rehabilitation.

It is the goal of Council to:

- a) Eliminate the risks associated with the misuse of alcohol and other drugs, thereby providing a safer working environment.
- b) To reduce the risks of alcohol and other drugs impairment in the workplace; and
- c) To promote a supportive culture that encourages a co-operative approach between management and workers and builds on the shared interest in workplace health and safety.

DRUGS IN THE WORKPLACE

The use of unprescribed (illicit) drugs by employees is prohibited and will not be tolerated by Council in the workplace and/or in circumstances where it affects an employee's fitness for duty or work performance. Council's workplace includes council premises, parks, reserves, vehicles, plant or any council building or physical asset.

Council endorses the use of random drug testing in the workplace as a mechanism for reducing the risk of alcohol and drug impairment and ensuring a safe working environment.

ALCOHOL IN THE WORKPLACE

The use of alcohol by employees is prohibited and will not be tolerated by Council in the workplace and/or in circumstances where it affects an employee's fitness for duty or work performance. Council's workplace includes council premises, parks, reserves, vehicles, plant or any council building or physical asset. In instances where the Council Chambers is being used for post council meeting dinners, community meetings, civic or social functions this Policy shall not apply.

PRESCRIBED DRUGS OR MEDICATIONS

An employee/contractor must advise their Supervisor if they are taking any prescribed drug or medication that may affect their fitness for duty or work performance. It is important that the employee find out from their doctor or pharmacist what effects the prescribed drug will have on their work performance.

SUPERVISOR RESPONSIBILITIES

It is the responsibility of all Supervisors to ensure that no employee/contractor commences or continues work if they appear to be affected by alcohol, drugs, medication or other substances that may affect their fitness for duty or work performance.

EMPLOYEE RESPONSIBILITIES

Employees/contractors must ensure that they do not attend work in a condition that renders them unfit for their normal duties.

ALCOHOL AND OTHER DRUGS PROCEDURE

An Alcohol and Drugs Procedure has been developed which outlines how the objectives of the Policy will be met including details of the Council's random drug testing program.

RELATED DOCUMENTS

This policy should be read in conjunction with:

- a) Work Health & Safety Act 2011
- b) Work Health and Safety Regulation 2017

3.16 Drugs & Alcohol in the Workplace (cont'd)

c) Alcohol and Other Drugs Procedure PR016

Adopted by Council – 20 March 2023
Refer Minute No. 47/23

Adopted by Council – 16 March 2020
Refer Minute No. 49/20

Amendments adopted by Council – 17 June 2014
Refer Minute No. 157/14

Adopted by Council 17 August 2009
Refer minute 283/09

Amendments adopted by Council – 20 June 2005
Refer Minute No. 24669

Adopted by Council – 16 March 2003
Refer Minute No. 23507

3.17 Work Health & Safety Consultation

POLICY TITLE:	WH&S CONSULTATION
FILE REF:	005-005
EXPIRY DATE:	TWO YEARS FROM THE DATE OF ADOPTION

OBJECTIVES

Lockhart Shire Council is committed to the process of consultation with employees to improve decision making on matters that affect their health, safety and welfare at work. This Policy aims to ensure that Lockhart Shire Council complies with the Work, Health and Safety Act 2011.

LEGISLATIVE BASIS

Duty to Consult

The person conducting a business or undertaking must, so far as is reasonably practicable, consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety.

Nature of Consultation

Consultation requires:

- 1) That relevant information about the matter is shared with workers, and
- 2) That workers be given a reasonable opportunity:
 - a) To express their views and to raise work health or safety issues in relation to the matter, and
 - b) To contribute to the decision-making process relating to the matter, and that the views of workers are taken into account by
- 3) The person conducting the business or undertaking, and
- 4) That the workers consulted are advised of the outcome of the consultation in a timely manner.

If the workers are represented by a health and safety representative, the consultation must involve that representative.

When Consultation is Required

Consultation is required in relation to the following health and safety matters:

- 1) When identifying hazards and assessing risks to health and safety arising from the work carried out or to be carried out by the business or undertaking,
- 2) When making decisions about ways to eliminate or minimise those risks,
- 3) When making decisions about the adequacy of facilities for the welfare of workers,
- 4) When proposing changes that may affect the health or safety of workers,
- 5) When making decisions about the procedures for:
 - a) Consulting with workers, or
 - b) Resolving work health or safety issues at the workplace, or
 - c) Monitoring the health of workers, or
 - d) Monitoring the conditions at any workplace under the management or control of the person conducting the business or undertaking, or
 - e) Providing information and training for workers, or
 - f) When carrying out any other activity prescribed by the regulations for the purposes of this section.

3.17 Work Health and Safety Consultation (cont'd)

POLICY STATEMENT

Commitment Statement

Council is committed to consulting with its workers in relation to WHS matters.

Council will achieve this by:

- 1) Promoting and supporting a consultative process to ensure that employees contribute to the making of decisions affecting their health, safety and welfare at work.
- 2) Sharing relevant WHS information and providing opportunities for employees to express their views and contribute to the resolution of WHS and welfare issues before decisions are made.
- 3) Consulting with employees on the type of consultative arrangement they wish to have at their place of work, i.e.:
 - a) WHS Committees;
 - b) Health and Safety Representatives; or
 - c) Other arrangements agreed by the employer and employees.

Responsibilities

In the event that a WHS issue arises in the workplace the Director, Manager and/or Supervisor will respond and act immediately. This will involve:

- Consulting with Supervisors and employees on the WHS issue;
- Providing satisfactory information and feedback to Supervisors/Employees regarding the WHS issue.

Employees are encouraged to provide feedback to Managers and/or Supervisors regarding WHS issues that arise in the workplace.

Work Health and Safety Workplace Committee

The Work Health and Safety Workplace Committee will endeavour to reach consensus on all aspects of the organisation's Work Health and Safety Policy and Program through the process of joint consultation. To this end, each committee meeting will be attended by employer representatives who have the necessary authority to make recommendations/decisions on behalf of Council for each of the matters discussed.

Revised by Council 19 November 2018
Refer minute 320/18

Adopted by Council 17 August 2009
Refer minute 283/09

Adopted by Council – 20 June 2005
Refer Minute No. 24669

Adopted by Council – 17 March 2003
Refer Minute No. 23507

3.18 Credit Card and Fuel Card Use

POLICY TITLE: CREDIT CARD USE

FILE REF: SC67

REVIEW DATE: MARCH 2027

OBJECTIVES

The purpose of this Policy is to:

- 1) Establish rules for the use of credit cards and fuel cards issued by Council.
- 2) Ensure that organisational transactions are carried out as efficiently as possible through the use of corporate credit cards when appropriate.
- 3) To provide an alternative mechanism for the purchase of fuel for Council supplied vehicles.
- 4) Guard against any possible misuse of corporate credits cards and fuel cards issued by Council.
- 5) Ensure the use of corporate credit cards and fuel cards is in accordance with the relevant legislation.

CREDIT CARDS

Issue of Corporate Credit Cards

The issue of corporate credit cards will be restricted to the holders of the following positions within the organisation:

- 1) Mayor
- 2) General Manager
- 3) Director Corporate and Community Services
- 4) Director Engineering
- 5) Director Planning and Environment

Other positions may be added to the list with the approval of the Council.

Each corporate credit card will be issued to a specific person who will remain personally responsible for the use of the card. No more than one card shall be issued per cardholder.

The recipient of the credit card will be required to sign a document acknowledging and agreeing to the conditions of use outlined in this Policy (refer Schedule A attached).

Credit Limit

There is only one Council credit card account, to which the four (4) credit cards are linked, with an aggregate maximum limit of \$25,000.

This limit may be varied by the council.

Credit Card Usage

The use of corporate credit cards shall be subject to the following conditions:

- 1) The credit card shall only be used for those activities that are directly related to the cardholder's function within the Council.
- 2) The credit card shall not be used for prohibited or illegal purchases or purchases that may bring the name of the Council into disrepute.
- 3) A cardholder may use the credit card to pay a claim that includes both official and coincidental private expenditure. In such cases the cardholder must reimburse the Council for any coincidental private expenditure.
- 4) Cardholders shall not authorise their own expenditure. The Mayor shall approve the General Manager's credit card transactions. The General Manager shall approve the monthly statement of all other cardholders.
- 5) Cardholders shall not obtain cash advances through the use of a corporate credit card.

3.18 Credit Card and Fuel Card Use

Cardholder Responsibilities

It shall be the responsibility of cardholders to:

- 1) Obtain and retain sufficient supporting documentation to validate the expense and attach these to the monthly statement from the bank;
- 2) Review the monthly statement and verify that the goods and/or services listed were received and report any inaccuracies to the Director of Corporate and Community Services;
- 3) Sign the monthly statement to verify that the transactions have been made for official purposes;
- 4) Take adequate measures to ensure the security of the credit card;
- 5) Notify the bank and the Director of Corporate and Community Services immediately if the card is lost or stolen or if any unauthorised transaction is detected or suspected;
- 6) Return the card to the Director of Corporate and Community Services if the cardholder resigns, the General Manager has determined that there is no longer a need for the cardholder to retain his/her credit card or the credit card has been cancelled by the bank.

Withdrawal of Corporate Credit Cards

A corporate credit card may be withdrawn or cancelled for the following reasons:

- 1) The cardholder ceases to be an employee of the Council;
- 2) It is determined that there is no longer a need for the cardholder to have a credit card purchasing facility;
- 3) Misuse of the credit card by the cardholder including inappropriate expenditure or non-compliance with the conditions of use set out in this Policy.

Lost/Stolen Cards

Lost or stolen cards must be cancelled as soon as possible by telephoning the Bendigo Bank on 1300 366 666 (24 hrs). Details of the cancellation including the Bank's reference number, date and time are to be forwarded to the Director of Corporate and Community Services.

Replacement of Damaged Cards

Damaged cards can be replaced by returning it to the Director of Corporate and Community Services and requesting a replacement card. On arrival of the new card the cardholder will be notified to collect it from the Bendigo Bank.

Payment of Credit Card

The Director of Corporate and Community Services will arrange payment of the credit card statement at the end of each month to avoid incurring interest charges.

FUEL CARDS

Issue of Fuel Cards

- 1) The Director Corporate and Community Services will be responsible for issuing fuel cards to employees who are provided with a Council vehicle in the course of their employment.
- 2) The recipient of the fuel card will be required to sign a document acknowledging and agreeing to the conditions of use outlined in this Policy (refer Schedule B attached).
- 3) The Director Corporate and Community Services will maintain a register of all employees who have been issued with a Council fuel card.
- 4) Notwithstanding 1) above, a fuel card may be issued for the purposes of purchasing unleaded fuel for all small plant items such as lawn mowers, line trimmers etc.

Fuel Card Usage

- 1) The fuel card must only be used for the vehicle it is assigned to and must not be utilised to refuel another vehicle.
- 2) The fuel card must be retained with the associated vehicle at all times.
- 3) The "small plant" fuel card shall be kept securely at Council's depot under the control of the Storeperson who may issue it to users of small plant items as needed.

3.18 Credit Card and Fuel Card Use

Cardholder Responsibilities

It shall be the responsibility of cardholders to:

- 1) Initial the fuel receipt issued at the fuel outlet.
- 2) Forward all fuel receipts to the Accounts Payable/Payroll Officer in a timely manner.
- 3) Take adequate measures to ensure the security of the fuel card.
- 4) Notify the Director Corporate and Community Services immediately if the fuel card is lost or stolen.
- 5) Return the fuel card to the Director Corporate and Community Services on request.
- 6) Users of the "small plant" fuel card are required to initial the fuel receipt and return it with the fuel card to the Storeperson. The Storeperson is responsible for forwarding the receipts to the Accounts Payable/ Payroll Officer in a timely manner.

Withdrawal of Fuel Cards

A fuel card may be withdrawn or cancelled for the following reasons:

- 1) The cardholder ceases to be an employee of the Council.
- 2) It is determined that there is no longer a need for the cardholder to have a fuel card.
- 3) Misuse of the fuel card by the cardholder including non-compliance with the conditions of use set out in this Policy.

Lost/Stolen and Damaged Fuel Cards

- 1) Lost or stolen cards must be cancelled as soon as possible by notifying the relevant fuel company.
- 2) Damaged cards can be replaced by returning it to the Director Corporate and Community Services and requesting a replacement card.

Payment of Fuel Card Statement

The Director of Corporate and Community Services will arrange payment of the monthly fuel statement at the end of each month.

*Adopted by Council 18 March 2024
Refer minute 47/24*

*Adopted by Council 19 June 2023
Refer minute 104/23*

*Reviewed by Council 16 May 2022
Refer minute 106/22*

*Reviewed by Council 20 May 2019
Refer minute 131/19*

*Reviewed by Council 21 October 2018
Refer minute 280/18*

*Confirmed by Council 17 August 2009
Refer minute 283/09*

*Adopted by Council – 20 June 2005
Refer Minute No. 24662*

SCHEDULE A
Corporate Credit Card
Cardholder Approval and Acknowledgement

Approval

Cardholder's Name:
Position:
General Manager's Signature:
Date:

Acknowledgement

<p>I acknowledge receipt of the Lockhart Shire Council Corporate Credit Card and agree that:</p> <ol style="list-style-type: none"> 1) I will not use the Corporate Credit Card, nor permit it to be used, other than for official Council purposes. 2) I will not use the credit card for prohibited or illegal purchases or purchases that may bring the name of the Council into disrepute 3) I will ensure security of the Corporate Credit Card at all times. 4) If the Corporate Credit Card is lost or stolen, I will immediately report it missing to Council's bank and will also inform the Director Corporate and Community Services. 5) If my position with Lockhart Shire Council changed or my employment terminates, or I am asked to surrender the card for any other reason, I will immediately return the card. 6) I will retain all original supporting documentation that meets the requirements of a tax invoice for presentation to the relevant authorising officer.

Cardholder's Signature

Name of Financial Institution:	
Card No:	Expiry Date:
Cardholder's Signature:	Date:

SCHEDULE B

Fuel Card

Cardholder Approval and Acknowledgement

Approval

Cardholder's Name:
Position:
Director Corporate and Community Services Signature:
Date:

Acknowledgement

I acknowledge receipt of the Lockhart Shire Council Corporate Credit Card and agree that:	
1)	I will not use the Fuel Card, nor permit it to be used, other than for refilling the Council vehicle for which it has been issued.
2)	I will ensure security of the Fuel Card at all times.
3)	If the Fuel Card is lost or stolen, I will immediately report it missing to the Director Corporate and Community Services.
4)	If my position with Lockhart Shire Council changed or my employment terminates, or I am asked to surrender the card for any other reason, I will immediately return the card.
5)	I will retain all fuel receipts and forward them to the Accounts Payable/Payroll Officer in a timely manner.

Cardholder's Signature

Fuel Company Name:	
Card No:	Expiry Date:
Cardholder's Signature:	Date:

3.19 Council Volunteers

POLICY TITLE: COUNCIL VOLUNTEERS

FILE REF: SC67

EXPIRY DATE: NOVEMBER 2026

PURPOSE

1. Lockhart Shire Council recognises volunteers are an integral part of the organisation and a valuable asset to the community.
2. The efforts of volunteers represent a significant contribution towards the successful delivery of Council programs, services, facilities, events and projects for the community and are highly valued by Council.
3. This policy acknowledges the importance of volunteering to a diverse, vibrant, cohesive and sustainable community. The aim of the policy is to formalise the commitment of Council to supporting volunteers.
4. The purpose of this policy is to:
 - a) Ensure that volunteering remains a mutually beneficial activity.
 - b) Recognise the important contribution volunteers make to achieving Council and community goals.
 - c) Clarify the relationship between Council staff and volunteers.
 - d) Provide a safe and healthy workplace for volunteers.
 - e) Identify training requirements to ensure associated activities are undertaken in a safe manner.
 - f) Provide appropriate supervision to ensure activities are satisfactorily performed.
 - g) Ensure Council fulfils its duty of care to volunteers and those impacted by volunteering, including clients, staff and the community.
 - h) Promote a positive volunteering experience with Council.

SCOPE

1. This policy applies to all volunteers of Council and its associated auspiced bodies. Volunteers may be involved in all programs and activities of the organisation and serve at all levels of skill and decision making.
2. Volunteers are defined as persons who undertake activities:
 - a) Without monetary reward
 - b) Of their own free will
 - c) Of benefit to Council and the local community
 - d) That complement but do not replace the services provided by paid staff.
3. Council volunteers include:
 - a) Volunteers who are members of Council managed reference groups and focus groups.
 - b) Volunteers who participate in Council managed projects and events.
 - c) Volunteers who are members of Section 355 Committees of Management which operate Council facilities and venues.
 - d) Volunteers who fundraise and/or participate in other activities associated with Council's facilities or services.
4. Council volunteers do not include:
 - a) People involved in Work for the Dole initiatives.
 - b) People/businesses providing goods and/or services for a fee.

POLICY STATEMENT

1. Volunteer positions will be developed in response to an identified need and where it has been assessed that the need would be more appropriately met by a volunteer. To engage and retain volunteers the work needs to be meaningful, not contrived or designed to 'make work'.
2. Volunteers should not be expected to undertake roles they have not agreed to do. Likewise, volunteers will be placed in activities and programs that match their skills, interests and experience.
3. Volunteers are not paid for their services, nor are they free labour. As with paid staff, in order for volunteers to effectively fulfil their duties and meet legislative requirements, they need access to information and appropriate resources – human, physical and financial. The resources need to be allocated in line with relevant Council policies and the National Standards for Involving Volunteers.
4. Volunteers must comply with all relevant Council policies including, but not limited to policies relating to work, health and safety, confidentiality, bullying and harassment etc. and will attend an appropriate induction program if required by Council.
5. Volunteers are responsible for taking reasonable care for the health and safety of themselves and others.
6. Council is responsible for providing volunteers with a safe work environment.
7. Council may, depending on the nature of the volunteering, require volunteers to undertake an induction program.
8. Council values diversity and welcomes volunteers from all culturally and linguistically diverse backgrounds, and people of all abilities to apply to volunteer at Lockhart Shire Council.

REFERENCE DOCUMENTS

This Policy should be read in conjunction with the following Policies:

Policy 1.11 Section 355 Committees

Policy 2.8 Works for Local Management Committees

Policy 3.1 Provision of Protective Clothing/Equipment

Policy 3.3 Bullying and Harassment

Policy 3.6 Work Health & Safety

Policy 3.11 Smoke Free Workplace Policy

Policy 3.16 Drugs & Alcohol in the Workplace

Confirmed by Council 20 November 2023

Refer minute 219/23

Confirmed by Council 19 October 2020

Refer minute 216/20

3.20 Guidelines for Secondary Employment - Notification of Secondary Employment/Contract Work

POLICY TITLE: GUIDELINES FOR SECONDARY EMPLOYMENT

FILE REF: SC67

EXPIRY DATE: NOVEMBER 2026

OBJECTIVE

The aim of this policy is to provide a framework for notifications and requests by employees to undertake secondary employment.

LEGISLATIVE CONTEXT

Section 353 of the Local Government Act states as follows:

- “353. (1) The general manager must not engage, for remuneration, in private employment or contract work outside the service of the council without the approval of the council.
- (2) A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the council that relates to the business of the council or that might conflict with the member’s council duties unless he or she has notified the general manager in writing of the employment or work.
- (3) The general manager may prohibit a member of staff from engaging, for remuneration, in private employment or contract work outside the service of the council that relates to the business of the council or that might conflict with the member’s council duties.
- (4) A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the council if prohibited from doing so under subsection (3).”

PROCEDURE

Any request from the General Manager for approval to engage, for remuneration, in private employment or contract work outside the service of the Council should be submitted in writing to the Mayor and referred to Council.

Any staff member wishing to be involved in secondary employment/contract work additional to their Council employment, which relates to the business of the council or that might conflict with the staff member’s council duties, for which payment or in-kind benefit is received, must apply in writing for approval from the General Manager.

As a guideline the following conditions should be met:

- a) Secondary employment/contract work for which payment or in-kind benefit is received will be carried out in the employee’s own time.
- b) The likely timing and duration of the employment will not adversely affect the employee’s performance or productivity with respect to their work with Council.
- c) It will not lead to a conflict of interest, or a fair-minded person perceiving there to be a conflict of interest.
- d) The nature and extent of public contact involved in the secondary employment/contract work and the employee’s position with Council are not in conflict.
- e) It will not involve the use of Council resources, materials or equipment, nor involve the use of Council information and/or commercial in confidence information available to the employee through their Council employment.
- f) The employee acknowledge that Lockhart Shire Council directed work takes precedence over any approved secondary employment.
- g) The employee takes full responsibility for meeting all tax obligations that relate to their paid secondary employment/contract work.
- h) The employee undertakes to act at all times in an ethical manner which does not reflect adversely on or discredit Council.
- i) The employee takes out all necessary insurances to cover the circumstances of your secondary employment/contract work including professional indemnity.
- j) The employee does not engage in secondary employment/contract work while on sick leave from Council.

3.20 Guidelines for Secondary Employment - Notification of Secondary Employment/Contract Work

- k) There is a clear distinction between the employee's travel to and from work as distinct from the employee's travel to and from their secondary employment/contract work which precludes them from workers compensation claims against Lockhart Shire Council.
- l) The employee does not use their position in Council to canvass for work in their secondary employment/contract work.

*Confirmed by Council 20 November 2023
Refer minute 219/23*

*Confirmed by Council 21 September 2020
Refer minute 194/20*

3.21 Risk Management

POLICY TITLE: RISK MANAGEMENT

FILE REF: SC67 and SC228

EXPIRY DATE: MAY 2027

INTRODUCTION

This Policy has been formulated having regard to AZ/NZS ISO 31000:2018. The International Standard acknowledges that, whilst it provides generic guidelines, it is not intended to promote uniformity of risk management across organisations and that the design and implementation of risk management frameworks need to take into account, and be tailored to, the varying objectives, functions and operations of specific organisations.

PURPOSE

Lockhart Shire Council is committed to the development of a robust risk aware and safety culture. Council recognises that risk is inherent in all of its activities and that effective management of risk is necessary in order to protect its employees, assets, liabilities and the general community against potential losses.

This policy aims to ensure that risk management practices are integrated into Council's WHS and Risk Management System (plan) and Council's strategic and operational planning processes.

SCOPE

The scope of risk management at Lockhart Shire Council will be 'enterprise wide'. This means that Council recognises that it is exposed to a diverse and complex array of potential risks due to the nature of its activities and the natural, social and business environment in which it operates. Council will consider risks across all Council strategies, plans, activities and processes.

This policy applies to all Councillors, management, staff, contractors and volunteers across all Council activities.

DEFINITIONS

- "Risk" – the effect of uncertainty on objectives.
- "Risk management" – the coordinated activities to direct and control an organisation with regard to risk.
- Risk Management Policy – a statement of the overall intentions and direction of an organisation related to risk management.
- Risk Management System (plan) – specifies the approach, the management components and resources to be applied to the management of risk.
- "Event" – the occurrence or change of a particular set of circumstances.
- "Likelihood" – the chance of something happening.
- "Consequence" – the outcome of an event.

ORGANISATIONAL CONTEXT

Existing Strategic Plans and Corporate Objectives

Council's Integrated Planning and Reporting (IP&R) framework comprises its 10-year Community Strategic Plan, four-year Delivery Program, Annual Operational Plan as well as its Resourcing Strategy which includes its Long Term Financial Plan, Workforce Management Plan and Asset Management Plans.

Key actions contained in Council's 2017-2021 Delivery Program and relevant to its risk management framework include:

- "Continue to enhance sound financial management policies and practices".
- "Continue the development of asset management strategy and plans.
- Meet all governance and regulatory requirements in the conduct of Council operations.
- Minimise Council's exposure to risk and promote a strong risk management culture within Council.

3.21 Risk Management (cont'd)

- *Ensure appropriate IT systems are in place to support service delivery and accountability requirements.*
- *Maintain and develop a Records Management System that meets the needs of the organisation, the community and legislative requirements.*
- *Attract and retain a quality workforce”.*

RISK MANAGEMENT RATIONALE AND POLICY PRINCIPLES

Lockhart Shire Council is committed to ensuring a strong risk management culture exists. Council's commitment aligns with the Community Strategic Plan, specifically:

“E1: Plan for the long-term sustainability of the Shire.

Minimise Council's exposure to risk and promote a strong risk management culture within Council.”

Council will undertake a range of activities to help promote and embed enterprise-wide risk management policies by:

- Managing risk based on AZ/NZS ISO 31000:2018 Risk Management and other relevant guidelines and standards.
- Maintaining policies that complement risk management such as fraud prevention, business continuity planning, WH&S, good governance and code of conduct.
- Aligning risk management to Council's existing planning and operational processes.
- Allocating sufficient funding to risk management activities.
- Providing Council staff with sufficient and appropriate training.
- Including risk management information and updates in Council reports and on Council intranet/internet sites.
- Maintaining WHS practices and procedures.
- Making informed judgements concerning the level and costs of risk involved in achieving cost- effective outcomes.

The Council recognises that while some risks encourage innovation and better performance, uncontrolled risks can lead to adverse exposure or loss, thus preventing the Council from effectively and efficiently meeting its goals. Council supports the following principles as listed in AS/NZS ISO 31000:2018:

- Risk management creates and protects value.
- Risk Management contributes to the demonstrable achievement of objectives and improvement of performance on, for example, human health and safety, security, legal and regulatory compliance, public acceptance, environmental protection, product and service quality, project management, efficiency in operations, governance, and reputation.
- Risk management is an integral part of all Council processes.
- Risk management is not a stand-alone activity that is separate from the main activities and processes of Council. Risk management is part of the responsibilities of management and an integral part of all Council's processes, including strategic planning and all project and change management processes.
- Risk management is a part of decision-making.
- Risk management helps decision makers make informed choices, prioritise actions and distinguish among alternative courses of action.
- Risk management explicitly addresses uncertainty.
- Risk management explicitly takes account of uncertainty, the nature of that uncertainty, and how it can be addressed.
- Risk management is systematic, structured and timely.
- A systematic, timely and structured approach to risk management contributes to efficiency and consistent, comparable and reliable results.
- Risk management is tailored.
- Risk management is aligned with Council's external and internal context and risk profile.
- Risk management considers human and cultural factors.
- Risk management recognises the capabilities, perceptions and intentions of external and internal people that can facilitate or hinder achievement of Council's objectives.
- Risk management is transparent and inclusive.
- Risk management is dynamic, interactive and responsive to change.

3.21 Risk Management (cont'd)

- Risk management continually senses and responds to change. As internal and external events occur, context and knowledge change, monitoring and review of risks takes place, new risks emerge, some change and others disappear.
- Risk management facilitates continual improvement of Council.
- Council should develop and implement strategies to improve their risk management maturity alongside all other aspects of Council.
- Risk management is based on the best available information.

Appropriate and timely involvement of stakeholders and, in particular, decision makers at all levels of Council, ensures that risk management remains relevant and up to date. Involvement also allows stakeholders to be properly represented and to have their views taken into account in determining risk criteria.

The inputs to the processes of managing risk are based on information sources such as historical data, experience, stakeholder feedback, observation, forecasts and expert judgement. However, decision makers should inform themselves of, and should take into account, any limitations of the data or modelling used or the possibility of divergence among experts.

RESPONSIBILITY

The risk management framework to be effective needs to ensure that there is accountability and authority for implementing and maintaining the risk management process. The allocation of roles and responsibilities for the risk management process in the organisation are outlined below:

- Council – endorse the risk management policy, allocate appropriate resources for risk management, review Risk Register and risk assessments prepared by management and determine risk appetite.
- Audit Risk and Improvement Committee – oversee risk management program and the internal reporting process in particular and provide independent assurance, advice and assistance to Council on risk management, control and governance.
- General Manager - ensure that a risk management process is established, implemented and maintained in accordance with this Risk Management Policy.
- Management Executive (MANEX) – chaired by the General Manager and including all directors is responsible for oversight of the risk management process, for determining an acceptable level of risk and for monitoring Council's overall risk profile and risk treatment strategies.
- Managers/Team Leaders - responsible for the implementation of the Risk Management Policy and WHS policies and procedures within their respective areas of responsibility including the identification, assessment and recording of risks identified, preparation of risk assessments and development and implementation of risk mitigation activities.
- Employees, Contractors and Volunteers – identifying potential risks and for the effective management of risk.

EXISTING POLICIES AND PROCEDURES

Council maintains a register of adopted policies and procedures to facilitate an effective governance and control environment. A Policy Review Timetable has also been established in order to ensure that policies remain subject to ongoing review.

The Policy Review Timetable is premised on all policies being reviewed not later than every three years. However individual policies will be reviewed and amended in advance of the scheduled review date when circumstances warrant. This may be prompted by factors such as a change in legislation, a change in the Council's operating environment, a change in government policy or as a result of a need identified by the Council, management and staff or internal and external audit activities.

RISK ASSESSMENTS

Risk is often characterised by reference to potential events and consequences and expressed in terms of a combination of the consequence of an event and the associated likelihood of occurrence.

Identified risks (potential events) are recorded in a Risk Register.

For the purposes of the Council's risk management framework these criteria and the resultant risk analysis matrix is outlined in Schedule 1.

INTERNAL REPORTING, MONITORING AND REVIEW

Internal reporting and oversight of the risk management process will include the following key elements depending on the nature of the risk:

- Regular reporting to MANEX (Human Resources/ Enterprise Risk Manager)

3.21 Risk Management (cont'd)

- Reporting and certification to Council and the Audit Risk and Improvement Committee (MANEX)
- Internal audit assurance and conduct of internal audit reviews (Internal Auditor)
- External audit assurance and conduct of performance audits (NSW Auditor-General).

ORGANISATION WIDE REVIEW OF RISK

It is important that periodically an organisation wide review of risk is undertaken to provide assurance that all key risks have been identified. Such a review will assist in identifying emerging risks, particular if there are changes to the Council's operating environment.

An organisation-wide review should be undertaken at least every three years or whenever Council embarks on the delivery of a new service not previously provided or there is a significant change to the Council's role or operating environment.

REFERENCE DOCUMENTS

This policy should be read in conjunction with the following Council policies and procedures:

Policy 1.0 Policies – Procedure for Consideration and Adoption

Policy 1.4 Code of Conduct

Policy 1.7 Fraud Control Policy

Policy 1.18 Public Interest Disclosures and reporting

Policy 1.20 Related Party Transactions

Policy 1.22 Legislative Compliance

Policy 1.23 Cyber Security and Information Systems Security

Policy 1.24 Bribes, Gifts and benefits

Policy 2.54 Contract Management

Policy 3.5 Return to Work Program

Policy 3.6 Work Health & Safety Policy

Policy 3.15 Incident/ Accident Investigation

Policy 3.16 Drugs and Alcohol in the Workplace

Policy 3.17 Work Health & Safety Consultation Policy

Adopted by Council on 20 May 2024

Refer Minute No. 81/24

Adopted by Council on 19 April 2021

Refer Minute No. 58/21

Adopted by Council on 16 April 2018

Refer Minute No. 100/18

Adopted by Council 17 August 2009

Refer Minute No. 283/09

Adopted by Council – 21 August 2006

Refer Minute No. 268/06

Schedule 1

Measures of Consequence

Consequence	Example Detail Description
Insignificant	No injuries, low financial loss, no effect outside the organisation.
Minor	First aid treatment, medium financial loss, little effect or knowledge outside the organisation.
Moderate	Medical treatment required, high financial loss, of note at a government/ministerial level, damaging to public image.
Major	Extensive injuries, major financial loss, ministerial/ government involvement to resolve, loss of ministerial confidence in the organisation, serious damage to public image.
Catastrophic	Death, huge financial loss, major intervention by minister/government, grave damage to public image.

Measures of Likelihood

Likelihood	Example Detail Description
Rare	May occur only in exceptional circumstances
Unlikely	Could occur at some time
Possible	Might occur at some time
Likely	Will probably occur in most circumstances
Almost certain	Is expected to occur in most circumstances

Risk Analysis Matrix

Likelihood	Consequences				
	1. Insignificant	2. Minor	3. Moderate	4. Major	5. Catastrophic
1. Rare	1 - Low Risk	2 - Low Risk	3 - Low Risk	4 - Low Risk	5 - Medium Risk
2. Unlikely	2 - Low Risk	4 - Low Risk	6 - Low Risk	8 - Medium Risk	10 - Medium Risk
3. Possible	3 - Low Risk	6 - Low Risk	9 - Medium Risk	12 - Medium Risk	15 - High Risk
4. Likely	4 - Low Risk	8 - Medium Risk	12 - Medium Risk	16 - High Risk	20 - High Risk
5. Almost Certain	5 - Low Risk	10 - Medium Risk	15 - High Risk	20 - High Risk	25 - High Risk

3.22 Gathering Information

POLICY TITLE: GATHERING INFORMATION

FILE REF: SC228

REVIEW DATE: FEBRUARY 2027

OBJECTIVE

The purpose of this policy is to formulate a systematic approach for collection and retrieval of accurate, relevant information, necessary to protect Council in the defence of public liability and professional indemnity claims and ensure that it constitutes admissible evidence, and that Council has acted in a manner which has fulfilled its duty of care to the public.

Council has prepared a set of procedures based on current Best Practice to assist with this and protect Council's financial position through risk management. The objectives of these procedures are to: -

- Ensure that data recorded on relevant documentation used by Council satisfies the minimum data required under current Best Practice.
- Implement a flowchart that represents a systematic approach to the steps involved in Council's incident reporting procedure.
- Establish a list of all internal and external documentation that may be used in the information gathering process and for the preparation of reports.
- To give Council an effective system, implementing a clear audit trail for investigators to follow as they attempt to reconstruct Council's response to a particular event or activity.
- To assist Council with an effective tool to discourage potential claimants from seeking redress in the courts.

POLICY STATEMENT

Lockhart Shire Council is committed to adopting procedures for gathering and documenting information and developing information systems. This policy provides the minimum data standards for the gathering of information. It is aimed at reducing the information supplied by Council to its lawyers that would otherwise be inadmissible or of little value in the defence of a potential claim.

Council officers will comply with the Best Practice Manual – 'Gathering Information' (issued by Statewide Mutual) and will have a simple systematic and readily useable system for hazard and incident reporting, investigation and remediation. Council and staff will:

- Ensure accurate and systematic recording of relevant data and information; and
- Comply with the minimum data standards for the gathering of information as contained in this policy.

The checklist should be used to ensure that all the appropriate data is gathered and contains the appropriate information. Relevant information must be appropriately recorded in Council's Electronic Document and Records Management System, Content Manager, and in accordance with the State Records Act 1998. Council will, within its budgetary constraints and using existing information systems available, endeavour to ensure accurate and systematic information is gathered.

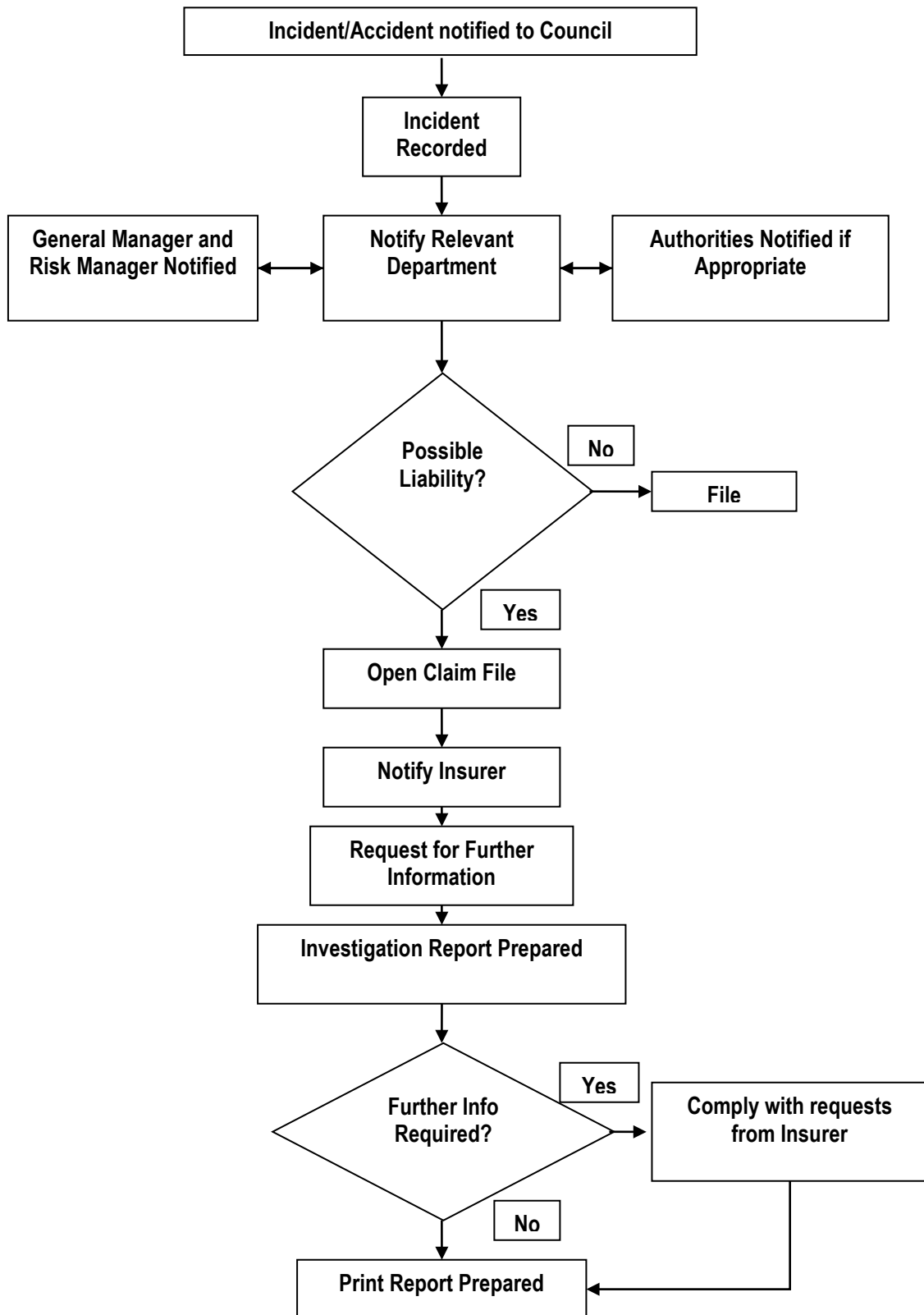
RELATED DOCUMENTATION

Attached as follows:

1. Appendix A: Incident Procedure Flowchart
2. Appendix B: Minimum Data required to be recorded.
3. Appendix C: Information Gathering Checklist

APPENDIX A

INCIDENT PROCEDURE FLOWCHART



APPENDIX B

MINIMUM DATA REQUIRED TO BE RECORDED

The following attachment is a table representing the minimum data that should be recorded on various types of information, both internally and externally, that is gathered to defend an action in court. This data is believed to be the minimum data that appears on all records, plans, notes or statements. Adopting this minimum set of data will assist Council, Insurers and their defence lawyers.

The need for Council to collect and retrieve accurate information is critical in the defence of a Public Liability Claim. A well organised, comprehensive, and well documented work management system is required. Before this can happen, Council needs to ensure all sources of information used to make decisions are useful.

INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS
1. Works Program	A strategic document that prioritises works, linking timeframe and resources for individual capital works, projects and/or maintenance activities.	Used to highlight Council's level of commitment to its infrastructure relative to its financial strength. Could be used to defend a statement claiming inaction by Council.	Financial year and date of preparation Version number and date of preparation Council minute of change (if appropriate)
2. Action Request (Work or Service Request)	A document requesting work to be completed by Council as a result of a potential risk found by an employee or a member of the public.	Used to highlight Council's identification of risks programme. Could be used to defend a statement claiming inaction by Council.	Date Name of originator Specific location Unique identifier Referred to Priority (<i>currently being developed</i>) Action taken Date action taken Name and signature of person completing action (<i>currently only when physical works carried out</i>)
3. Inspection Record	A pro-forma document used by Council Officers to report on the general condition of the infrastructure and assets of Council.	Used to highlight Council's identification of risks programme. Could be used to show that Council was there, has inspected and made recommendations including repair, thus able to defend a statement claiming negligence by Council	Date Name of inspecting officer Signature of inspecting officer Inspecting officer's position and department Specific location Unique identifier (<i>currently based on date of repair</i>) Recoverable List of recommendations
4. Maintenance Management System	MMS is used for the planning, organising, directing and controlling of maintenance work.	Work scheduling can be used to defend a statement claiming inaction by Council. The system can also record the type of maintenance activity performed at any given time and location. This data could be used to defend a statement claiming inaction or negligence.	Daily running sheet recoverable Date Name and signature of originator (<i>this will not appear on this document, it will be linked to the request or inspection record</i>) List of employees in gang Activity Number of employees Work achieved Location Audit trail
5. Environmental Due Diligence Programmes	A strategic document, dealing primarily with environmental management issues that prioritises works and sets out a timetable for completion.	Used as a defence in the case of a breach under the Protection of the Environment Operations Act (POEO Act) or a third party action claiming negligence or inaction by Council.	Date Name of originator Signature of originator Endorsed by Council Action plan with timetable for completion
6. Time and Plant Sheets	System of recording and allocating labour and plant costs, primarily for the purpose of payroll and project costing.	Useful in verifying the location of staff and resources on a particular day. Can assist in defending a statement claiming negligence by Council.	Date All changes crossed out are to be initialed Signature of employee All relevant data to be completed

3.22 Gathering Information (cont'd)

INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS
7. Diary Entries	Diary entries are often used to record details of the scene of an incident and are regularly the basis of the "Initial Council Report". They can be a source for information such as weather, times, locations etc. as well as staff attendances.	Used for evidence of staff attendances and actions taken or not taken. Could be used to defend a statement claiming negligence by Council.	Name Date Department Unique identifier Black Ink (preferable) Photocopy should show book binding Legible writing All entries signed and dated (full date dd/mm/yy) All activities noted
8. Work Practices/ Procedures	Written procedures produced by Council used to standardise Council's response to a particular task.	Used in verifying that the work undertaken by Council is routine and is performed to a prescribed level of quality. Could be used to defend a statement claiming negligence by Council.	Recoverable Details of implementation Dates
9. Photographs	Pictures of specific locations or job.	Used to provide evidence of the physical appearance of a defect or work at a particular point in time. Could be used to defend a statement claiming negligence by Council.	Date taken recorded preferably on the photograph Photographer and signature Claim Number Location and direction facing at location Colour 35 mm
10. Training Records	A detailed record of the training activities of all members of staff.	Used to verify Council's commitment to ensuring that staff are well trained. Could be used to defend a claim of negligence.	Name of employee Name of trainer Employer of trainer Date of training Title of course(s) Brief course outline Duration of course Indication of successful completion Any results, certificates, licenses etc
11. Standards/ Specifications	A predetermined "benchmark" by which results or performance is measured. The "benchmark" can be set either by the particular industry or Council.	Used to highlight Council's commitment to best practice within its resources. Could be used to defend a statement claiming negligence by Council.	Name of standard Citation number of standard Name of issuing standards organisation Date standard approved/implemented Full copy of standard
12. Site Visits	Routine site inspection documented by the inspecting officer, noting conditions found at the site.	Used to produce a detailed description of the condition of the site at a given point in time. Could be used to defend a statement claiming negligence and/or inaction by Council	Date of visit Location, address of site Name of inspector Names of any additional inspectors, escorts etc. Field notes, photographs, diagrams all to be dated, signed
13. Interviews	As a result of a claim a recorded discussion between the relevant Council employees and the interviewing officer.	This is used to extract fact which dictates the course of the investigation. Could be used to defend a statement claiming negligence and/or inaction by Council.	Name of interviewer Name of individual being interviewed Job title of staff being interviewed Date of interview Time of interview Location interview taken Witness to interview Typed format for interview notes
14. Statements	Is a first party testimony of fact.	It can be used as a record of an individual's account of the event. Could be used to defend a statement claiming negligence and/or inaction by Council.	Name of individual making statement Job title of staff making statement Date of statement Time of statement Location statement taken Witness to statement Signature (black pen) of person making statement Signature of person taking statement and witness Typed format for statement

3.22 Gathering Information (cont'd)

INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS
15. Annual Budget	A financial statement that details the projected income and expenditure for a financial year. It indicates the amount of financial resources able to be allocated to each function/project of Council.	Used to highlight Council's level of commitment to its infrastructure relative to its financial strength. Could be used to defend a statement claiming inaction by Council.	Date of report Version of report Financial year of report Date of Adoption or Budget Review
16. Drawings or plans	A graphical representation of the work area, work method or location of the incident.	Visually shows evidence of the work planned. Shows standards to which the work is to be performed. Could be used to defend a statement claiming professional negligence, inaction or design failure.	Legible format (size) A legend indicating name of draftsman, architect, company etc. Reference to related drawings Total number of drawings in set Index number of drawing Direction of north recorded on drawing Drawing scale Date of drawing or plan
17. Maps	Defines the exact location of the event.	Visually shows the location of the incident. Could be used to defend a statement claiming responsibility for an event where Council may not even be liable.	Date map was made Person/organisation drafting map (source) Direction of north recorded on map Scale of map Area depicted by map Legible format
18. Phone logs	Chronological record of calls made or received by Council officers.	Used as a record of proceedings, conversations and advice given over the phone. Could be used to defend a statement claiming negligence and/or inaction by Council.	Contained in book with binding (manual) Name of log book user (manual) Page numbers (manual) Date of call (manual & TRIM) Time of call (manual & TRIM) Name of caller (manual & TRIM) Summary of call (manual & TRIM)
19. Medical reports	Is a written summary from an attending physician summarising the patient's condition.	Used to establish the degree of injury and disability and thus challenge punitive damages.	Name of examining physician Date of examination Reason for examination Type written format Signed by attending physician
20. Loss Adjuster reports	A written formal independent summary of the facts of the claim.	Used to verify the facts. Could be used in the determination of liability and negligence.	Name of loss adjusting firm Name of loss adjuster Claim reference number Date of all inspections Names and dates of all interviews Numbered pages in report Clear annotations to document, photographs, etc.
21. Expert reports	A written formal summary of certain circumstances of the claim, prepared by a specialist in the field of the incident.	Used to verify the specific facts of the incident by an expert with the relevant experience. Could be used to justify action or inaction.	Name of expert CV of expert List of publications by expert Reference number Signature of expert Date of investigation
22. Weather reports	A record of the weather conditions that prevailed at a given time and location.	Used to verify the conditions at the time of the incident.	Date of event Date of inquiry Name of weather service Symbol of authority (letterhead, stamp) Contact telephone number of issuing authority
23. E-mails	Records of requests or details made or received by Council Officers.	Used as a record of proceedings, conversations and advice received by e-mail. Could be used to defend a statement claiming negligence and/or inaction by Council.	Date and Time sent Name of person sent from Name of person sent to Name of person copy sent to Subject summary/title Details

3.22 Gathering Information (cont'd)

INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS
24. Facsimiles	Records of requests or details made or received by Council Officers.	Used as a record of proceedings, conversations and advice received by facsimile. Could be used to defend a statement claiming negligence and/or inaction by Council.	Name of person sent to Name of company (if applicable) Facsimile number sent to Total number of pages sent Name of person sent from Date sent: Facsimile number sent from Contact Council telephone number Subject summary/title Details
25. Incident report	Records of incidents recorded in the field, in person or over the telephone.	Used as a record of incidents. Could be used to defend a statement claiming negligence and/or inaction by Council.	Minimum requirements should comply with the guidelines inserted into the front cover of each incident report book and in accordance with the type of incident being recorded.
26. File Notes /Memos	Records of requests, phone calls, informal meetings or other details made or received by Council Officers.	Used as a record of proceedings, conversations and advice received by Council Officer. Could be used to defend a statement claiming negligence and/or inaction by Council.	File Number: Name of person composing note: Date: Time: Subject summary/title: Details: Signature (black pen) and date (full date dd/mm/yy) Legible writing or typed on standard form template *signed file notes must be scanned into TRIM for signature storage
27. Council Policies	Is a formally written general statement of the governing body (Council).	Used as a record of proceedings, conversations and advice received by Council Officer. Could be used to defend a statement claiming negligence and/or inaction by Council.	Date adopted Minute number File number Title Responsible Office Background Objective Principles Policy Statement
28. Management Directives	Is formally written and refers to a staff related matter, on the day-to-day administration of the Council.	Used as a record of proceedings, conversations and advice received by Council Officer. Could be used to defend a statement claiming negligence and/or inaction by Council.	Date adopted File number Title Responsible Office Background Objective Principles Statement

3.22 Gathering Information (cont'd)

ATTACHMENT B

INFORMATION GATHERING CHECKLIST

The attached checklist can be used to ensure that all the appropriate information has been gathered at the scene of an incident.

INFORMATION	SPECIFIC REQUIREMENTS
Photographs – There may be only one chance to gain photographs at the scene of the incident. Remember, there can never be too many photographs.	(a) Total working area from all points of the compass. (b) Examples of the environmental conditions including rivers, drains, approaches, verges, vegetation, shadows, etc. (c) Close ups of all the damaged area, property, approaches, road conditions, any other factors, etc. (d) Ensure that the photographs of close ups have a size reference point e.g. ruler or pen. (e) Warning signs and general signs positioned by Council. (f) The damaged property from all angles.
Description of scene	Record as accurately as possible each photograph that has been taken. Also add a brief description of the scene. This will help to paint the overall picture.
Time	Day, Month, Year and Time in 24 hour clock, e.g. 6:00am is 0600 hours while 6:00pm is 1800 hours, i.e. no confusion.
Weather conditions	Record as accurately as possible the weather conditions. Include wind direction, wet or dry, light or dark, fog or no fog, ice or snow, etc.
Measurements – These can be useful to determine the actual facts of the situation e.g. “the one that got away”	Record all measurements as accurately as possible. These may include heights, lengths or widths of objects, obstructions, holes, etc.
Description of damage	Record as accurately as possible the type, nature and extent of the damage.
Property involved	Itemize all the property that has been damaged. This includes both third party property and Council property.
Registration numbers	Record the registration numbers of all vehicles involved in the incident whether damaged or not. Also include their exact location.
Description of any injuries This is only an indication. Council staff are not medically trained nor are they expected to be involved with the treatment of any injuries.	Record the type of injuries people have received: (a) Minor – walked away from the scene. (b) Moderate – required medical attention. (c) Severe – was transported away from the scene by ambulance. (d) Unknown.
Witness	If possible, record the name and address of any witnesses.
Statements made by third party	Record any statements uttered by third parties.
Council employees	Name of all employees working within the area of the incident.
Type of work	Record the actual activity being undertaken by Council at the time of the incident.
Police	Record the name and station of any Police in attendance.
SafeWork NSW	Record the name and region of any SafeWork NSW Inspectors in attendance.
Signs	Record the place of erection, the day of erection, the day of last inspection, etc. of all general and warning signs displayed by Council. Record any other signs in the area that may have been erected by other authorities.

*Adopted by Council – 19 February 2024
Refer Minute No. 26/24*

*Adopted by Council – 15 February 2021
Refer Minute No. 17/21*

*Adopted by Council – 21 September 2009
Refer Minute No. 282/09*

3.23 Employee Assistance Program (EAP) Counselling and Critical Incident Support

POLICY TITLE: EMPLOYEE ASSISTANCE PROGRAM (EAP) COUNSELLING AND CRITICAL INCIDENT SUPPORT
FILE REF: SC67
REVIEW DATE: MARCH 2027

OBJECTIVES

To provide an independent and confidential professional psychological and counselling service to employees and immediate families conducted by qualified and experienced social workers, counsellors, mediators and psychologists.

POLICY STATEMENT

Lockhart Shire Council is committed to ensuring the health, safety and welfare of all employees at work. Council is committed to providing all employees preventative and proactive risk management services to assist in the reduction of workplace injuries and illness.

The aim of the Employee Assistance Program (EAP) is to offer independent, professional and confidential counselling assistance to people who may need help with particular problems affecting their well-being, both personally and in the workplace.

The EAP is a counselling and advisory service, which is made available to all employees and their immediate families, at no cost to the employee. The counselling discussion is informal, friendly and focused on employee needs.

An EAP is aimed at assisting persons experiencing difficulties in their lives such as:

Professionally

- Lack of concentration or distracted by problems at work
- Getting tired or sick
- Having days off
- Feeling emotional or stressed
- Unable to cope with change
- Career concerns
- Being involved in conflicts
- Burdened by everyday concerns
- Workplace bullying or harassment

Personally

- Balancing work and family
- Relationship issues
- Depression and Anxiety
- Communication problems
- Anger management
- Separation and divorce
- Insomnia or sleep problems
- Grief and loss

The EAP may also be used to provide critical incident support and debriefing. The services offered through EAP include:

- Assessment
- Phone and face to face counselling
- External referrals for persons needing on-going support or further assistance

All employees will be provided with an information session and all new employees will be provided with information on induction.

Each employee/family member may access a maximum number of three (3), one (1) hour counselling sessions each year.

Lockhart Shire Council's EAP provider is CentaCare Southwest NSW.

EAP Contact telephone number 1300 619 379

*Adopted by Council – 18 March 2024
Refer Minute No. 47/24*

*Adopted by Council – 15 March 2021
Refer Minute No. 38/21*

3.24 Recognition of Service

POLICY TITLE: RECOGNITION OF SERVICE

FILE REF: SC67

EXPIRY DATE: NOVEMBER 2026

OBJECTIVES

To provide a procedure for recognising Councillors and staff for their service to Lockhart Shire Council.

POLICY STATEMENT

In recognition of the important contribution made by long serving Councillors and staff, awards will be presented on an annual basis where appropriate.

IMPLEMENTATION

Council will formally recognise the continuous service of staff and combined years of service by Councillors as follows:

<i>Years of Service</i>	<i>Recognition</i>
10 Years	\$100.00 gift voucher and framed certificate
20 Years	\$200.00 gift voucher and framed certificate
30 Years	\$300.00 gift voucher and framed certificate.

For each five (5) years of service that exceed 30 years, recipients will be presented with a framed certificate and additional recognition will be as per 30 years.

The recipient will have the choice as to where the gift voucher can be redeemed subject to approval of the General Manager.

*Adopted by Council – 20 November 2023
Refer Minute No. 219/23*

*Adopted by Council – 21 September 2020
Refer Minute No. 194/20*

3.25 Payment of Interview and Removal Expenses

POLICY TITLE: PAYMENT OF INTERVIEW AND REMOVAL EXPENSES

FILE REF: SC67

EXPIRY DATE: MAY 2027

OBJECTIVE

The purpose of this Policy is to set out the circumstances in which requests for reimbursement of interview and removal expenses will be considered when recruiting staff and the criteria that will be applied when considering such requests.

POLICY STATEMENT

Expenses may be incurred by applicants being required to attend for interview as part of Council's recruitment process. Removal expenses may also be incurred by the successful applicant once an appointment has been made. It is in Council's interest to reimburse interview expenses and relocation costs in certain circumstances to ensure that Council attracts suitable applicants and recruits the best applicant as part of any recruitment process.

INTERVIEW EXPENSES

Council will reimburse reasonable out of pocket expenses incurred in attending job interviews in the following circumstances and subject to the following conditions:

- a) The job interview relates to a position within Band 3 (Professional/Specialist Band) or Band 4 (Executive Band) in accordance with the Local Government (State) Award and Council's Salary System.
- b) The interviewee resides outside a 250km radius of Lockhart township.
- c) The expenses incurred relate to travel and accommodation including fuel purchases, overnight accommodation, meals and air fares.
- d) Receipts are required to be produced to verify the expenditure and support the claim for reimbursement.

REMOVAL EXPENSES

Where a new employee is recruited that necessitates the relocation of the new employee to Lockhart Shire, a portion of the removalist expenses will be reimbursed to the new employee as follows:

- a) The new employee has been appointed to a position within Band 3 (Professional/Specialist Band) or Band 4 (Executive Band) in accordance with the Local Government (State) Award and Council's Salary System.
- b) The new employee resides outside the Lockhart Shire Local Government Area.
- c) The expenses were incurred through the engagement of a removalist contractor.
- d) Receipts are required to be produced to verify the expenditure and support the claim for reimbursement.
- e) The amount reimbursed will be paid as follows:
 - i. 40% on the commencement of the employee.
 - ii. 40% on the completion of 1 years' service with the Lockhart Shire Council.
 - iii. Subject to a maximum of \$5,000.

*Reviewed by Council – 20 May 2024
Refer Minute No. 81/24*

*Reviewed by Council – 17 May 2021
Refer Minute No. 81/21*

*Reviewed by Council – 21 May 2018
Refer Minute No. 139/18*

3.26 Computer, Internet, Email and Social Media

POLICY TITLE: COMPUTER, INTERNET, EMAIL AND SOCIAL MEDIA

FILE REF: SC67

EXPIRY DATE: MAY 2027

OBJECTIVE

The purpose of this Policy is to ensure that Councillors and staff use the Council's e-mail and internet communications systems effectively and responsibly.

GENERAL PRINCIPLES

- 1) Lockhart Shire Council recognise the opportunities which the Internet opens up for work purposes. Council wants its Councillors and staff to use the Internet so that they are connected to other people and vital sources of information in Australia and around the world.
- 2) Use of e-mail and the Internet by Councillors and staff is therefore permitted and encouraged where such use is suitable for Council business purposes and supports the goals and objectives of the Council.
- 3) At the same time, how staff members use on-line facilities is important to the success of the Council's business dealings and its reputation.
- 4) All network, e-mail and Internet accounts maintained on Council computing systems are the sole property of the Council.
- 5) Users in possession of Council electronic equipment must at all times handle the equipment in a responsible manner and ensure that the equipment is kept secure.
- 6) Users must use their own username/login code and/or password when accessing the Computer Network.
- 7) Users should protect their username/login code and password information at all times and not divulge such information to any other Person, unless it is necessary to do so for legitimate business reasons.
- 8) Users should ensure that when not in use or unattended, the Computer device is locked.
- 9) Occasional personal and social use of e-mail and the Internet is acceptable but use of Council facilities to conduct business other than official Council business is prohibited.
- 10) The Council has the right to record all Councillor and staff member internet usage carried out on Council equipment and to monitor the e-mail account or internet browsing of any user for legitimate business reasons, including compliance with these guidelines, compliance with any applicable laws, and where there is reasonable suspicion of activities that may violate these procedures.

POLICY STATEMENT

Computer Software Purchase and Usage

- 1) Under no circumstances are software products not owned by or not legally in possession of the Council to be installed on Council equipment.
- 2) Software obtained in confidence or under licence must only be used by staff members or authorised agents of the Council in accordance with relevant licence agreements.
- 3) Proposals for purchase of software for official Council purposes should always be directed to the Director of Corporate and Community Services.

3.26 Computer, Internet, Email and Social Media

Internet Usage

- 1) The Internet is to be used in a manner that is consistent with Council's standards of business conduct and as part of the normal execution of a Councillors' or staff members' responsibilities.
- 2) The internet should be used for business-related activity but a small amount of personal use is acceptable, similar to permitted usage of the Council's telephones.
- 3) Use of the Internet in the following manner is strictly prohibited:
 - a) Visiting web sites containing objectionable or criminal material such as pornography.
 - b) Internet-enabled activities, such as gambling, excessive gaming, conducting a business or conducting illegal activities.
 - c) The uploading or downloading of commercial software, games, music videos or other intellectual property in violation of copyright.

Email Communications

- 1) "E-mail" is a tool for business communications, which users have a responsibility to use in an efficient, effective, ethical and lawful manner.
- 2) Users of the e-mail system should follow the following guidelines and conventions:
 - a) Always represent yourself as yourself – never someone else.
 - b) Don't publish or send material that is embarrassing or has the potential to embarrass the Council or bring it into disrepute.
 - c) Don't download onto your computer any files or information that might compromise the integrity of the computer system – beware of viruses.
 - d) Material that may be considered inappropriate or disrespectful to others should not be accessed or stored.
- 3) Use of the e-mail system in the following manner is strictly prohibited:
 - a) Creation and exchange of offensive, harassing, obscene, pornographic or threatening messages.
 - b) Exchange of proprietary information, commercial-in-confidence information, trade secrets, or any other privileged, confidential or sensitive information outside the Council.
 - c) Creation, storage or exchange of information in violation of copyright laws.
 - d) Reading or sending messages from another user's account, except under proper delegation arrangements.
 - e) Altering or copying a message or attachment belonging to another user without the permission of the originator.
 - f) Any usage for non-Council related commercial purposes.
 - g) Any usage for inappropriate political purposes.

Use of Social Media

- 1) Council acknowledges that social media can be an effective means of communication and community engagement if used responsibly.
- 2) Social media tools include:
 - a) Social networking sites such as Facebook and Instagram.
 - b) Video and photo sharing websites like Flickr and YouTube.
 - c) Micro-blogging sites like X (formerly Twitter).
 - d) Forums and discussion boards such as Whirlpool, Yahoo! Groups or Google groups.
 - e) Online encyclopedias such as Wikipedia.
- 3) The Policy does NOT apply to personal use when no reference or inference is made to Council, Councillors, related issues or its staff.
- 4) Council recognises that Councillors and staff may wish to use social media in their personal lives. The Policy does not intend to discourage nor unduly limit personal expression or online activities. However, users should recognise the potential for damage to be caused (either directly or indirectly) to the Council in certain circumstances via personal use of social media when the user can be identified as a Council representative.

3.26 Computer, Internet, Email and Social Media

- 5) Only employees authorised by the Director Corporate and Community Services to do so may upload or post information on social media on Council's behalf, including on the community-owned Lockhart Shire Facebook page. In this regard authorised employees should:
 - a) Only comment on topics within their own area of responsibility and only if they have delegated authority to do so.
 - b) Ensure any Council related content that is published is factually accurate and compliant with Council policies and management directives (e.g., on confidentiality, privacy and copyright).
 - c) Not reveal confidential or commercially sensitive information about Council and only disclose publicly available information.

- 6) An employee's access to and use of the above tools outside the course of employment is a private matter for the employee and councillor, however issues may arise where Council is mentioned on-line or where it is possible to link employees and councillors with their employment at Council. In such cases, the following rules apply:
 - a) Do not mix the professional and personal issues in ways that are likely to compromise the interests and reputation of Council;
 - b) Do not imply Council endorsement of your personal views;
 - c) Councillors and staff should be aware of the laws covering libel, defamation, privacy and the protection of intellectual property;
 - d) Councillors and staff should familiarise themselves with Council's Code of Conduct. Councillors and staff who are identified as an employee of Council, and post comments or pictures on social media that negatively impact on Council's reputation may be in breach of the Code of Conduct.
 - e) Users are personally responsible for the content published in a personal capacity on any form of social media platform.

Use of Non-Council Owned Mobile Devices

- 1) Council recognises that mobile devices are becoming a common and cost-effective tool for information management and communication including Councillors and staff having the option of connecting their own mobile devices to Council equipment and networks.
- 2) Councillors and staff may be permitted to connect non-Council owned mobile devices to Lockhart Shire's systems and networks for the express purpose of receiving email, contact and calendar updates.
- 3) Permission to connect non-Council owned mobile devices to Council's systems and networks can only be completed with the authorisation of the Director Corporate and Community Services.
- 4) The use of a non-Council owned mobile device connected to Council's network, is subject to the following conditions:
 - a) The owner/user of the device will notify the Director Corporate and Community Services immediately upon loss, theft or suspected loss/theft of the device;
 - b) The user of the device agrees to protect Council information residing on the device;
 - c) No Council data other than mail (including attachments stored within the mail system), contacts and calendar items may be stored on non-Council owned devices unless expressly authorised in writing by the Director Corporate and Community Services;
 - d) Non-Council owned devices will not be supported by Council's IT personnel with the exception of connectivity to Council services;
 - e) Council will accept no liability for functionality, serviceability or performance associated with the device and any responsibility with regard to warranty will reside solely between the owner/user of the device and the supplier/manufacturer;
 - f) Council accepts no responsibility or liability for the loss of Council related or personally related data residing on the device;

Recording and Monitoring of Activity on Council's Computer System

- 1) On a continuous and ongoing basis Council will carry out computer surveillance of any User at such times of Council's choosing and without further notice to any User.

3.26 Computer, Internet, Email and Social Media

- 2) Computer surveillance occurs in relation to:
 - a) Storage volumes;
 - b) Internet sites – every web site visited is recorded including the time of access, volume downloaded and the duration of access;
 - c) Suspected malicious code or viruses;
 - d) Emails – the content of all emails received, sent and stored on the Computer Network. (this also includes emails deleted from the Inbox);
 - e) Computer hard drives – Council may access any hard drive on the Computer Network;
 - f) Text messages - Council may access any text messages stored on a User's handheld device and the User must provide Council with the device for the purpose of allowing such access; and
 - g) Mobile telephone records – Council may access the records of a User's handheld device that has been provided by Council.
 - h) Council retains logs, backups and archives of computing activities, which it may audit. Such records are the property of Council, are subject to State and Federal laws and may be used as evidence in legal proceedings, or in workplace investigations into alleged misconduct.

- 3) Council may retain, use and/or disclose the computer records where the retention, use or disclosure is:
 - a) For a purpose related to the employment of any employee; or
 - b) Related to Council's business activities; or
 - c) To a law enforcement agency in connection with an offence;
 - d) In connection with legal proceedings.
 - e) Related to maintenance of the computer network in terms of storage volumes, disk capacity and the like;
 - f) In compliance with the State Records Act and Council's records management obligations.

*Reviewed by Council 20 May 2024
Refer Minute No. 81/24*

*Reviewed by Council 17 May 2021
Refer Minute No. 81/21*

3.27 Remote and Isolated Work

POLICY TITLE: REMOTE AND ISOLATED WORK

FILE REF: SC67

EXPIRY DATE: MAY 2027

PURPOSE

Lockhart Shire Council, as part of its commitment to Work Health and Safety, recognises its obligation to ensure, so far as is reasonably practicable, the safety and wellbeing of employees who undertake remote or isolated work.

In accordance with this commitment the Council will provide and maintain an adequate and reliable system for regular communication for people who work alone in the following situations:

- In an area that is remote from others or isolated from the assistance of others because of time, location or the nature of the work; or
- In a situation that involves the operation or maintenance of plant, or the handling of a hazardous substance; or
- In an area /activity that is dangerous for the employee to perform alone.

The following emergency procedures developed for remote and or isolated work shall form part of the Council emergency response plan and be subject to testing, monitoring and review as described below.

POLICY STATEMENT

If a staff is working alone in a workplace that has a telephone, communication via the telephone is adequate, provided the worker is able to reach the telephone in an emergency. In situations where a telephone is not available, a method of communication that will allow a worker to call for help in the event of an emergency will be made available. In this instance electronic personal duress devices are provided to staff, in both an on-person form and fixed to the designated vehicle.

Personal duress devices

Personal duress devices are provided to specific staff who are recognised as 'lone workers'. Staff are to be trained in the use of a personal duress device prior to them being issued. When activated, a duress device will send a mobile SMS message and email to nominated supervising staff for response.

The SMS message acknowledges that a personal duress device has been activated and identifies the vehicle to which it belongs.

The email message acknowledges that a personal duress device has been activated, while also identifying the location from which the signal was sent, the vehicle type, and a map of where the event occurred.

Use of personal duress devices

The following procedure is to be observed by supervising staff in the event that a personal duress device is activated.

1. Upon receiving notification of a distress signal, any supervising staff member shall make an immediate attempt to contact the lone worker by phone, or radio (if available).
2. If contact with the lone worker has not been made within 10 minutes, the supervising staff shall ensure that emergency services are contacted and briefed. Any instructions issued by emergency services shall be followed.
3. Following contact with emergency services, the supervising staff member shall communicate with remaining supervising staff of the outcome of the event and arrange for a Council representative to attend the site of the incident if required or deemed necessary.

Procedure testing

To ensure all personal duress devices are working correctly, the following testing procedure is to take place:

1. All vehicles fitted with personal duress devices are allocated from the Lockhart Works Depot. On the first working day of every working week, at 7.00am, each device shall be tested to ensure they are working correctly, by pressing the fixed button as well as a second test from the on-person unit. Supervisors are to acknowledge receipt of test calls.

3.27 Remote and Isolated Work (cont'd)

2. In the event of a non-response from a personal duress device, it shall be immediately declared unfit for use and reported to supervisor of the employee testing the duress unit.
3. Personal duress devices are powered by single cell batteries. On the first working day after daylight saving ends each year, batteries are to be replaced with new batteries by the Plant Supervisor and recorded on the plant maintenance record for that vehicle.

Responsibilities

Council's General Manager is accountable for:

- Facilitating Council meeting its legislative duties for remote and isolated work;
- Approving any reasonably practicable budgetary expenditure necessary for remote and isolated work as required.

Directors, managers and supervisors are accountable for:

- Checking that all reasonably foreseeable hazards associated with remote and isolated work are identified, assessed and controlled when elimination is not practicable, in consultation with employees;
- Implementing controls, in consultation with employees or other stakeholders, and evaluating and reviewing them for effectiveness;
- testing personal duress devices as required by this Policy.

Employees are responsible for:

- Keeping next of kin or emergency contact details up-to-date with the Council;
- Attending training when required;
- Following any instructions given for their own or others' safety;
- Maintaining contact with their Functional Manager, or Supervisor in accordance with the agreed contact strategy when undertaking remote or isolated work;
- Reporting hazardous situations or safety problems when undertaking any remote and/or isolated work, immediately to their Manager or Supervisor.

Office Based Employees

- Advising their Supervisor or a colleague if working alone outside their normal core working hours or outside normal business hours when the office is closed.

Reviewed by Council 20 May 2024

Refer Minute No. 81/24

Reviewed by Council 17 May 2021

Refer Minute No. 81/21

3.28 Safe Driving

POLICY TITLE: SAFE DRIVING

FILE REF: SC67

EXPIRY DATE: MAY 2027

PURPOSE

To improve workplace road safety for all Council staff and to ensure that Council personnel demonstrate low risk driving behaviours while operating or travelling in any road vehicle while at work, or on their way to or from work.

SCOPE

This Policy applies to all staff operating Council Vehicles.

DEFINITIONS

1. Safe Driving

The adoption of low-risk attitudes and behaviours that reduce the possibility of the driver being involved in a driving incident.

2. Low Risk Attitudes

- Placing a high value on safe driving.
- Choosing low risk alternatives despite pressures to do otherwise.
- Maintaining motivation to apply low risk behaviours.
- Managing heavy vehicles in accordance with National Heavy Vehicle Law (NHVL) and Chain of Responsibility (CoR) requirements.

3. Low Risk Behaviours Preparation

Planning driving (being fit to drive, rest breaks/overnight stops, route selection, non-driving duties), vehicle safety check.

4. Safe Driving

Being alert, scanning for potential hazards, managing speed and position of the vehicle to reduce the likelihood of a crash; loading; mass; dimensions of heavy vehicles.

5. Evaluation

Reviewing driving to identify ways of reducing risk on future journeys.

POLICY CONTENT

All Workplace Health and Safety hazards must be managed in accordance with Council's Work Health & Safety Policy.

To prevent incidents involving light or heavy fleet in Council workplaces, the following requirements must be met.

- a) Council will provide light and heavy fleet vehicles that meet accepted safety standards and WH&S requirements for plant.
- b) All Council staff are to drive in a manner that minimises risk to self and others as well as damage to vehicles and property.

As a minimum, staff are to:

- Comply with Australian road rules and laws, including driving at speeds that does not exceed the speed limit and wear seatbelts where they are provided.
- Comply with fleet management requirements.

Mobile Phones

- Mobile phones not secured in an approved cradle must only be used with hands-free/Bluetooth capabilities.
- Mobile phones without hands-free must be securely mounted to the vehicle in an approved cradle which doesn't obscure vision.

3.28 Safe Driving (cont'd)

- Mobile phone GPS function can only be used if the phone is in a cradle.
- Staff are required to inform incoming callers that they are driving, and outward calls should only be made where absolutely necessary.
- All mobile phone conversations must be kept to a minimum while driving.
- Staff holding a learner, P1 or P2 licence must not use any function of a mobile phone while driving.

Drugs and Alcohol

- The use of unprescribed (illicit) drugs and alcohol by employees is prohibited and will not be tolerated by Council in the workplace and/or in circumstances where it affects an employee's fitness for duty or work performance and/or contravenes Australian road rules and laws.
 - Council staff are to be aware and comply with policy "3.16 Drugs & Alcohol in the Workplace".
- c) All Council staff are informed of Council's workplace safety requirements.
- Awareness of safe driving behaviour is to be provided to all staff at induction.
- Additional training needs for safe driving will be assessed for the work requirements of positions within Council. Training will be commensurate with the level of risk associated with the work requirements of the position.
- d) Staff who may be required to drive a Council vehicle as part of their job must meet the following Council standards:
- Possession of an appropriate current class of licence
 - Evidence to satisfy any other occupational-specific requirements. e.g., current qualifications and/or recent experience in operating road maintenance and construction equipment.
- e) Managers and staff must actively manage workloads involving driving to minimise fatigue.
- Staff must ensure that they organise their own work involving driving in a way that minimises fatigue.
- Managers have an obligation to ensure that staff receive active management support in meeting this requirement.
- f) Managers are to review available reports on vehicle damage relating to their staff and provide feedback to vehicle users.
- Where managers identify unsafe driving performance positive steps must be taken to improve driving performance.
- g) Managers must ensure staff are receiving adequate support to not contravene National Heavy Vehicles Laws (NHVL) and Chain of Responsibility (CoR) requirements.

RESPONSIBILITY

1. Directors, Managers and Supervisors
 - Communicate safe driving policy and guidelines to staff.
 - Ensure occupation-specific safe driving record requirements are met where this is a condition of employment.
 - Implement appropriate counter measures for identified trends in unsafe road use, such as training and review of a driver's authority to drive council vehicles.
 - Consult with drivers when resolving driving safety related issues.
 - Ensure all staff, managers and supervisors receive an induction in road user safety.
 - Conduct assessment on road use risks and assess training needs of staff.
 - Provide on-going education, awareness and training.
 - Ensure that in-vehicle driver training is done by an approved assessor.
 - Review driver ability every three years for drivers operating in high risk driving conditions.
 - Managers and staff must actively manage workloads involving driving to minimise fatigue, including providing support in managing fatigue.
 - Comply with CoR laws including management of Chain of Responsibility through compliance with speed, fatigue, mass, dimension, loading and vehicle standards.
2. Drivers
 - Operate road vehicles in a way that complies with the road laws and in accordance with council policies.
 - Plan road trips to minimise safety risks to self, passengers and other road users.

3.28 Safe Driving (cont'd)

- Participate in initiatives for improving road safety.
 - Undertake operation and safety familiarisation of the particular vehicle before operating it for the first time.
 - Report defective vehicles.
 - Report all injury and damage incidents, including near misses.
 - Staff must ensure that they organise their own work involving driving in a way that minimises fatigue.
 - Comply with CoR laws including management of Chain of Responsibility through compliance with speed, fatigue, mass, dimension, loading and vehicle standards.
3. WH&S/Risk Management Staff
- Establish guidelines for drivers that address the risks associated with vehicle operation.
 - Provide regular management reports to managers to show accountability for incident costs in terms of injury.
 - Benchmark motor vehicle accident injury outcomes against similar organisations.
 - Benchmark damage and near miss incidents against similar organisations.
 - Provide regular management reports to managers to show accountability for incident costs in terms of damage to property.
 - Management of Chain of Responsibility through compliance with speed, fatigue, mass, dimension, loading and vehicle standards.
4. Plant Supervisor
- Ensure that light and heavy vehicles provided for all kinds of use conform to uniform safety standards.
 - Consult with potential operators in the selection of specialised replacement vehicles and plant.
 - Ensure vehicles are maintained according to the vehicle manufacturer requirements.
 - Maintain records of all maintenance, damage and usage data for each vehicle.
 - Ensure that drivers have the appropriate information for the safe operation and equipment to assist in actions following an incident or breakdown.
 - Collect data on vehicle damage and identify all costs associated with repairs and replacement of damaged vehicles and property.
 - Management of Chain of Responsibility through compliance with speed, fatigue, mass, dimension, loading and vehicle standards.
5. Road Safety Officer
- Provide resource material and programmes to support safe driving awareness, education and training needs.
 - Develop measures to address unsafe trends in workplace road use.
 - Management of Chain of Responsibility through compliance with speed, fatigue, mass, dimension, loading and vehicle standards.

RELEVANT LEGISLATION

- NSW Road Rules 2008.
- NSW Work Health & Safety Act 2011.
- National Heavy Vehicle Law (NHVL) 2014.
- Chain of Responsibility laws (2018) as part of NHVL.

*Reviewed by Council – 20 May 2024
Refer Minute No. 81/24*

3.29 Excessive Leave

POLICY TITLE: EXCESSIVE LEAVE

FILE REF: SC67

EXPIRY DATE: AUGUST 2025

OBJECTIVE

To establish a framework for managing and monitoring excessive leave for the purposes of ensuring the health and wellbeing of Council's staff and managing the significant financial liability associated with excessive levels of accrued leave.

DEFINITIONS

"Award" means the NSW Local Government (State) Award.

"Excess Annual Leave" for the purposes of this Policy means accrued annual leave in excess of eight weeks.

"Excess Long Service Leave" means the long service leave that an employee has accrued under the Award that is in excess of the long service leave that the employee would have accrued if covered by section 4 of the Long Service Leave Act 1955.

"Excess Time off in Lieu" for the purposes of this Policy means accrued time off in lieu in excess of one week.

POLICY STATEMENT

Lockhart Shire Council is committed to maintaining a supportive and healthy working environment. This includes ensuring the wellbeing of its staff by providing annual and long service leave, as determined by the Local Government (State) Award, so that staff may have breaks from work.

Council endorses a proactive leave management strategy and the use of leave within a reasonable time of it falling due. Accrual of excess leave is discouraged as excess levels of accrued leave can be a significant financial liability.

Managers and individual employees are responsible for managing leave accruals. Managers are required to identify instances of excess leave accruals and where appropriate develop strategies that are designed to ensure leave accrual is within the set limits. These strategies should be designed to suit their workforce keeping in mind competing demands such as staff shortage and increased workloads.

To enable managers and individual employees to fulfill their responsibilities under this Policy, the Payroll Officer will provide managers and supervisors with a monthly report on leave balances for those employees who directly report to them.

AWARD CONDITIONS

The Local Government (State) Award provides that:

- For each year of service an employee (other than a casual) is entitled to 4 weeks of paid annual leave;
- Unless otherwise provided, paid annual leave may be taken for a period agreed between the employee and the employer.
- The employer must not unreasonably refuse to agree to a request by the employee to take paid annual leave.
- The employer may direct an employee to take annual leave by giving at least four weeks prior notification where the employee has accumulated in excess of eight weeks annual leave.
- The employer may direct an employee to take long service leave accrued on or after 23 June 1988 and not taken within five years of it falling due provided that at least four weeks' notice is given to the employee.
- An employee who is entitled to long service leave, may, with the consent of the employer, cash out a particular amount of Excess Long Service Leave.
- The employer may direct an employee to take accrued time in lieu of overtime by the giving of at least two weeks' notice where the employee has accumulated in excess of one weeks' time in lieu of overtime.

LEAVE MANAGEMENT RESPONSIBILITIES

The management of excess leave and time off in lieu should occur in consultation with the employee and with the support of management and the Human Resources/ Work Health and Safety Co-ordinator. In this regard:

3.29 Excessive Leave Policy (cont.)

Employees will:

- 1) Schedule recreational leave as soon as practical after it falls due.
- 2) Plan leave in consultation with their supervisor or manager to optimise the balance between operational and employee needs.
- 3) Work towards the depletion of any accrued excess leave and excess time off in lieu, through the development of an excess leave management plan with their supervisor or manager.

Managers will:

- 1) Encourage and support staff in scheduling leave to promote wellbeing, performance and morale.
- 2) Ensure operational needs are met in the planning and authorisation of staff leave, while making certain that work demands are not an insurmountable obstacle to negotiating leave arrangements.
- 3) Proactively manage excess leave liability through developing Excess Leave Management Plans with employees who have accrued excess leave or excess time off in lieu.

EMPLOYEE LEAVE MANAGEMENT PLANS

- 1) An Employee Leave Management Plan (ELMP) is an agreement between the employee and employer that designates actions for reducing excess leave accrual in a timely manner (refer attached sample ELMP).
- 2) It is the responsibility of managers and employees to develop an ELMP where the employee has "Excess Annual Leave" and/or "Excess Time off in Lieu".
- 3) An ELMP must take into consideration the additional leave that will fall due during the ELMP timeframe.
- 4) An employee who is entitled to annual leave or long service leave may, with the consent of the employer, take annual leave or long service leave:
 - a) on full pay; or
 - b) on half pay; or
 - c) on double pay

When an employee takes annual leave or long service leave, the leave entitlement will be deducted on the following basis:

- a) a period of leave on full pay - the number of days so taken; or
 - b) a period of leave on half pay - half the number of days so taken; or
 - c) a period of leave on double pay - twice the number of days so taken
- 5) Where an employee has not complied with the agreed ELMP, the manager may direct the employee to take annual leave at a time convenient to Council, taking into account, where possible, the wishes of the staff member. Such a direction must provide a minimum of four (4) weeks' notice to the employee.
 - 6) Where an employee has not complied with the agreed ELMP, the manager may direct the employee to take long service leave at a time convenient to Council, taking into account, where possible, the wishes of the staff member. Such a direction must provide a minimum of four (4) weeks' notice to the employee and can only apply in respect of long service leave accrued on or after 23 June 1988 and not taken within five years of it falling due.
 - 7) Where an employee has not complied with the agreed ELMP, the manager may direct the employee to take time off in lieu at a time convenient to Council, taking into account, where possible, the wishes of the staff member. Such a direction must provide a minimum of two (2) weeks' notice to the employee.

*Adopted by Council 15 August 2022
Refer minute 169/22*

*Adopted by Council 17 June 2019
Refer minute 158/19*

3.30 Workplace Surveillance

POLICY TITLE: WORKPLACE SURVEILLANCE

FILE REF: S30-005

EXPIRY DATE: JULY 2022

1. PURPOSE

The Workplace Surveillance Act 2005 (Act) requires that employees are made aware of workplace surveillance undertaken by Lockhart Shire Council (Council).

This policy was developed to ensure Council meets its obligations under the Act by informing/ notifying employees of surveillance devices in the workplace and to provide a framework under which Council's Workplace Surveillance will be managed to ensure continued legislative compliance.

2. STATEMENT

Council recognises its obligations to ensure, where reasonably practicable, a safe and healthy workplace for its workers and others.

Technology advances now mean that most mobile devices have the functionality which includes that of camera, computer and tracking surveillance devices. Council in the course of its business uses these devices. Individual employees have similar capabilities with a Council supplied mobile device or their personal mobile device.

An employee is at work for the purposes of this policy when the employee is:

- At a Council workplace whether or not the employee is actually performing work at the time; or
- At any other place while performing work for Council; or
- Using Council vehicle, plant or equipment in the course of performing work for Council.

The use of certain surveillance devices by Council:

- Provides the potential to identify the geographical location of an employee or Council vehicle or plant and equipment;
- Provides the potential to deter vandalism, assault or other criminal activity and reduce the risks associated for employees and others and capture evidence of criminal activity;
- Allows for monitoring to manage the risks associated with non-compliance of Council's Code of Conduct and Work Health and Safety (WHS) requirements;
- Assists management to optimise performance, improve efficiency and improve customer service.

In accordance with the Act, this policy addresses the following types of surveillance in the workplace:

- Camera surveillance
- Computer surveillance
- Tracking surveillance.

3. DEFINITIONS

Camera Surveillance	Surveillance by means of a camera that monitors or records visual images of activities on premises or in any other place
Computer Surveillance	Surveillance by means of software or other equipment that monitors or records the information input or output, or other use, of a computer (including but not limited to the sending and receiving of emails and the accessing of internet websites);
Employee	Has the same meaning as the Industrial Relations Act and includes a person performing voluntary work.
Tracking Surveillance	Surveillance by means of an electronic device the primary purpose of which is to monitor or record geographical information or movement.
Workplace	Means premises, or any other place where employees work or any part of such premises or place.

3.30 Workplace Surveillance (cont'd)

4. PROVISIONS

4.1. Camera Surveillance

Council may require designated areas to be under camera surveillance for operational, security and/or protection/ safety reasons.

Council's CCTV cameras which operate in public places, as defined under the Local Government Act (1993) are included in this policy. However, access to surveillance information captured by these CCTV cameras are subject to the Street Safety Cameras Policy and Public Access to Council Information Policy.

Where Council intends to introduce surveillance cameras in the workplace, employees working in the designated area or areas shall be advised in writing (which could be email) fourteen (14) days prior to its commencement in accordance with the Act. For any cameras in existence at the time of adoption of this policy, staff will be duly notified by being advised in writing of the adoption of this policy.

Council will put in place visible signs informing people who enter or leave a workplace or public place that camera surveillance is being carried out.

CCTV camera surveillance is continuous and ongoing.

Council may from time to time require employees who work in hazardous activities (for example in field regulatory roles) to have an on-person camera to reduce the risk associated with such activities. The requirement for these devices will be based on a risk assessment process. The employee will be notified of the installation and intent of these devices and the public will be advised. Surveillance is intermittent but ongoing.

4.2. Computer and mobile device surveillance

Computer resources are provided for business purposes related to an employee's duties. However reasonable personal use is permitted in accordance with the Computer, Internet, Email and Social Media Policy.

Use of Council's computers and associated systems is governed by the following policies which prescribe conditions of employee access to and use of Council's information technology facilities, services and systems:

- Computer, Internet, Email and Social Media Policy

Computer surveillance is undertaken for the general security of Council property and assets, the protection of Council related information and to ensure that Council's computer resources are not misused. Surveillance is carried out in conjunction with the abovementioned policies.

Council's corporate email system will automatically block some emails. This blocking is to ensure the integrity of the system and to reduce the risk from malware / viruses to Council's network. The email recipient will receive a notification that the email has been blocked.

Access logs are automatically created, and facilities exist to review the Internet addresses visited by each user. Access may be blocked to some sites that represent a threat to the corporate IT environment.

Computer surveillance is continuous and ongoing. Council will investigate alleged breaches of the law or Council policies by staff using Council IT equipment and systems and this may involve accessing the employee's computer and electronic records.

4.3. Tracking Devices

(i) Plant & Motor Vehicles

Increasingly Council's fleet is being fitted with an electronic tracking device such as a GPS (Global Positioning System) to collect, interpret and record/ store data including geographical location, movement and or plant/vehicle function or activity.

Council will install visible signs in all vehicles fitted with tracking devices to inform all vehicle users that surveillance tracking is being carried out.

This surveillance is continuous and ongoing.

At the time of drafting this policy current technology does not allow for the devices to be disabled outside of business hours and therefore until the technology advances to allow such devices to be disabled will not be installed in Council leaseback vehicles.

(ii) Security Alarm & Swipe Card Access Systems

For security purposes when a staff member arms or disarms an alarm system for a Council premise through entering security access code or using swipe card technology to access a facility the information is recorded.

Council may access and monitor staff use of the security alarm and swipe card access systems in the following ways:

- for the purpose of determining, as part of an investigation, whether there has been unacceptable access to premises by an employee constituting a breach of Council's policies or misconduct by the employee;
- for the purposes of legal requirement or other lawful investigation.

Security alarm and swipe card access systems surveillance is continuous and ongoing.

3.30 Workplace Surveillance (cont'd)

(iii) GPS enabled mobile devices

Council may from time to time require employees who work alone, in remote locations or in hazardous activities to use a tracking device (including but not limited to two way radio, man down, distress alarm) to reduce the risk associated with and to identify the location of the employee should an emergency response be required. The requirement for these devices will be based on a risk assessment process. The employee will be notified of the installation and intent of the tracking devices.

Surveillance is intermittent but ongoing.

4.4. Phone & fuel records

Records in relation to the use of Council provided mobile phones and fuel cards remain the property of Council. These records are monitored on an ongoing basis for unusual or high-volume activity, but Council may also access and review these records as part of a workplace investigation into alleged misuse of Council assets and/ or misconduct by an employee or another person.

4.5. Covert Surveillance

Council may apply to a Magistrate for an authority authorising covert surveillance of an employee only for the purpose of establishing whether or not one or more employees are involved in an unlawful activity while at work.

4.6. Prohibited Surveillance

Surveillance of an employee will not be carried out in any change room, toilet facility or shower facility at a workplace.

Surveillance of any employee will not be carried out when the employee is not at work. The exception is that surveillance records may be used as part of an investigation if it is to investigate an allegation of inappropriate use by the employee of equipment or resources provided by or at Council's expense.

4.7. Notification to Employees

Notification to employees will be in writing (which includes the use of email) for the purpose of complying with the Act.

Existing employees of Council shall be notified of the installation and intent of surveillance measures through written advice of the adoption of this policy (and of any significant changes to the policy in the future).

Workers yet to commence with Council shall be given notification of this Workplace Surveillance Policy as part of their offer of employment. By accepting employment with Council, the employee will be consenting to the conduct of surveillance in accordance with this policy, immediately upon the commencement of employment with Council.

4.8. Access, use and disclosure of Surveillance Records

Instances in which the use and disclosure of surveillance records might occur include:

- Identifying the location of Council property or employees while at work (if not possible by other means) for operational or safety purposes including during emergency and significant weather events;
- If there is an assault or suspected assault of a person;
- If theft of Council property is suspected;
- Criminal damage to Council equipment or facilities has occurred;
- Allegations of breaches of Council's Code of Conduct;
- Allegations of unacceptable conduct;
- A serious WHS incident;
- Verify contracted hours are worked;
- Where required under legislation such as to a law enforcement agency in connection with an environmental offence or alleged environmental offence, a criminal or alleged criminal offence or in connection with actual or potential legal proceedings
- As reasonably believed to be necessary to avert an imminent threat of serious violence or substantial damage to property.

Whilst information obtained from surveillance devices will not be used solely for this purpose, it may be used by Council as part of workplace investigation into an employee's alleged misconduct or breach of a Council policy that may result in disciplinary action in accordance with the disciplinary provisions within the Award and Council policies and procedures.

Information gathered from GPS installed in Council's vehicles will not be used as the primary source of information to initiate performance management or disciplinary actions. This information may however be used by Council as a secondary measure in workplace investigations in relation to managing performance, misconduct or breach of Council policy dealt with under the disciplinary provisions of the Award and Council's policies and procedures.

Council employees shall, at all times, exercise duty of confidentiality. Data shall only be released in compliance with the Act and other legislation and as prescribed by this policy. Non-compliance with duty of confidentiality requirements may render the employee liable to disciplinary action.

All documents created in relation to this policy will be kept in accordance with the State Records Act 1998 (NSW).

3.30 Workplace Surveillance (cont'd)

Persons, including members of the public can make application to access Council's data in accordance with the Government Information Public Access (GIPA) Act 2009 and the Privacy and Personal Information Protection Act (PPIPA) 1998.

5. IMPLEMENTATION

General Manager & Directors

- Responsible for ensuring effective implementation of this Policy within areas of responsibility
- Responsible for ensuring adequate controls are implemented and maintained to safeguard privacy
- Have and approve access to information collected by workplace surveillance systems
- Maintain and ensure the security and integrity of surveillance systems and information
- Coordinate and administer the installation, removal and replacement of tracking surveillance for plant and equipment in accordance with this policy and Vehicle and Plant GPS Tracking Policy.

Section Managers

- Responsible for making staff aware of this policy and their compliance
- Must comply with the requirements of this Policy
- Have access to information collected by workplace surveillance systems.

Human Resources

- Ensure compliance with the requirements of the Act with respect to notice of surveillance to employees
- Support and guide managers and supervisors to ensure compliance with the requirements of the Act

6. REVIEW

This Policy will be reviewed by the General Manager initially after the first twelve months of adoption and then every three years, or earlier should circumstances arise including legislative change to warrant revision.

*Adopted by Council – 15 July 2019
Refer minute No. 194/19*

3.31 Health and Wellbeing

POLICY TITLE: HEALTH AND WELLBEING

FILE REF: S30-100

EXPIRY DATE: NOVEMBER 2022

1. OBJECTIVE

- a) This purpose of this Policy is to provide a framework for dealing with health and wellbeing leave as set out in the Local Government (State) Award 2017 (the "Award").
- b) Lockhart Shire Council ("Council") provides health and wellbeing leave in accordance with the Award and this Policy, as varied from time to time.

2. COMMENCEMENT OF POLICY

- a) This Policy will commence on the day the Policy was first adopted by Council (16 September 2019).

3. APPLICATION OF THIS POLICY

- a) This Policy applies to eligible employees of Council, excluding casuals. It does not form part of any employee's contract of employment.

4. DEFINITIONS

- a) "Accrued sick leave" means a balance of the employee's untaken sick leave.
- b) "Eligible employee" means an employee who is entitled to request leave in accordance with clause 5 of this Policy.
- c) "Health and wellbeing leave" means leave taken by an employee in accordance with this policy and leave which is deducted from an employee's accrued sick leave balance.
- d) "Ordinary rate of pay" means ordinary pay as defined in clause 4(viii) of the Award.

5. ELIGIBILITY FOR HEALTH AND WELLBEING LEAVE

- a) An employee, other than a casual employee, will be eligible for up to two (2) days per calendar year of health and wellbeing leave if:
 - i. The taking of health and wellbeing leave will not leave the employee with an accumulated sick leave balance of less than two (2) weeks; and
 - ii. Takes leave for the purpose of health and wellbeing activities; and
 - iii. Has applied for and has prior approval from Council for such leave.

6. ENTITLEMENT TO LEAVE

- a) Leave shall be granted at the discretion of Council and in making their decision Council shall take into consideration factors including but not limited to:
 - i. Whether the activity is a health and wellbeing activity for the purposes of this Policy;
 - ii. The operational requirements of Council;
 - iii. Whether there is likely to be a benefit to Council.

7. HEALTH AND WELLBEING ACTIVITIES

- a) For the purpose of this policy, an activity for approval is at Council's discretion and the list below is simply a guide and is not an exhaustive list of acceptable activities and Council may consider other activities. Council will consider health and wellbeing leave for the purposes of participating in the following activities:

3.31 Health and Wellbeing Policy (cont'd)

- i. Work related health activities and/or team building exercises
- ii. Annual check-ups (e.g. general physical, dental, optical, hearing);
- iii. Annual cancer screenings (e.g. skin cancer, bowel, breast, pap smear, prostate);
- iv. Mental health (e.g. counsellor, psychologist, psychiatrist);
- v. Physical health (e.g. physiotherapist, chiropractor, podiatrist);
- vi. Pre-arranged specialist medical appointments (e.g. scans, tests, follow-up medical appointments);
- vii. Pregnancy related medical appointments (e.g. ultra sound, blood work, amniocentesis, glucose tolerance test);
- viii. Educational programs (e.g. nutrition);
- ix. Other preventative health and wellbeing activities as otherwise approved by the General Manager that are generally consistent with the above activities.

8. APPLICATION FOR LEAVE

- a) Employees can only make a request for health and wellbeing leave where the granting of the request will not leave the employee with less than two (2) weeks' accrued sick leave. In the event that a leave application is made where the employee would be left with less than two (2) weeks' accrued sick leave, then the application shall be automatically declined.
- b) Employees are required to complete a leave form requesting health and wellbeing leave, at least seven (7) days prior to the requested leave. In the event that an application is made less than seven (7) days prior to the requested leave, then Council may approve such leave in exceptional circumstances.
- c) Leave shall not be taken by an employee unless prior approval has been given by Council.
- d) In approving an application, Council will give consideration to positive health and performance benefits to be achieved to both council and employee. Where an application being made involves physical activity, Council will give consideration to whether it is a work-related health and/or wellbeing activity that promotes team building, networking and engagement with other Local Government employees.
- e) Retrospective applications for health and wellbeing leave shall not be approved.

9. EVIDENCE

- a) An employee may be required to provide proof of attendance in the health and wellbeing activity. Where this evidence can be provided prior to the leave, then it should be attached to the leave application form.
- b) Where the evidence of participation or attendance is required by Council, then payment shall not be made until such evidence has been provided.

10. PAYMENT OF HEALTH AND WELLBEING LEAVE

- a) Where health and wellbeing leave has been granted, it shall be paid at the employee's ordinary rate of pay.
- b) Health and wellbeing leave is paid from accrued sick leave and it shall not be paid out upon termination of employment.

11. FORMS

- a) The forms referred to in this Policy can be obtained from the Human Resources Co-ordinator.

12. HELPFUL LINKS

- a) Schedule 1 Links to assist council implement health and wellbeing programs at the workplace.

3.31 Health and Wellbeing Policy (cont'd)

Schedule 1 – Helpful Links

TOPIC	ORGANISATION	LINK
Health and Wellbeing programs	Healthways Australia	https://gethealthyatwork.com.au/
	NSW Government	www.health.nsw.gov.au/healthyworkers
General	NSW Government	www.health.nsw.gov.au/healthyworkers
	Healthways Australia	www.gethealthynsw.com.au/workplaces
	Heart Foundation	www.heartfoundation.org.au
	National Wellness Institute of Australia	www.nwia.idwellness.org/
	Stroke Foundation	www.strokefoundation.com.au
	Asthma Australia	www.asthmaaustralia.org.au
Smoking	Quitline	www.13quit.org.au
	Cancer Council	www.cancercouncil.com.au
Drugs and Alcohol	Beyond Blue	www.beyondblue.org.au/
Mental Health	Beyond Blue	www.beyondblue.org.au
	Black Dog Institute	www.blackdoginstitute.org.au
Healthy Eating	Australian Government	www.healthyactive.gov.au
	Department of Health	
	Live Life Well	www.livelifewell.nsw.gov.au
Success Stories	Healthways Australia	www.gethealthynsw.com.au/success-stories

Adopted by Council 18 November 2019
Refer minute 340/19