### **MINUTES**

# Tamworth Regional Local Traffic Committee General



BlueJeans, Wednesday 12.00pm, 5 August 2020

Attendees: Cr P Betts (Chair - TRC),

Cr H Tickle (TRC),

C Lanham (MP Rep),

S Wielebinski (TfNSW),

S Chamberlain (MP Rep)

F El-Hassan (TRC),

A Webb (TRC - Minutes).

Visitors: nil

 APOLOGIES: Sgt C Knyvett (NSW Police), (Traffic NSW Nrthrn section), M Russell (TRC), K Douglas (TRC).

#### 2. COMMUNITY CONSULTATION

2.1 Nil.

#### 3. PREVIOUS MINUTES / BUSINESS ARISING

#### 3.1 PREVIOUS MINUTES Attached.

Item 67/2020: C Lanham to confirm location shown for the reduced **Bus Zone** on Piper Street East Tamworth is correct.

**CL**: As discussed with Angela, if the zone could be moved up to the entrance gates of TAFE opposite 129 or 131 Piper Street, wherever it fits best and extend down Piper Street towards Janison Street 30 meters.

Updated location shown below:



**COMMITTEE RECOMMENDATION:** pending Police concurrance, the Committee support changes to the bus zone on Piper street.

#### 3.2 BUSINESS ARISING

### 3.2.1 59/2020 Kingfisher Drive and Thornbill Road Moore Creek, consider linemarking based special warrant – review of traffic data

Refer to attached reports. The results are summerised below.

#### Kingfisher Drive

From Thornbill Road - ADT 370, 85% speed 40.6, Max speed 60km/hr

From Moore Creek Road - ADT 417, 85% speed 49.1, Max speed 67.9km/hr

Based on the traffic data, driver behaviour on Kingfisher Drive is generally in compliance with the posted speed limit. Additional treatments such as dividing line markings are not required.

#### Thornbill Road

From Bowdens Lane - ADT 405, 85% speed 65, Max speed 112km/hr

From Kingfisher Drive - ADT 214, 85% speed 65.5, Max speed 102.4km/hr

From Kingfisher Drive - ADT 425, 85% speed 71.3, Max speed 110.9km/hr

Based on the traffic data, Thornbill Road may benefit from dividing linemarking to mitigate traffic speeds.

**STAFF RECOMMENDATION:** that the Committee support the installation of broken dividing linemarking on Thornbill Road to mitigate traffic speeds.

**ACTION:** TRC / TfNSW to inspect Thornbill Road, and install repeater signage if deemed appropriate to address speeding behaviours also.

CL: agree with Staff Recommendation.

Police Rep: TBA

Members present at meeting: agree with Staff Recommendation.



**COMMITTEE RECOMMENDATION:** pending Police concurrance, the Committee support the installation of broken dividing linemarking on Thornbill Road, Moore Creek, to mitigate traffic speeds.

## 3.2.2 69/2020 – Johnston Street at Tribe Street North Tamworth, school traffic parking complaint

Council Operations Engineer and Council Rangers carried out a site inspection and found that the congestion issue appears to be due to the intersection queuing, not parking behaviour.



**STAFF RECOMMENDATION:** that the Committee support the following changes on Johnston Street:

- installation of yellow line marking in the No Stopping zones at the bus and parking pull-in bays:
- changes to the No Stopping zone on the northern side to open the bay to unrestricted parking; and
- reduction in length of the No Parking zone between the bridge and Gorman Street, to provide additional unrestricted parking bays for pick up and drop off.

CL: agree with Staff Recommendation.

Police Rep: TBA

Members present at meeting: agree with Staff Recommendation.

**COMMITTEE RECOMMENDATION:** pending Police concurrance, the Committee support the following changes on Johnston Street North Tamworth:

- installation of yellow line marking in the No Stopping zones at the bus and parking pull-in havs:
- changes to the No Stopping zone on the northern side to open the bay to unrestricted parking; and
- reduction in length of the No Parking zone between the bridge and Gorman Street, to provide additional unrestricted parking bays for pick up and drop off.

### 4. INFORMAL ITEMS

#### 4.1 65/2020 Marius Street, Tamworth - pedestrian safety when crossing

Requests have been made for a pedestrian refuge on Marius Street, between Roderick Street and White Street.

At the July meeting, it was noted that this issue has been addressed previously, with a request made for a crossing near White Street. That request was not successful, due to not meeting the warrant and traffic lights being installed at the Fitzroy Street intersection.

#### Discussion/ feedback

Members discussed current pedestrian facilities in the vacinity, the need for lighting at any proposed location, and wether any proposed location would meet a warrant for a crossing.

**TfNSW:** advise that an internal meeting will be held at the end of August to discuss the matter with the Regional Planning Manager.



**ACTION:** Committee members to forward any relevent backgound, complaints and data to Stefan for discussion at the meeting with the TfNSW Regional Manager.

#### 5. FORMAL ITEMS

#### 5.1 72/2020 - Tamworth Cycle Club - Gunnedah to Tamworth Road Race

Tamworth Cycling Club are seeking approval to stage the Gunnedah to Tamworth Cycle Race on Sunday 13 September 2020. The Gunnedah to Tamworth Cycle Race is an important event on the Cycling NSW Country Calendar, and has a rich and long history, something which Tamworth Cycle Club wishes to continue.

This year, the Tamworth Cycle Club are requesting to move the race finish to the Tamworth Cycling Centre Criterium Track.

The race route and conditions will be the same as previous editions of the event, except that for the use of the AELEC Access Road (connecting Burgmanns Lane to Jack Smyth Drive) and Jack Smyth Drive (from the AELEC carpark to the Tamworth Cycling Centre). See the proposed race route extension in the **attached** Traffic Management Plan (TMP).

**Note:** The TMP has been written with the intent to cover both finishing scenarios (i.e. a finish on Burgmanns Lane, as per previous editions, OR a finish at the Critirium track).

**Council comment:** use of the AELEC Access Road is subject to future works to seal the road. Use of the unsealed road by road bikes may be unsafe for users. Realigning the access road is subject to available funding.

**STAFF RECOMMENDATION:** that the Committee support the proposed Gunnedah to Tamworth Cycle Race on Sunday 13 September 2020, with the associated changes to traffic management. The approval of one of the two options for finish line is to be determined by Council staff in discussion with the Club as an operational matter, dependent on the timing of the sealing of the access road.

TfNSW: the TCPs need to have a second certified designer sign them off. They are currenlty not valid.

ACTION: Council to advise the Club to amend the TCPs in the event approval letter.



**COMMITTEE RECOMMENDATION:** pending Police concurrance, the Committee support the proposed Gunnedah to Tamworth Cycle Race on Sunday 13 September 2020, with the associated changes to traffic management. The approval of one of the two options for finish line is to be determined by Council staff in discussion with the Club as an operational matter, dependent on the timing of the sealing of the access road.

# 5.2 71/2020 – No Parking signs on Bligh Street, North Tamworth, Bupa Aged Care Facility Driveway

Residents on Bligh Street have complained about the lack of parking and proximity of parked cars to their driveways, making ingress and egress difficult and allegedly unsafe.

Some residents have claimed that the cars parked in front of their homes are employees of the facility and that the **No Parking** exclusion around the BUPA aged care facility was excessive and further reduced available on street parking.

Administrators of the aged care facility allege Council installed the signs, however there is no record of this with Council, nor can the aged care facility administrators provide any documentation, dates or contacts for period of installation.



**STAFF RECOMMENDATION:** that the Committee support the relocation of the existing **No Stopping** sign south of the driveway, such that it is 5mt from the driveway, and remove the **No Parking** sign north of the driveway. This will have the effect of creating 2-3 new parking spaces and help ease the pressure on existing on street parking.

Members present at meeting: Agree with Staff Recommendation

**COMMITTEE RECOMMENDATION**: that the Committee support the relocation of the existing **No Stopping** sign south of the driveway, such that it is 5mt from the driveway, and remove the **No Parking** sign north of the driveway.

#### 6. GENERAL BUSINESS

#### 6.1 73/2020 - Linemarking around the Tamworth LGA

TfNSW note that there are locations around the Tamworth LGA where linemarking is missing or incorrect. TfNSW will forward details/ photos of the locations to Council's Operations Engineer to action.

### 6.2 74/2020 - Give Way Signs on cyclepaths.

TfNSW note that there are **Give Way** signs of the wrong size on some cyclepaths (Manilla Road, Calal Lane Moonbi). They appear to have been turned by drivers to face the road way incorrectly. TfNSW will forward details/ photos of the locations to Council's Operations Engineer to action.

Meeting closed: 12:30 pm

Next meeting: 2 September 2020, noon via BlueJeans.



Tamworth Regional Council General Policy Register contains the policies that have been adopted by Tamworth Regional Council, including adoption of prior council policies including, Barraba, Manilla, Nundle, Parry and Tamworth City Councils.





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#### 1. ACQUISITION AND DISPOSAL

#### 1.1. FLOODPLAIN MANAGEMENT

OBJECTIVE:

To provide funds for the management of flood prone land and associated flood mitigation measures in urban areas across Tamworth Regional

#### POLICY:

To ensure that the sum of \$75,000 yielded annually commencing 1 July 2013, (indexed annually in accordance with rate pegging) from Ordinary Rates is held as a Restricted Asset and allocated for the purpose of floodplain management and flood mitigation within Tamworth Regional Council.

\* \* HISTORY -

Reviewed by DC&G October 2012 - Updated -- Ordinary Council Meeting 15/01/2013 -- Min No: 9/13

Updated -- Ordinary Council Meeting 24 April 2013 Min No 119/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former Terrworth City Council Policy

Extra Ordinary Meeting of Council 1/7/98, GM Report 98/11 Draft Management Plan 1998/99

#### ASSET MANAGEMENT POLICY

OBJECTIVE: This policy applies to all infrastructure related service provision such as Road and Transport, Stormwater Drainage, Community Services delivered by Council Facilities, Sport and Recreation and Environmental Protection, Water and Sewer.

#### POLICY:

#### Purpose

Infrastructure assets are necessary to meet the social, economic and recreational needs of the community. Tamworth Regional Council is responsible for a large and diverse asset base and significant portion of the Council's budget each year is spent on looking after, operating, improving and growing these assets to the benefit of the community.

This policy sets out the approach to asset management to ensure that Council has information, knowledge and understanding about the long term and cumulative consequences of being the custodian of public infrastructure. This will be done by ensuring systems, processes and people are able to inform decisions on the most effective and efficient options for delivering infrastructure related services whilst controlling exposure to risk and loss.

#### Reference (e.g. Legislation, related documents)

- Local Government Act 1993
- Local Government (General) Regulation 2005
- National Asset Management Framework
- IPWEA NAMS.PLUS National Templates for Asset Management Plans
- International Infrastructure Management Manual
- ISO55000 series of international asset management standards

#### Definitions

To assist in interpretation, the following definitions shall apply:

Item	Description
Asset Management	The combination of management, financial, economic, engineering and other practices applied to physical assets with the objective of providing the required level of service in the most cost effective manner
Resourcing Strategy	The long-term resources required to achieve the objectives established by the Community Strategic Plan. The strategy will include provision for long-term financial planning, workforce management planning and asset management planning.
Long Term Financial Plan (LTFP)	The Long Term Financial Plan will be used to inform decision making during the finalisation of the Community Strategic Plan and the development of the Delivery Program. The Long Term Financial Plan will be for a minimum of 10 years and be updated at least annually as part of the development of the Operational Plan. The Long Term Financial Plan will include:  Projected income and expenditure, balance sheet and cash flow statement

	Planning assumptions used to develop the Plan     Sensitivity analysis - highlights factors/assumptions most likely to affect the Plan
	Financial modelling for different scenarios e.g. planned/optimistic/conservative
Asset Management Strategy (AMS)	Methods of monitoring financial performance  The Asset Management Strategy will include an overarching council endorsed Asset Management Policy. The Asset Management Strategy will identify assets that are critical to the council's operations and outline risk management strategies for these assets. The Asset Management Strategy will include specific actions required to improve council's asset management capability and projected resource requirements and timeframes. The asset management strategy will balance the resources required in the AMP and resources available in the LTFP and report on the available choices and service and risk consequences. The AMS is an essential part of the resourcing strategy.
Asset Management Plan (AMP)	The Asset Management Plan/s must encompass all the assets under a council's control, identify asset service standards, and contain long term projections of asset maintenance, rehabilitation and replacement costs. The Asset Management Plan will be for a minimum of 10 years and be updated at least annually to inform the Long Term Financial Plan (LTFP)

#### Context

Obligations in relation to asset management are set out in the Local Government Act 1993.

Integrated Planning and Reporting requirements outline that Council must account for and plan for all of the existing assets under its ownership, and any new asset solutions proposed in its CSP and Delivery Program.

- Council must prepare an Asset Management Strategy and Asset Management Plan/s to support the Community Strategic Plan and Delivery Program.
- The Asset Management Strategy and Plan/s must be for a minimum timeframe of 10 years.
- The Asset Management Strategy must include an overarching council endorsed Asset Management Policy.
- The Asset Management Strategy must identify assets that are critical to the council's operations and outline risk management strategies for these assets.
- The Asset Management Strategy must include specific actions required to improve council's asset management capability and projected resource requirements and timeframes.

Figure 1 below shows the Integrated Planning and Reporting framework that frame Asset Management and figure 2 shows the Asset Management Framework.

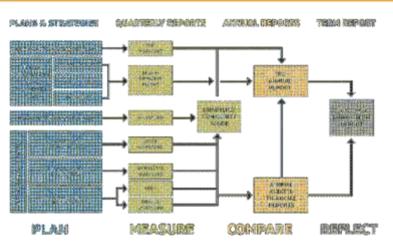


Figure 1 Integrated Planning and Reporting Framework

ASSET MANAGEMENT POLICY

ASSET MANAGEMENT STRATEGY

Described in described strategy and above the contract

ASSET MANAGEMENT STRATEGY

Described in described strategy and above the contract

ASSET MANAGEMENT STRATEGY

Described in described strategy and above the contract

Asset Management policy

ASSET MANAGEMENT STRATEGY

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TAMWORTH REGIONAL COUNCIL GENERAL POLICY REGISTER - ACQUISITION AND DISPOSAL

Figure 2 Asset Management Framework

#### **Policy Statement**

To ensure effective asset management Council will undertake to:

- Allocate sufficient resources for the development of asset strategies, management plans and service level documents to achieve the target maturity.
- 2. Manage all infrastructure assets in a systematic and sustainable manner.
- 3. Apply a lifecycle approach to the management of assets where:
  - Planning decisions consider the "whole of life" of an asset through planning, acquisition, operation, maintenance, renewal and disposal
  - Consideration is given to an assets impact on current and future environmental, economic, cultural and social outcomes
- Develop and commit to long term capital works and financial management plans that support and are responsive to the needs of the community.

- Ensure that asset renewal, disposal, upgrade or new asset provision is carried out in accordance with the adopted resourcing strategy that includes demonstrated need, life cycle costing, alternative modes of delivery, sustainability, equitable distribution of resources and social equity.
- Ensure service delivery needs are the primary driver for asset management practices by:
  - a. Establishing and monitoring levels of service for each asset class
  - Consultation with the community and key stakeholders as required in determining service and intervention levels;
  - Identification and monitoring of risks to assets and associated service levels
- Ensure asset management practices conform to legislative requirements and reflect best practice in the industry.
- Regularly update and report on the current maturity of Council's asset data, systems, strategies, plans, processes and skills and the accompanying organisational risk.
- 9. Continually improve asset management processes and performance

#### Policy Objectives

The objectives of the asset management are to:

- Ensure that the Council's infrastructure services are provided in an economically
  optimal way, with the appropriate level of service to residents, visitors and the
  environment determined by reference to Council's financial sustainability,
- Safeguard Council's assets including physical assets and employees by implementing appropriate asset management strategies and appropriate financial resources for those assets,
- Adopt the long term financial plan as the basis for all service and budget funding decisions,
- Meet legislative requirements for all Council's operations,
- Ensure resources and operational capabilities are identified and responsibility for asset management is allocated,
- Provide high level oversight of financial and asset management responsibilities through Audit Committee/GM reporting to council on development and implementation of the Asset Management Strategy, Asset Management Plans and Long Term Financial Plan.

#### Responsibilities

Mayor and Councillors adopt the policy objectives and ensure sufficient resources are applied to manage the assets as appropriate.

General Manager has overall responsibility for developing infrastructure asset management systems, policies and procedures and financial models and reporting on the status and effectiveness of asset management.

Asset Management Reference Group is responsible for ensuring that all asset management activities are consistent with asset management objectives. They will oversee the development and implementation of asset management plans and systems.

**Directors and Managers** are responsible for implementing infrastructure asset management plans, systems, policies and procedures.

#### **Evaluation Process**

Annually staff will conduct, and report on the results of, a review of the implementation of the long-term plans mentioned in this policy. These are:

- Asset Management Plans
- Asset Management Strategy
- Long Term Financial Plan

#### Review

The Asset Management Reference Group will review this policy every 4 years. Next review date is June 2024

.

<sup>\* \*</sup> HISTORY — Reviewed April 2020 – Updated – Ordinary Council Meeting 28/04/2020 – Min No 100/20 Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13 Adopted as TRC Policy at Ordinary Meeting 13 December 2011 Min No 435/11

#### 1.3. ASSET DISPOSAL POLICY

The intent of this policy is to openly and transparently allow for the disposal of Tarmworth Regional Council assets, surplus to Council's needs. OBJECTIVE:

#### DEFINITIONS AND ABBREVIATIONS:

Local Government Act 1993 (NSW) Act

Assets Applies to the terms 'asset(s)', stores, item(s), equipment, furnishings and goods as used throughout this policy. It does not include real property

(building and land) but may include fittings attached to the property.

Local Government (General) Regulations 2005 (NSW) Regulations

POLICY:

This policy is for the disposal of assets and applies to all levels of Tamworth Regional Council. The aim of this policy is to:

- Provide a systematic and transparent method for the disposal of surplus assets.
- Ensure that best value for money is achieved.
- Promote fair and effective competition to the greatest possible extent.

A 'good' is of value to Council, only in so much as it continues to cost effectively support the delivery of the Council's services. Goods that are no longer needed should be disposed of promptly. Obsolete Assets are to be donated, where appropriate. Such disposal by donation requires prior approval from the General Manager.

The 'disposal' must achieve best value for money such that Council obtains the best possible return for the goods that it sells.

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

- Decision to dispose
- Estimate the value
- Factors to consider in disposal
- Select the appropriate disposal method
- Obtain approval for disposal process
- Effective disposal
- Evaluate the disposal process

#### Factors to be considered prior to Disposal

- Hazardous Materials: Any dangerous goods are to be disposed of only in an authorised manner.
- Historical and Locally Significant Items: Goods may no longer be required in the operations of Council, however, may have important significance to a local community or have historical value. Items that would be considered in this category include (but are not limited to): honour boards, artwork, items given as gifts with engraving, items displaying logo's of a former Council. These items need to be cleared by Governance

prior to proceeding with disposal, and where possible will be offered to local historical groups.

- Obsolete Assets: Where appropriate, such obsolete assets can be donated; however, disposal of assets by donation will require prior approval from the General Manager.
- Conflict of Interest: Council staff involved in disposal need to understand their responsibility to disclose actual or perceived conflicts of interest that may arise in the performance of their duties.

Council staff should check and declare that there is no conflict of interest on their behalf prior to the commencement of each disposal activity. If there is a conflict of interest the staff member should seek advice from their Director or Manager.

- Other Uses: Ensure no other Council Department has a need for the asset.
- Identifying Marks: As much as practicable, any Council identifying mark should be removed or obliterated.
- Spare Parts: Any spare parts held for a particular item should be disposed of in one parcel with the asset.
- Provision of relevant information related to changes or alterations made to a vehicle or plant.
- Preparing assets for sale: A check must be carried out to ensure that assets do not contain:
  - additional items not intended for sale;
  - confidential documents (records, files and papers);
  - software (which could lead to a breach of licence or contain confidential data);
     and
  - hazardous materials.

#### **Decision to Dispose**

Before any disposal action can be taken, it is necessary to seek approval that goods are appropriate for disposal from the Director or Manager. Any disposal of assets by way of donation will require prior approval by the General Manager. Any disposal of assets by way of donation will require prior approval by the General Manager. Common criteria for determining that goods may be suitable for disposal include:

- no longer required;
- unserviceable or beyond economic repair;
- technologically obsolete;
- operationally inefficient;
- surplus to current or immediately foreseeable needs;
- · part of an asset replacement plan; and
- unsustainable costs associated with the retaining of goods such as storage, insurance, security and management.

#### Method of Disposal

The disposal method chosen must be appropriate to the value, nature, quantity and location of the goods, and to promote fair and effective competition to the greatest extent possible. To help achieve these objectives the following methods are to be utilised:

- Destruction/Land filling where items are of no value;
- Verbal quotes Goods valued up to \$5000 excl. GST may be disposed of by verbal quotes. A minimum of three quotes must be obtained;
- Written quotes Goods valued up to \$50,000 excl. GST may be disposed of by written quotes. Trade-ins are considered as equivalent in process to written quotes. A minimum three quotes must be obtained;
- Auction Goods valued up to \$150,000 excl. GST may be disposed of by public auction; and
- Tender Goods over \$150,000 excl. GST. The tendering process must be utilised pursuant to the Local Government Act and Regulation.
- Donation Disposal by donation requires General Manager approval.

#### Other Factors in the Disposal Process

There are factors apart from the monetary value of the goods that can affect the choice of the disposal method, including:

- the market value of the goods;
- time considerations;
- Council resources required to manage the disposal;
- the costs associated with different disposal methods, i.e. administration and transport costs to Council; and
- the size, portability and number of goods.

In any event, the methods of disposal and reasons should be documented and filed according to the monetary value of the goods in question.

Irrespective of the disposal method, it is essential that all prospective buyers are advised in writing that items are disposed of, with any faults and at the buyer's risk.

Buyers are to rely on their own enquiries regarding the condition and workability of the items.

#### Asset Register

For all disposals, irrespective of whether the goods are written off, the asset registers must reflect the relevant details and the accounting records must be adjusted.

This can be done through the Finance Division and such advice should be in writing.

#### Responsibility/accountability

Managers are accountable for ensuring that the surplus, obsolete or worn out assets in their area are sold or dispersed of in accordance with this policy.

#### Related documents

#### ASSOCIATED LEGISLATION

Section 55 of the Local Government Act 1993 and Local Government (General) Regulation 2005

#### ASSOCIATED COUNCIL DOCUMENTS

- Asset Management Policy Policy Number 1.2 Tamworth Regional Council General Policy Register – TRIM 32003/2006;
- Tamworth Regional Council Code of Conduct TRIM 43364/2013; and

Standard Administrative Procedure Register – TRIM 93331/2014.

#### Policy status

This policy includes revisions as per the Council standards and Department of Local Government requirements.

#### Policy Review

This policy may be amended or revoked at any time and must be reviewed at least four years since its adoption (or latest amendment) or as required.

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\* History:

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Reviewed July 2020 - Updated - Ordinary Council Meeting - Min No Adopted Ordinary Council 27 September 2016 Min No: 272/16

Adopted Ordinary Council 28 October 2014 Min No. 339/14

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#### 1.4. PROCUREMENT POLICY

#### OBJECTIVE:

To provide procurement function that manages risk and provides for the safety of Council officers, business partners and the community.

To ensure that acquisition planning and supplier evaluation is clearly linked to Council's strategic directions, and supported by efficient and effective contract management and evaluation.

To provide clarity of accountabilities and guidance for officers engaged in purchasing, use of purchase cards, tendering, contract management, payments and asset disposal relating to the acquisition and use of goods and services.

Council's procurement processes are intended to ensure best value for money for the community and provide:

- a safe working environment for all officers, suppliers, contractors, volunteers and visitors;
- ethical business dealings, meeting high standards of probity;
- sustainable work practices and minimal environmental impact; open and effective competition; and
- management of formal contractual arrangements between Council and suppliers.

**POLICY:** The procurement function will comply with all legislative and risk management requirements.

The following principles will be incorporated into our practices:

- 1 Best value for money for the community:
  - the method of purchase must be cost effective and efficient;
  - take into account all relevant costs and benefits over the whole of life from the sourcing of raw materials to disposal of the goods or services being procured;
     and
  - accepting the lowest price is not necessarily the only indicator of best value for money.
- 2 A safe working environment for all officers, suppliers, contractors, volunteers and visitors where materials and equipment purchased are fit for purpose and comply with legislative and workplace requirements.
- Council's <u>Perocurement Perocedures will provide further guidance on ethical business dealings and pass scrutiny from internal and external stakeholders.</u>

Procurement activities must:

- i) demonstrate the relationship to Council's priorities, objectives and values;
- ii) model high-quality environmental standards and responsibility;
- iii) display professionalism, integrity, probity and not behave in any manner that contravenes Council's Code of Conduct; Values and Code of Business Ethics;
- iv) avoid any actual, or appearance of any possible, conflict of interest;
- maintain confidentiality of information obtained that relates to procurement activities; and:

- vi) not provide any unfair advantage or bias to any supplier.
- 4 To reduce risk associated with procurement activities, Council staff will:
  - determine the level of risks associated with the acquisition when deciding on the method of purchase to be used:
  - undertake and document a risk analysis for all procurement involving the process of calling of tenders or as determined by the delegated purchasing officer;
  - iii) comply with procedures relating to procurement;
  - iv) ensure segregation of duties in the requisitioning, approval and payment functions;
  - only approve the incurring of expenditure up to the delegated monetary level and within budgetary limits;
  - ensure all suppliers are registered and contracted with Council through a registration process that confirms a pre-approved and/or established systems of WHS systems, environmental factors and insurances are in place;
  - vii) use internal procurement services, Council stores, State Government Contracts, Local Government Procurement Contacts, period contracts and Council's catalogues whenever possible;
  - viii) provide suppliers with Council's standard Purchase Order and/or contract prior to supply;
  - ix) maintain a contract register and procedures for contract variation and contractor evaluation.
- 5 Council does not support the extension of contracts as a means of avoiding periodic competitive Tendering in accordance with Formal Quotation and Tendering Procedures, unless specified within contract with a specific supplier.
- 6 The purchase of WHS restricted or dangerous goods and services must only be arranged with qualified suppliers who have achieved registration with Council.
- 7 Council supports sustainable work practices and minimal environmental impact as evaluation criteria in all procurement, and suppliers should demonstrate <u>a\_commitment</u> to the environment.
- 8 Suppliers must be provided access to open and fair competition to compete for Council business which will include formal contractual arrangement between Council and suppliers.
- 9 Suppliers will be eliminated from the procurement process if found to be lobbying Councillors or staff during the procurement process.
- 10 Council supports the strengthening of local economic capacity through the Procurement Procedures. However, the procurement process must achieve value for money and not breach any probity or accountability rules.
- Staff engaged in procurement will be trained in Council's policies, procedures and systems, i and will be certified as understanding them, prior to being provided authority and access to procurement systems.
- 12 The procurement/lease of land and property is excluded from this Council policy.
- 13 Standard contract conditions will not be altered or varied without the approval of Governance Division.
- 14 Council's purchasing procedures will align with the Independent Commission Against Corruption (ICAC) Procurement Guidelines <a href="http://www.icac.nsw.gov.au/preventing-">http://www.icac.nsw.gov.au/preventing-</a>

corruption/knowing-your-risks/procurement/4305 and Department of Local Government guidelines. DLG Circular to Councils 06/07 Procurement in Local Councils, Tendering Guidelines for NSW Local Government Local Government Act Division 1 Tendering Section 55 - Requirements for Tendering

 History: Reviewed July 2020—Updated — Ordinary Council Meeting — Min No Adopted as Policy Ordinary Council Meeting 28 October 2014 Min No 399/14

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#### CEMETERIES

#### TAMWORTH LAWN CEMETERY - MANAGEMENT

#### OBJECTIVE:

1. To reduce maintenance within the Tamworth Lawn CemeteryTo ensure the operations of all Tamworth Regional Council Cemeteries complies with the Cemeteries and Crematoria Act 2013; and

- 2. To improve the general appearance of the lawn section To provide a framework for the maintenance of the regional cemetery lands at a level acceptable to both Council and the Community within the scope of resources available and safe working practices.
- 3. To give families the opportunity to provide a monument in keeping with their wishes.

#### POLICY:

- The Tamworth Regional Council Plan of Management for Cemeteries can be found on our website at: <a href="https://www.tamworth.nsw.gov.au/live/information-for-residents/cemeteries">https://www.tamworth.nsw.gov.au/live/information-for-residents/cemeteries</a> That plaques in Stages 1 and 2 of the Tamworth City Lawn Cemetery be progressively placed on concrete headstones in lieu of the concrete. pads.
- That Council permit the installation of other than bronze plaques in Stage 3 and future stages of the Tamworth Lawn Cemetery, such monuments not to exceed a maximum height of 600mm and to have a maximum base dimension as determined by the Regional Services Director.
- That the adopted fee in the lawn cemetery be reduced by \$50 in the event that it is signified by the next of kin that it is intended to install other than a bronze plaque on
- In the event of a next of kin signifying intention to install a bronze plaque on other than a Council provided concrete headstone/footstone, arrangements and costs of additional monumental work shall be at the sole cost of the applicant.
- To give effect to the foregoing. Council provide in Stage 3 and future stages of the lawn cemetery, concrete strips to each alternate row of graves to enable headstones or footstones to be erected thereon.

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\* \* HISTORY --

Reviewed July 2020-- Updated -- Ordinary Council Meeting -- Min No

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/81/2013 - Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy

Reviewed by TSD 1/10/02. Still Valid

This Policy amends/replaces that previously adopted by Council on 28 June 1988 (Min. No. 181/88)

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#### 2.2. TAMWORTH LAWN CEMETERY PLAQUES

OBJECTIVE: To have all graves identified.

#### POLICY:

- That if no instructions are received during a six month period from date of interment, a letter be sent to the next of kin drawing attention to this possible oversight.

  That if no advice is received to Council's letter within one month of date thereof— a suitable plaque be ordered from the supplying company. Such plaque to bear the deceased person's name (in full) and date of death only.

\* HISTORY -Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy.

This Policy first adopted on 10 September, 1974, Min. No. 193. Reviewed and endorsed as per above date/Min. No.

TAMWORTH REGIONAL COUNCIL GENERAL POLICY REGISTER -- CONTRACTING

#### 3. CONTRACTING

### 3.1. CONTRACTS – DISCLOSURE ON REQUEST OF INFORMATION CONTAINED IN COUNCIL CONTRACTS

OBJECTIVE: To

To identify information contained in Council contracts as required under Government Information (Public Access) Act 2009 (GIPA)which may be publicly disclosed upon request.

#### POLICY:

- 1 That the information contained in Council contracts identified in Schedules 1 and 2 be publicly disclosed upon request.
- 2 That the information contained in Schedule 3 not be publicly disclosed in respect of any contracts entered into by the Council.

#### SCHEDULE 1

#### INFORMATION TO BE DISCLOSED FOR ALL CONTRACTS

- the name and business address of the contractor;
- particulars of any related body corporate (within the meaning of the Corporations Act 2001, of the Commonwealth) in respect of the contractor, or any other private sector entity in which the contractor has an interest, that will be involved in carrying out any of the contractor's obligations under the contract or will receive a benefit under the contract;
- the date on which the contract became effective and the duration of the contract
- particulars of the project to be undertaken, the goods or services to be provided or the real property to be leased or transferred under the contract;
- the estimated amount payable to the contractor under the contract;
- a description of any provisions under which the amount payable to the contractor may be varied;
- a description of any provisions with respect to the renegotiation of the contract;
- in the case of a contract arising from a tendering process, the method of tendering and a summary of the criteria against which the various tenders were assessed; and
- a description of any provisions under which it is agreed that the contractor is to receive payment for providing operational or maintenance services.
- Details of contract (description of project to be completed or goods/services to be provided or property to be transferred; commencement date of the contract; the period of the contract);
- the full-identity of the successful tenderer (including details of cross ownership of relevant companies and major subcontractors);
- the price payable by the Council and the basis for future changes in this price;
- the significant evaluation criteria and the weightings used in tender assessment;
- provisions for re-negotiation and/or renewal (where applicable).

#### SCHEDULE 2

ADDITIONAL INFORMATION TO BE DISCLOSED FOR CONTRACTS INVOLVING LAND SALES, SWAPS, ASSET TRANSFERS, LEASES AND SIMILAR ARRANGEMENTS

 particulars of future transfers of significant assets to the State at zero, or nominal, cost\* to the State, including the date of their proposed transfer. Formatted: Font: (Default) Arial, 11

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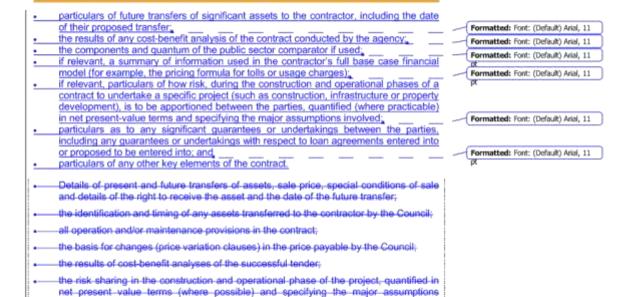
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TAMWORTH REGIONAL COUNCIL GENERAL POLICY REGISTER - CONTRACTING



#### SCHEDULE 3

involved;

#### COMMERCIAL-IN-CONFIDENCE INFORMATION

elements of the contractual arrangements.

into or agreed to be entered into;

#### INFORMATION NOT TO BE DISCLOSED FOR ANY CONTRACTS

- The financing arrangements;
- the cost structure or profit margins;
- items of the contractor having an intellectual property characteristic (eg non-tangible property that is the result of creativity, such as patentable ideas or inventions, trademarks, copyrights, etc);

significant guarantees or undertakings between the parties, including loans entered

to the extent not covered above, the remaining key non-commercial-in-confidence

 any other matters where disclosure would place the contractor at a substantial commercial disadvantage with its competitors both at the time of entering into the contract and at any later date when there would be an effect on future competitive arrangements.

 HISTORY — Reviewed July 2020—Updated — Ordinary Council Meeting — Min No. Adopted Ordinary Council 27 September 2016 Min No. 272/16

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TAMWORTH REGIONAL COUNCIL GENERAL POLICY REGISTER - CONTRACTING

Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13 Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05 Former TCC Policy

P&R CCSD Rep No 2001/11, 18/4/01 Item 2 CR119 Council Ord 24/4/01 Min No 99

#### 4. COMMERCIAL ACTIVITIES

#### 4.1. AIRPORT - ADVERTISING

OBJECTIVE: To regulate advertising and building signs at Tamworth Regional Airport as well as inside the Airport Terminal Building.

#### POLICY:

- 1 All advertising and building signs should be approved by Council.
- 2 Airport Buildings will be permitted to display company identification only i.e., name and logo. Size and location should be considered on merit. Lit or neon signs will not be permitted.
- 3 Advertising on or adjacent to Airport roadways should not be permitted.
- 4 Terminal advertising is to be strictly controlled and only permitted in the following nominated advertising sites (refer attached drawing):
  - (i) North eastern wall area either wall mounted or free standing display;
  - (ii) Eastern wall between baggage carousel wall mounted;
  - (iii) Eastern Wall right side of baggage carousel wall mounted;
  - (iv) Southern carpet area (arrivals) free standing display;
  - (v) South western carpet area (departures) free standing display;
  - (vi) Eastern wall adjacent to Airline Check-in Counter Area wall mounted; and
  - (vii) Flight Information Boards.

Advertising to be of the highest quality and to fit in with the decor of the terminal.

- 5 Sites to be offered for a twelve (12) month period on the highest submitted tendered price.
- 6 Airline Check-in Counters/Car Rental Desks will be permitted to display company name and logo only.
- 7 Tobacco or offensive advertising will not be permitted.\*

<sup>\*</sup> HISTORY — Reviewed by DC&G October 2012 — Updated — Ordinary Council Meeting 15/01/2013 — Min No: 9/13 Amendment — Item 8.2 Ordinary Council 23 October 2012 Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05 Former TCC Policy Reviewed by Technical Services Director 1 Oct 2002 — still valid.

### 4.2. AIRPORTS AND LANDING STRIPS - LANDING FEES CREDIT LIMIT ON PAYMENT - TAMWORTH REGIONAL AIRPORT

OBJECTIVE: To define a thirty (30) day credit limit on payment of landing fees.

POLICY:

That in relation to the payment of landing fees at Tamworth Regional Airport:

- (i) the maximum credit which Council will allow is thirty (30) days;
- (ii) any account that exceeds this limit will be advised in writing that unless payment is received within fourteen (14) days then legal action to recover the full outstanding amount will be commenced;
- all account holders be advised that this new policy will become effective from their May accounts;
- (iv) the Corporate and Governance Director be delegated authority to allow an extension of credit terms up to a maximum period of ninety (90) days OR a maximum outstanding balance of \$30,000.\*

Policy and Resources Committee 21 April 1993 CR 153. CW Ord Council 27 April 1993 Min No 82 (CW45)

HISTORY — Reviewed by DC&G October 2012 — Updated — Ordinary Council Meeting 15/01/2013 — Min No: 9/13
 Amendment — Item 8.2 Ordinary Council 23 October 2012

 Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

#### 4.3. AIRPORTS AND LANDING STRIPS - LEASES - TAMWORTH REGIONAL AIRPORT

OBJECTIVE: To standardise leases at the Tamworth Regional Airport.

#### POLICY:

#### 1 General

All leases at the Airport should be based on Airport Master Planning requirements. As this plan will be based on a projected 20 year period it is strongly advisable that no lease be granted beyond a maximum 20 years. However, substantial developments, i.e., BAEFTA leases should be considered outside these parameters.

#### 2 Types of Leases

Leases at the Airport should be classified as follows:

- Long Term Site Lease;
- Building Lease;
- Licence;
- Airport Terminal Lease;
- Business Concession; and
- Contracts.

The period for each of these types of categories depends on the type of development. Major developments will need the maximum period to amortise development costs and investment. The following is a guideline for the various categories:

- Site Lease 15 20 years + options of 5yr periods to maximum 10 years;
- Building Lease 6 years + 3 year option;
- Licence 3 5 years;
- Airport Terminal Lease 6 years + 3 year option;
- Business Concession 3 5 years depending on capital investments; and
- Contract 3 years.

#### 3 Lease Options

Options for extension to lease must be at the Council's option subject to the availability of the demised premises consistent with airport planning constraints.

#### 4 Rental Rates

- (i) Site and Building Leases The market rental for the demised premises be assessed on the basis of being 10% per annum of the capital value of the site of the demised premises as assessed by the Council's Valuer.
- (ii) Licence Fee based on 10% per annum of the capital value of the site as assessed by the Council's Valuer.
- (iii) Airport Terminal Leases be broken up into two components:
  - (a) base rent component as per site and building lease; and
  - outgoing component Outgoings comprise the following costs associated with the public areas of the Terminal:
    - air-conditioning;

- cleaning;
- lighting;
- security; and
- maintenance.

These costs are totalled and divided by the square metres of public areas. This cost per square meter is then added to the base rent component.

(iv) Business Concessions based on a base rent per annum plus a consideration per annum expressed as a percentage of gross turnover.

#### 5 Rental Review

Review of all rentals/licenses to be conducted every three years based on current market values.

In all cases however, should the review rental be assessed less than the existing rental then the existing rental shall prevail.  $^{\star}$ 

\* HISTORY -

Reviewed by DC8G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy

Reviewed by TSD 1/10/02 still valid.

This Policy reviewed and endorsed by Council on 24 April 1990, Min. No. 140.

#### 4.4. AQUATIC MANAGEMENT PLAN

OBJECTIVE:

The aim of this Management Plan is to provide facilities which promote a healthy lifestyle and social interaction, for the residents and visitors of the Region. Our focus is to prevent the loss of life and to promote the safe participation in water related activities through education and promotion of public understanding.

POLICY: The Tamworth Regional Council Aquatic Management Plan can be found on our website at: <a href="http://www.tamworth.nsw.gov.au/Recreation/Aquatic-Facilities/Aquatic-Management-Plan/Swimming-Pools-Management-Plan">http://www.tamworth.nsw.gov.au/Recreation/Aquatic-Facilities/Aquatic-Management-Plan/Swimming-Pools-Management-Plan</a>

HISTORY — Adopted Ordinary Council 27 September 2016 Min No: 272/16
 Adopted as TRC Policy at Ordinary Meeting 22 September 2015 Min No 273/15

# 5. COMMUNITY RELATIONS

# FINANCIAL ASSISTANCE PROGRAM — SECTION 356 OF THE LOCAL GOVERNMENT ACT

**OBJECTIVE:** To comply with the provisions of Section 356 of the Local Government Act 1993.

To provide a framework within which requests to Council for financial assistance are assessed and accounted for.

To encourage the sustainable development of a vibrant events culture in the Tamworth Region.

SCOPE: This policy applies to requests for financial assistance from Council and for events staged within the Tamworth Region, however not all requests for financial assistance will be considered under this policy.

**POLICY:** Council provides various forms of financial assistance to the community through grants, sponsorship, donations, and the waiving of Council fees and charges. This policy will assist Council in assessing these requests.

#### Definitions

A donation is any form of financial or in-kind assistance provided by Council and can be in the form of cash, goods or services, including the waiving of fees and charges to eligible groups and organisations.

Events – special celebration, festival, group happening, conference or community occurrence. Such events may be staged by Council, commercial operator or not-for-profit organisations for the benefit and enjoyment of the community. Events preclude regular meetings. For Council's purposes, events may be categorised into varying levels:

- Level 1 Community Events are those that Council has no particular involvement in their staging. These events will continue to exist with or without Council support. Indeed some groups may not be interested in any Council support.
- Level 2 Community Driven with Council Support These are events owned and staged by the community. Council chooses to provide resource, financial, promotional or other support on a case by case basis where the events deliver outcomes to Council's Annual Operational Plan and the community.
- Level 3 Council Driven with Community Support Events that Council sees will deliver outcomes to its Annual Operational Plan and the community but the community is not able to or not interested in staging in their own right. This also includes events that provide an opportunity for Council to interact with its customer groups that may otherwise be difficult to access.
- Level 4 Council Events these are events that are specific to Council and its reputation as an organisation. Council undertakes these events to illustrate the depth of services provided and provide a positive image of the organisation to the community.
- Level 5 Major Events are those determined by Council to generate or have the potential to generate benefits to the Region significantly above the level of assistance provided. Such events generally have a strong appeal to people both within and outside the Tamworth Region and are capable of generating considerable promotional and/or economic benefits through tourist visitation.

### Legislative Context

Section 356 of the Local Government Act states:

- 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.
- However, public notice is not required if:
  - a) the financial assistance is part of a specific program, and
  - 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
  - the program's proposed budget for that year does not exceed five per cent of the council's proposed income from the ordinary rates levied for that year, and
  - the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.
- Public notice is also not required if the financial assistance is part of a program of graffiti removal work.

# Section 610E of the Local Government Act states:

- A council may waive payment of, or reduce, a fee (whether expressed as a actual or a maximum amount) in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced.
- However, a council must not determine a category of cases under this section until it has given public notice of the proposed category in the same way as it is required to give public notice of the amount of a proposed fee under section 610F (2) or (3).

# Section 377 of the Local Government Act states inter alia:

- 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, other than the following:
  - a decision under section 356 to contribute money or otherwise grant financial assistance to persons.
- 1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:
  - (a) the financial assistance is part of a specified program, and
  - (b) the program is 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 proportion of all the persons within the council's area.

The General Manager has delegated authority under this Policy to grant financial assistance up to \$500. Under this policy, financial assistance including community grants, and the waiving of Council fees and charges are considered as a donation, and provided in accordance with section 356 of the Local Government Act 1993 (NSW).

The value of all assistance provided under this Policy will be recorded as an expense to the donations budget with a relevant offset to the budget area that has incurred the associated costs or fee waiver.

#### General Provisions

Council will refrain from making financial donations and paying subsidies to any individual, body or organisation unless that individual, body or organisation offers a service to address an identified need in the community, with preference being given to organisations that are based in the Tamworth Regional Council area, or have a branch here.

Approved requests for financial assistance require lodgement of evidence to Council that funds have been expended for the purpose the funds were approved.

There are three methods of requesting financial assistance from Council:

- Council's Annual Grants Program;
- 2) waiving of Council Fees and Charges; and
- inclusion of the proposed donation in Council's draft operational plan for the year in which the financial assistance is proposed to be given.

Only requests that have been assessed as meeting the relevant criteria will be forwarded to Council for consideration. Council run programs and events are not eligible for financial assistance under this program.

Schools within Council's area will be provided an amount of \$60 per school per annum as a contribution towards end of year academic prizes, for which no application will be required.

Community groups who apply to have ongoing regular use of our community facilities will be considered in a separate report to Council each year.

# General Provisions - Events Support

Council is committed to supporting the staging of quality events that reflect a vibrant community in the Tamworth Region.

Council may provide support to local events in the following ways:

- financial contributions including Section 356 grants, donations or other funding support;
- in-kind support including the waiving of fees and charges;
- promotional support through Council publications or other marketing initiatives;
- dissemination of information to relevant media outlets;
- advice on the staging of events;
- training and development of event organisers;
- resources, including physical and human, where available;
- assistance with bidding to host events in the Region; and
- other support as determined by Council.

Benefits to Council and the community may include:

- improved cultural richness and diversity;
- increased external profile and appeal of the Region;
- community cohesion through participation and sharing;
- · economic benefits to the Region through tourism and external promotion; and
- recognition of Council's support of events and the community.

### Specific Provisions:

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### ANNUAL GRANTS PROGRAM

#### Overview

Each financial year, Tamworth Regional Council makes funds available under its Annual Grants Program for local non-profit community groups and in some categories individuals. The aim is to support a wide range of activities that build community capacity, foster social networks and information exchange, facilitate cooperation and build on existing community strengths.

The Annual Grants Program has the following categories that can be applied for:

- Community Health and Wellbeing;
- Connected Rural and Urban Communities;
- Arts, Culture and Heritage;
- Tourism Event Attraction and Marketing; and
- Sustainable Environments.

Applications will be sought through advertising in local media and on Council's website between August and September each year. Applications are to be made on the relevant Annual Grants Program application form, and address all criteria outlined in the Annual Grants Program Guidelines for that year.

### Assessment

Applications will be assessed in accordance with the current guidelines, criteria and budget allocations by a panel consisting of Council Officers and Councillors, which then makes recommendations for funding to the next available Council meeting.

### Acquittal

An acquittal detailing the expenditure of the funding will be required to be completed by August the following year. Any money not expended of the grant over \$100 will be required to be returned to Council. If applicants wish to change the project for which grant funding was awarded, permission and approval from Council must be given prior to any work being undertaken.

Failure to acquit financial assistance that was provided in a previous year will disqualify the organisation from receiving any future assistance under this program.

# Requests Outside of Funding Rounds

It is preferred that all applications for financial assistance or donations be received on the relevant application form with supporting documentation as part of the Annual Grants Program, rather than an "ad hoc" basis. The criteria in the Annual Grants Program Guidelines require this level of detail so that a fair and transparent process can be undertaken in the distribution of funds.

However, Council may consider applications outside of the funding round if they are able to demonstrate that the purpose for which they are seeking the donation was not foreseen at the time of the Annual Grants Program.

This will be dependent on any funds being available following allocation from the current round, and will require a resolution from Council regarding the timing of, and assessment of any additional applications.

Any request for financial assistance outside of the Annual Grants Program will still need to address the criteria detailed in the guidelines, and be submitted on the relevant application form.

### WAIVING OF COUNCIL FEES AND CHARGES

#### Overview

Council will consider the waiving/discounting of Fees and Charges for Non Profit Community Organisations and Sporting and Recreation Bodies for:

- planning and building related application fees (to a maximum of \$500 per year);
- hire/lease fees of Council sporting, community and cultural facilities (50% of the full rate cost to a maximum of \$500 per year); and
- Waste Management Centre fees.

Waiving/discounting of Fees and Charges for ongoing usage or events that can demonstrate sustainability will not be considered unless negotiated in a Service Level Agreement with Council.

All applications for the waiving/discounting of Fees and Charges should be submitted one month prior to when the amount is to be paid.

Educational Institutions will not be eligible to submit an application under this program.

# Waiving of Planning and Building Application Fees Criteria

All requests for the waiving of planning and building related application fees must be submitted on the online forms found at <a href="https://www.tamworth.nsw.gov.au/Community/Available-Funding/Waiving-of-Fees-Form/Waiving-of-Fees-Online-Application">https://www.tamworth.nsw.gov.au/Community/Available-Funding/Waiving-of-Fees-Form/Waiving-of-Fees-Online-Application</a>. All requests should consider the criteria below when outlining the reasons for waiving of fees, and be submitted prior to the lodgement of the planning and building related application:

- the proposed improvements are to be constructed on land owned by or vested in the Council, or
- where the improvements are to be constructed on freehold land by a non profit Community or Sporting and Recreation body, Council may consider the waiving of applicable Fees and Charges where a community benefit will be provided by the construction of the facility;
- the facility is freely accessible by all sectors of the Community;
- the facility is satisfying a need that has been previously identified in the Community;
- the facility is in accordance with plans of management or a Sporting or Recreational Strategy adopted by Tamworth Regional Council; and
- the facility is designed for multi-use purposes. Where the proposed construction is not for commercial purposes, e.g. for the development of land for commercial sale or the undertaking of a commercial enterprise or commercial activity (regardless of the charitable status of the organisation).

Requests for the waiving of planning and building related application fees not associated with any construction works will be assessed under the criteria listed in the section Waiving of Hire/Lease Fees of Council Facilities Criteria.

### Discounting of Hire/Lease Fees of Council Facilities Criteria

Request for the discounting of hire/lease fees of Council facilities, must be submitted on the online forms found at https://www.tamworth.nsw.gov.au/Community/Available-Funding/Waiving-of-Fees-Form/Waiving-of-Fees-Online-Application. When making requests, applicants need to clearly outline how the event will benefit the community of the Tamworth Region. Organisations already receiving a discounted rate for the use of the facility will not be permitted to apply for a discounting of the remaining fee.

The RSL will receive free use of the Tamworth War Memorial Town Hall for ANZAC Day and Remembrance Day.

The following criteria will be applied in assessing these requests:

- purpose of the donation;
- alignment with Council's Community Strategic Plan and Delivery Program;
- previous donations and support provided to the applicant by Council;
- amount requested;
- applicants access to alternative sources of funding (including ability to generate income from usage of the facility);
- annual budget allowance; and
- organisations that intend to donate event proceeds to a charity are required to disclose
  the respective charity and basis behind the amount and the amount subsequently
  donated. Council may determine to donate directly to the Charity the waiving of the

### Waiving of Waste Management Centre Fees Criteria

On some occasions Council may decide to offer "free tip days" for disposal of waste at the Waste Management Centre. The decision to do so is done in accordance with this policy and will be advertised through local media.

Council will also consider requests for subsidised fees for the disposal of waste material at the Waste Management Centre in response to requests from charitable organisations, community groups and individuals located in the Tamworth Regional Council local government area.

### Assessment

All requests for waiving of Council waste fees and charges will be assessed in accordance with this policy by the Director Water and Waste.

Exemptions from the Waste Disposal Charges may be granted where organisations can provide evidence that the major function of their business or operation satisfies the following criteria:

- (i) a service for the relief of poverty within the Council area; or
- a voluntary service for the betterment of community welfare;
- organisations must be formally structured to service residents of Tamworth Regional Council and be based in the Tamworth Regional Council area or be significantly regionally focussed; or

(iii)(iv) organisations must be non-profit registered charities involved in the collection of goods fro resale in second hand shops or organisations involved in community clean-up or improvement projects on public land or reserves.

The Director Water and Waste has delegated authority under this Policy to grant financial assistance, to determine exemption from Waste Depot disposal charges in accordance with the Waste disposal — Waste Depots — Exemption from Chargethis criterias. The Director Water and Waste is to report annually or as required by Council on the number of approvals issued and the in-kind donation value.

Procedure for Applying for Waiving of Waste Management Centre Fees

- (i) The registered groups or persons apply in writing on letterhead or otherreasonable means to identify the organisation.
- (ii) A review of the application is to be undertaken to determine adequacy against this Policy.
- (iii) Council may issue a maximum fee waiver period of 12 month approval subject to specific conditions.
- (iv) All approvals will need to be resubmitted for consideration upon the start of every new financial year. This approval will need to be renewed every 12 months as per the above policy
- (v) Upon approval, any conditions will be listed on a Waste Disposal Permit, issued by Council.

# Waiving of Sewer Availability Charges Criteria

Council will consider requests to provide an exemption equal to one 20mm sewer availability charge for each property owned by local public charity that is not used for residential purposes.

### Assessment

All requests for exemption of the sewer availability charge must be in writing and will be assessed in accordance with this policy by the Director Water and Waste.

- Properties that receive an exemption under Section 555 or 556 of the Local Government Act will not be eligible if they do not comply with clause 2 below:
- Properties will be eligible for exemption if the property qualifies as follows:
  - under Section 558 subsection 1(c) of the NSW Local Government Act as a public charity, and
  - is not used for residential purposes or if rateable would be categorised as residential as per Section 516 of the NSW Local Government Act.
- An amount equal to one 20mm sewer availability charge as detailed in Council's Annual Operational Plan for each eligible property shall be exempted;
- All sewer usage charges shall be levied on the property as detailed in Council's Annual Operational Plan; and
- An annual inspection will be carried out to ascertain if the exemption remains applicable.

The Director Water and Waste has delegated authority under this Policy to grant financial assistance, to determine exemption from sewer availability charges in accordance this criteria.

Inclusion of Donation in Council's Draft Operational Plan

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Council will consider a program of financial assistance to various organisations which results in a broad community benefit. A schedule of donations is included in the draft operational plan each year and placed on exhibition for public comment prior to adoption. This process is consistent with Section 356 (3) of the Local Government Act.

### **EVENTS SUPPORT**

### Consideration of Council Support

- Support of particular events will be determined based on the merit of an individual request and its perceived benefit to the community of the Tamworth Region. The Significant Sport Event Subsidisation Policy should be referenced for larger events.
- Council may or may not provide support by any means it determines.
- These are intended as a guideline of possible kinds of support and do not represent a binding commitment on Council to provide any or all services to any event, nor to limit Council in providing any other support deemed worthy.
- Recognition of Council's support must be provided by any group receiving assistance for their event and written agreements will be generated where appropriate, and in any case where financial support is provided.
- In all cases, ongoing Council support cannot be assumed or guaranteed.
- Provision of physical resources to event organisers may be subject to a nominal fee or security deposit which will be advised at the time of booking.

### Funding

Funding for events will be detailed annually in Council's Annual Operational Plan. Any noncommitted events funds will be advertised by Council inviting submissions from groups interested in applying for funding assistance. Once the budget is expended no further funding with be allocated to the current year.

Council acknowledges that the following annual events and festivals, which are regarded as contributing to the retention and further development of social capital within individual communities, will be funded on a recurrent basis through Council's Annual Operational Plan. No further funding requests for these mentioned activities will be considered by Council:

Show Societies Barraba, Manilla and Tamworth Festivals Nundle "Go for Gold" Festival Events Manilla Hang Gliding Titles

Manilla Para Gliding Championships

Other Conservatorium of Music

Various Bands in the Regional Area

Tamworth Eisteddfod

# Review procedures:

This policy is to be reviewed at least once every Council term.\*

\* HISTORY - Reviewed July 2020 - Updated - Ordinary Council Meeting - Min. No

# 5.2. FINANCIAL ASSISTANCE TO COMMUNITY GROUPS AND ORGANISATIONS — LOANS AND BANK GUARANTEES

### OBJECTIVE:

To set guidelines for the provision of financial assistance by way of loans and bank guarantees to community groups and organisations for the purpose of exercising the Council functions of providing community sporting and recreational projects, services and facilities.

### POLICY:

Council will consider providing financial assistance by way of loans or bank guarantees to community groups and organisations within the Tamworth Regional Council area for the purpose of exercising Council functions of providing community sporting and recreational projects, services and facilities under the following guidelines:

- The community project or facility which is the subject of the application for financial assistance is approved by Council and is located on Council owned community land.
- Councils total liability and contingent liability for community loans and bank guarantees not exceed 2% of general rate revenue.
- Applications for loans will be subject to:
  - A limit of \$50,000 per applicant;
  - A maximum term of 5 years; and
  - A rate of interest between zero and the prevailing reserve bank cash rate <u>plus</u> <u>half a percent</u> depending on the deemed community service obligation to the applicant.
- Applications for bank guarantees will be subject to:
  - A limit of \$200,000 per applicant; and
  - A maximum loan term of 15 years.
- Priority will be given to applications for financial assistance from community groups and organisations which:
  - provide community recreational and sporting projects, services or facilities that are available uniformly to all persons or to a significant number of persons within the Council's area; and
  - include the contribution of funds by the community group or organisation, either in cash or in-kind.
- Council will undertake a due diligence and probity check, in conjunction with Council's Auditors if required, to establish the ability of the applicant to service loan principal repayments.
- Applications by community groups and organisations for financial assistance from Council must provide a full description of the project, service or facility for which the assistance is sought and include with application the following:
  - an audited Annual Income and Expenditure Statement and Balance Sheet for the past five years;
  - · a copy of the community group or organisation's constitution; and
  - a copy of the minute passed at a meeting of the community group or organisation seeking the loan from Council.
- Successful Applicants will be required to furbish Council with an Annual Income and Expenditure Statement and Balance Sheet for the period of the loan for review and possible audit wither by council or a Council appointed auditor.

\* HISTORY — Reviewed July 2020 — Updated — Ordinary Council Meeting — Min No
Adopted Ordinary Council 27 September 2016 Min No: 272/16
Reviewed by DC&G October 2012 — Updated — Ordinary Council Meeting 15/01/2013 — Min No: 9/13
Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05
Resolved: 23.11.04 - Ordinary Council, Item 5.23, Min No 312/04

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### 5.3. PUBLIC ART POLICY

### OBJECTIVE:

In supporting the community to realise its aspiration to be a region of opportunity and prosperity – a place to call home, Tamworth Regional Council recognises the value of arts and culture in developing a "spirit of community". In its Delivery Program, Council has an objective to see the unique character, identity and culture within localities, villages, towns and the city nurtured and protected. One program associated with the delivery of this outcome is a Public Art Program.

This policy outlines at a high level Council's commitment to a Public Art Program and how it intends to deliver such a program.

It should be noted that Public Art, whether commissioned by Council or others, will be subject to this same policy.

### POLICY:

#### DEFINITION OF PUBLIC ART:

For the purposes of this policy, Public Art is the creative work of visual artists, craftspeople, designers and/or community that is placed or is sited in highly used public spaces in the Tamworth Regional Council local government area. This includes the main streets, public parks and gardens and major venues across the region's city, towns and villages. The works may be of a temporary duration or permanent.

Performance art, which is also a form of public art, is not the subject of this policy.

### IMPORTANCE OF PUBLIC ART:

Council recognises the important role that public art plays in building community and creating a strong sense of identity. Public art can also contribute to economic wellbeing through tourism and artistic enterprise opportunity. Public art that is properly integrated into the environment will provide aesthetic appeal. It can also be an important catalyst for making the public realm a place for conversation, exchange of ideas, development of shared values and general engagement by community. Public art adds layers of meaning, content, commentary, fun and humour to streets, parks and other public places, providing residents with a sense of place, a sense of pride and a sense of overall wellbeing.

# COUNCIL COMMITMENT TO PUBLIC ART:

- Council will invest annually in a Public Art Fund which will be used from time to time to commission new works, including leveraging additional grant monies or public / private partnership funding.
- Council will consciously plan public art in the region's public places, with community
  and key stakeholders, so that it is fully integrated into available spaces in a way that
  optimises the space, the work and overall community appreciation of the resulting
  experience.
- Council will consider a mix of professionally commissioned art and community art, including "artist with community" projects. In most cases, Council will publicly advertise expressions of interest from prospective artists.
- Council has aspirations to see contemporary art works developed that celebrate the region's heritage (including electricity/light, Aboriginal heritage and cultural diversity), that promote the region's brand ("Capital of Country"), and that embrace youthfulness.
- Council will ensure that the opportunity to enjoy public art of both a permanent or temporary nature is available across the region, most especially in the highly public areas in the city, the towns and the villages.

- Council will seek to recognise and value local artists, including local Aboriginal artists, when commissioning new works.
- Council will seek advice from the Tamworth Regional Arts and Culture Advisory Committee before commissioning, selecting and/or locating any new public art works.
- Council will discourage signage and advertising that compromise Public Art and the integrity of the space in which it is located in the main streets, public parks and gardens and major venues across the region's city, towns and villages.
- Council will develop a set of guidelines to support the inception, coordination, installation, maintenance and ongoing management of public art across the region. Council will also develop a guideline for considering gifts of public art.

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HISTORY — Adopted Ordinary Council 27 September 2016 Min No: 272/16
 Reviewed by DC&G October 2012 — Updated — Ordinary Council Meeting 15/01/2013 — Min No: 9/13
 Adopted as TRC Policy at Ordinary Meeting 26 August 2009 Min No 212/08 and Min No. 140/08

### 5.4. WELCOME TO COUNTRY AND/OR ACKNOWLEDGEMENT OF COUNTRY

### OBJECTIVE:

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To provide Council with a policy for the appropriate use of Welcome to Country and/or Acknowledgement of Country at the commencement of Council's significant events.

### POLICY:

Aboriginal people are the original custodians of our land. The delivery of a Welcome to Country and/or Acknowledgement of Country recognises the unique position of Aboriginal people in Australian culture and history. Council conducts these ceremonies, as appropriate, at the commencement of significant public events.

Welcome to Country A Welcome to Country is made at the opening of significant Council events. This is a speech or ceremony delivered by an invited local Elder to welcome people to the traditional land on behalf of the local Aboriginal custodians. It may be accompanied by a smoking ceremony or a performance of Aboriginal music or dance. Generally, this ceremony is delivered as the first item of the event.

# Acknowledgement of Country (or Acknowledgement of the Traditional Custodians)

This is an optional function that may be delivered by an Indigenous or a non-Indigenous person. An Acknowledgement of Country follows an official Welcome to Country (if provided), or it may be delivered alone, by a non-Indigenous person when no Indigenous person is engaged in the official ceremony. It acknowledges the traditional owners of the area and may take place at routine public events.

The following wording is recommended for Acknowledgement of Country:

'I would like to acknowledge the Gamilaroi/Kamilaroi people, who are the traditional custodians of this land. I would also like to pay respect to Elders past and present and extend that respect to other Aboriginal people present here today/tonight.'

\* HISTORY — Adopted Ordinary Council 27 September 2016 Min Nov. 272/16

Reviewed by DC&G: October 2012 — Updated — Ordinary Council Meeting 15/01/2013 — Min Nov. 9/13

Adopted as TRC Policy at Ordinary Meeting 25 February 2011 Min No 47/11 (28166/2011)

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5.5. CUSTOMER SERVICE CHARTER	Formatted: Font: 11 pt
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OBJECTIVE: Tamworth Regional Council is committed to working in	Formatted: Line spacing: single
partnership, with pur community to deliver projects and services focused on excellent // customer service.	Formatted: Font: 11 pt
	Formatted: Font: 11 pt
"//	Formatted: Font: 11 pt
POLICY:	Formatted: Fort: 11 pt
Tamworth Regional Council is committed to being a leader in local government in ///	Formatted: Font: 11 pt
Australia.	Formatted: Font: 11 pt Formatted: List Paragraph,TRC List
Our staff are committed to our values and aim to reflect these values in their roles. Our values are:  1. Accountability:	Paragraph, Indent: Left: 0.25 cm, Hanging: 0.75 cm, Space Before: 0 pt, Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm
2. Customer Orientation;	Formatted: Font: 11 pt
3. Equity:	Formatted: Font: 11 pt
	Formatted: Font: 11 pt
4. Safety and Health; and	Formatted: Font: 11 pt
5. Teamwork,	Formatted: Font: 11 pt
We commit to:	Formatted[2]
<ul> <li>Greet you with a smile and introduce ourselves with our first name;</li> </ul>	Formatted: Font: 11 pt
Communicate clearly and listen carefully:	Formatted: Font: 11 pt
Make things as simple as possible for you;	Formatted: Font: 11 pt
Provide accurate, prompt, friendly, courteous and professional service;     Give you a reference number of for your enquiry within 1 working day;     Acknowledge all written correspondence and promptly provide a detailed response within 10 working days, and where further investigation is required you will	Formatted: List Paragraph,TRC List Paragraph, Indent: Left: 0.25 cm, Hanging: 0.75 cm, Space Before: 0 pt, Bulleted + Level: 1 + Aligned at: 0.85 cm + Indent at: 1.48 cm
be notified of a completion date;     Provide after-hours services and response for emergency incidents; and	Formatted: Font: 11 pt
Seek feedback on our service.	Formatted: Font: 11 pt
	Formatted: Font: 11 pt
We ask you to:	Formatted: Indent: Left: 0 cm
Be complete and accurate in your dealings with us:     Work with us:	Formatted: Indent: Left: 0 cm, Space Before: 6 pt, Line spacing:
Give respect and courtesy to other customers and Council staff; and	Formatted: Font: 11 pt
Make an appointment for complex issues	Field Code Changed
Giving us feedback:	Formatted[3]
We encourage you to contact us directly regarding your service experiences	Formatted: [ [4] Formatted: Indent: Left: 0 cm, Space Before: 6 pt
Website: www.tamworth.nsw.gov.au	Field Code Changed
Send us mail at: Tamworth Regional Council, PO Box 555, Tamworth NSW 2340	Formatted [[5]]
Phone us on (02) 6767 5555 (weekdays from 8.30am to 5pm, excluding public holidays).*	Formatted: Indent: Left: 0.21 cm, Right: 1.39 cm, Space After: 6 pt, Allow hanging punctuation, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers, Font Alignment: Auto
* HISTORY — Adepted July 2020 — Ordinary Council Meeting — Min No	Formatted: Indent: Left: 0 cm, First line: 0 cm

# 6. COMMUNITY SERVICES

### 6.1. ART GALLERY LOANS

### OBJECTIVE:

To ensure control and security of Art works owned by Council when exhibited at other venues and in Council buildings remote from the Tamworth Regional Gallery.

To promote the Tamworth Regional Gallery by ensuring the collection is accessible through loans to external cultural institutions.

### POLICY:

Loans are the temporary physical transfer of artworks from one institution to another collection, or from one location to another, where there is no transfer of ownership. The loan process should be implemented for any artworks that are temporarily being placed, housed or looked after outside their normal physical collection area.

Tamworth Regional Gallery (TRG) will allow the temporary loan of artworks both into and from its collection, subject to the safety and security of the item being assured and the appropriate documentation being undertaken:

- Selected artworks within the TRG collection will be available for both internal and external loans.
- Management will be responsible for authorising and monitoring the loan.
- All requests will be considered against the need to ensure preservation and security of the item – in particular, fragile or irreplaceable artworks. No loans will be made or accepted when an unreasonable risk to the safety or security of the loan material exists.
- 4. TRG reserves the right to refuse a loan request and may recall a loan for any reason.
- Loan requests will be assessed and, if necessary, specific conditions agreed prior to dispatch and be noted in writing, especially where analysis of artworks or other detailed study is involved.
- No loan, outward or inward, will be made for an indefinite period or as a 'permanent loan' apart from those to the partner collecting institution.

# Loans to other organisations (outward loans)

Loans are only made to galleries or other venues that can furnish evidence that adequate security, environmental monitoring and insurance cover will be in place for the period of the loan. Conditions are set out in the Loan Agreement documentation, as follows:

- Loans will only be undertaken under the terms of a loan agreement that forms a contract between TRG and the borrower and which specifies the terms and conditions of the loan, including the respective responsibilities of each party.
- Requests for loans must be lodged at least three months prior to the beginning of the loan period and be formally approved through Council.
- All loans must be accurately documented on TRG's collection database, using either a loan agreement from the borrower or TRG's outward loan agreement form. The documentation must include:
  - · physical condition of the artwork(s) prior to the loan
  - current valuation of the artwork(s)

- length of the loan, including start and finish dates (TRG's 'standard' loan length is three months, and 'long' is 12 months.)
- any restrictions or conditions of use
- environmental conditions to be achieved by the borrower
- security measures and relevant details of the borrowing venue
- handling, packing and shipping procedures, with any costs borne by the borrower
- insurance coverage arrangements (NOTE: All outgoing artworks are to be insured by the borrowing institution.)
- procedures for reporting damage or loss (TRG will insist that any damage should be reported immediately. Artworks are to remain in the same condition in which they leave TRG. They will not be cleaned, conserved, repaired, retouched or otherwise altered unless prior agreement is made. Any damage in transit will be reported immediately on receipt.)
- procedures for renewing a loan (If an extension to the initial period is requested and granted, it must be reviewed by the manager of the collection. Written documentation of the extension request must be provided. Continued insurance cover should be borne by the borrower.)
- full acknowledgement of TRG by the borrowing institution, with any text as agreed by TRG.
- Loans may be renewed if both parties are in agreement and the condition of the artworks is not at risk.
- In respect of outward loans TRG will retain the right to have a member of staff or a nominated contractor courier and/or be present when material is used for display, photographic or filming purposes. The cost of this will normally be borne by the borrower.
- TRG will maintain up-to-date information on the location and physical well-being of loaned artworks.

# Loans from other organisations (inward loans):

- Inward loans will be accepted for the purpose of research or exhibition. TRG will
  endeavour to use its own collection first in exhibitions, interpretive displays and
  programs, but will borrow material when necessary to augment these artworks.
- The same standards will be applied to inward loans as are required of borrowers of its own artworks. All incoming material will be documented to a basic standard and a condition report form completed, regularly checked and reported upon as requested by the lending body.
- All loans must be accurately documented using TRG's inward loan agreement forms and be entered on TRG's collection database.

### Internal loans or movement

An internal loan or movement involves the transfer of an item from one collection location to another.

All loans or movements must be accurately documented using loan/movement forms, which must include:

- a list of the artworks being borrowed/moved
- length of loan/movement
- reason for loan/movement
- names of staff members associated with the loan/movement
- originating location
- new or current location.
- Other conditions that apply to internal loans or movements include internal loans from the collection are only to be made to areas within Council that are considered to be secure, of civic importance and/or accessible to the public.
- 2. Authorisation for such loans will be at the discretion of the Gallery Director.
- 3. An Internal Loan Agreement must be completed.
- Condition reports must be completed, and all works leaving TRG are to be noted in TRG's electronic searchable database.
- 5. Only trained TRG staff are to handle the installation of the works.
- Works out on loan are to be returned within the time period as determined by the Gallery Director and recorded on the Loan Agreement.
- 7. Gallery staff will arrange a time during the loan period to inspect the work.

\* HISTORY -

Adopted Ordinary Council 27 September 2016 Min No. 272/16

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05 Former TCC Policy

First submitted to Council in January 1993. Refer P&R 13/1/93 CR27.

### 6.2. ART GALLERY OBJECTIVES PURPOSE AND POLICIES

# OBJECTIVE: The principal objectives of the Tamworth Regional Gallery are:

- To provide access to quality exhibitions and cultural material through a regular changing artistic program of activities and events associated with the visual arts and crafts in the City of Tamworth and region.
- To inspire it's audiences through artistic programming, creating a sense of place for the region's residents, workers and visitors alike.
- To provide an artistic program that will stimulate and promote local and regional cultural awareness, and aim to cater for the needs and interests of all age groups, genders and cultural backgrounds.
- To foster and support talented, emerging and professional artists from the region through exhibitions, and encourage innovative contemporary arts practice in all its forms through developing and showing solo or retrospective exhibitions of the highest conceptual, stylistic and technical standards.
- To provide a continuous program of educational services for the general public and educational groups promoting the visual arts and crafts throughout Tamworth and the region.
- To develop and build the visual arts collection through a combination of cultural gifts, purchases, bequests, donations and commissioning of new work that advances the collection, and by providing opportunities for innovation and creativity to flourish.
- To conserve, care for, display and develop the permanent collections as a cultural legacy for future generations, and to demonstrate best practice in collection management, including the processes of acquisition.
- To create powerful exhibitions that generate meaningful audience engagement and, in particular, to develop and tour the Tamworth Fibre Textile Exhibition.
- To continue to build the Tamworth Regional Gallery collection with a focus on the Fibre Textile Collection and the collection of Regional Australian Artists.

For over 100 years, Tamworth Regional Gallery has provided access to the arts in a+ regional centre. The Gallery first opened on 1 June 1919 as the Tamworth Art Salon and Art Library. It was established with a gift of 100 artworks and art reference books by the local artist and collector John Salvana 'to encourage art in the country'.

The Gallery's Vision, Purpose, Values and Goals are identified below.

### Our Vision

To provide access to a visual arts and cultural resource that inspires, enriches and informs the community; enhances experiences through the visual arts; and is a model in the delivery of cultural services to the community.

### Our Purpose

Tamworth Regional Gallery offers a distinctive connection to place and a curatorial agenda that creates meaningful art experiences for all. The Tamworth Regional Gallery collection exists for our audiences – to comprehend the past, to navigate the present, and as a potent avenue for imagining the future. Placing art, access and audiences at the very heart of who we are guides the Gallery's artistic and public programs. Tamworth Regional Gallery contributes positively to cultural cohesion, social wellbeing, creativity, engaged citizenship, and the economic life in Tamworth and the surrounding region. The Gallery's purpose is to

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provide access to the arts in a regional centre that focuses on artistic vibrancy, social and cultural impact, cultural tourism and an arts ecosystem.

#### Our Value:

We believe that the arts and culture are for everyone - for visitors of all ages, abilities, genders and cultures.

Our core values are: 1. Equity 2. Access 3. Authenticity 4. Collaboration, and 5. Courage

#### Our Goals

Tamworth Regional Gallery is a cultural and community service managed by Tamworth Regional Council. The Gallery aims to provide access to the arts in a regional centre to foster, promote and enhance understanding and enjoyment of the visual arts through its collections, temporary exhibitions and public programs.

Our goals are Excellence, Engagement and Sustainability.

- 1. Delivering EXCELLENCE in cultural programs through exhibitions and collections
- 2. Developing audience ENGAGEMENT through participation in events and education
- Implementing SUSTAINABILITY through development of the collection and ourenvironment.

### POLICY:

To achieve these stated objectives goals the following general policies shall apply:

### 1. Permanent Collection

- 1.1. The permanent collection shall comprise:
  - 1.1.1 The John Salvana Collection of Australian works on paper and paintings;
  - 1.1.2 The Burdekin Collection of Early Australian, British and European paintings, sculptures and works on paper;
  - 1.1.3 The Miss Perry Collection;
  - 1.1.4 The Ivan Maunder Collection;
  - 4.4.51.1.3 The Regan Silverware Collection and other collection bequests:
  - 4.4.61.1.4 The Utopia Collection of silk batik textiles, works on paper and carved ceremonial figures:
  - 4.4.71.1.5 Works by Regional Artists, including paintings, photographs, works on paper, ceramics and sculpture;
  - 4.4.81.1.6 Works depicting the Regional Australian Landscape; and
  - 1.1.7 Tamworth Fibre Textile Collection; and
  - 4.4.91.1.8 The Country Music Collection.
- 1.2. New works acquired for the collection will add to or extend existing works in the collection. Works will only be accepted into the collection once they have been approved in accordance with the Acquisition Policy set out in clauses 3.1 to 3.4 below.
- 1.3. All works in the permanent collection will be:
  - 1.3.1.properly documented and catalogued.
  - 1.3.2.properly stored and conserved, a conservation management plan implemented.

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- 1.4. Members of the public shall have access to works from the permanent collection through:
  - 1.4.1.regular exhibitions, held in the gallery, of a changing selection of the.
  - 1.4.2. an annual Permanent Collection Exhibition held in Gallery Two.
  - 1.4.3.catalogue information being made available on request and at a time convenient for gallery staff and management.
  - 1.4.4. collection information made available through the gallery's website and the on-line searchable collection database via the gallery website.
- 1.5. Works from the permanent collection shall be housed in TRG or other civic/corporate locations approved by the Gallery Director.

### 2. Conservation

The permanent collection will be properly maintained through:

- 2.1. Preventive conservation:
  - 2.1.1.all works will be stored in a stable environment that will be kept clean and fidy.
  - 2.1.2. storage environments will be continually monitored for relative humidity and temperature levels by data loggers to provide data to inform collection management decisions.
  - 2.1.3.all storage environments are to have lighting conditions that limit the deterioration of works.
  - 2.1.4. all storage environments are to be free of pollutants and pests.
- 2.2. Remedial conservation:
  - 2.2.1.all works should be assessed for stability by a qualified conservator or an appropriately trained and experienced person and appropriate records kept;
  - 2.2.2.treatments should be limited to conservation techniques, not restoration;
  - 2.2.3.a disaster management plan shall be in place for the collection, and is to be updated whenever there is a change in the potential risks to the collection, to ensure that risk minimisation and response strategies are appropriate.

# 3. Acquisitions

- Acquisitions shall mean works of art collected by purchase, bequest, donation, cultural gift or a long term loan in excess of five years.
  - 3.1.1.Acquisition proposals shall be assessed by a Selection Advisory Panel consisting of a minimum of three of the following representatives:
    - Tamworth Regional Gallery representative;
    - Tamworth Regional Gallery Friends representative;
    - Independent artist/curator specialising in the medium/genre of the acquisition; and
    - Tamworth Regional Council Councillor or Tamworth Regional Arts and Cultural Advisory Committee representative.

Their recommendations will then be directed to the Gallery Director for consideration and action.

- 3.1.2.Acquisitions should comply with the guidelines set out in the gallery's collection policy and be justified by a written acquisition rationale. Works presented for consideration for acquisition will be accompanied by supporting material outlined below:
  - artist CV or biography;
  - exhibition and public collection history;
  - acquisition rationale;
  - 4. purchase price rationale;
  - funds available; and
  - photographic documentation.
- 3.1.3.If satisfied, the Gallery Director shall make a recommendation to Council for the proposed acquisition be approved.
- 3.2. Purchases A standard acquisition proposal is required but the following applies:
  - 3.2.1.Only the Gallery Director has the right to reserve or make an offer to purchase an artwork.
  - 3.2.2. If grants or other outside funds, including funds raised by the Tamworth Regional Gallery Friends, are used to purchase an acquisition, the Gallery Director in consultation with Council must approve any conditions in advance.
- 3.3. Bequests, Gifts and Donations: A standard acquisition proposal is required, but the following applies:
  - 3.3.1.Tamworth Regional Gallery is under no obligation to accept an offer of a donation, gift or bequest;
  - 3.3.2.suitable donations will be accepted as unconditional gifts free of all obligations and encumbrances;
  - 3.3.3. anonymous donations will not be accepted; and
  - 3.3.4.Tamworth Regional Gallery reserves the right to decide the conditions of display, housing and access to the work.
- 3.4. Long Term Loans A standard acquisition proposal is required but the following applies:
  - 3.4.1.all long term loans will be assessed on a case by case basis;
  - 3.4.2.all requests will be considered and assessed at the discretion of the Gallery Director;
  - 3.4.3.works offered on a long term loan basis will only be accepted on the understanding that the work will eventually be permanently donated to the collection, or the lengthength of time the work will remain in the property of the Gallery is clearly indicated and clear instructions as to its disposal are provided. This agreement shall be documented before the work is accepted for loan.

# 4. De-accessioning

De-accessioning is the permanent removal of an item from the collection. An item can be removed because:

- · it does not meet the themes of the collection policy;
- · Tamworth Regional Gallery does not have clear legal title to the work;
- the work has deteriorated to a point that its viability is in question; and/or
- the Gallery Director, in consultation with the Selection Advisory Panel, is responsible for instigating the de-accession process and will ensure that all research and documentation will be done prior to recommending work for deaccession.
- 4.1. All proposals for de-accession will be considered only after a thorough review of their significance, condition and value to the collection.
- 4.2. All works presented for consideration for de-accession will be accompanied by the following documentation:
  - catalogue information;
  - justification for de-accession;
  - proposed means of de-accession; and
  - image.
- 4.3. All proposed de-accessions shall undergo a 12 month 'cooling off' period before proceeding for final consideration.
- 4.4. The Gallery Director shall make a recommendation to Council regarding proposed de-accessions for their approval.
- Following Council approval, a public notice shall appear in regional newspapers for no less than one month advising the public of the proposed program of deaccession.
- 4.6. Wherever possible when de-accessing an item:
  - 4.6.1. The artwork will be offered back to the original donor/ beneficiary.
  - 4.6.2. The artwork will be offered to another collecting institution.
  - 4.6.3. The artwork will be placed up for Auction with all funds raised being used to fund the development of the collection.
  - 4.6.4.The artwork will be discard or destroyed only once all other reasonable efforts to dispose of it have been made.
- 4.7. Tamworth Regional Gallery staff or their close relatives cannot acquire a deaccessed item unless they were the original donor.
- 4.8. Works acquired by donation through the Australian Governments Cultural Gifts Program shall not be considered for de-accession for a minimum of ten years following their acquisition. These items will not be returned to the donor as they have already received the benefit of a tax deduction for donation of the work.

# 5. Exhibitions

5.1 Tamworth Regional Gallery aims to provide a schedule of exhibitions and programs developed from the permanent collection, together with a broad range of touring exhibitions that extend the experience of the community through introductions to cutting-edge contemporary work and engagement with a range of media not in the collections.

- 5.2 The exhibition and associated programs are developed for a broad demographic that includes everyone from children and young adults through to senior members of the community. Exhibitions will not be excluded on moral, political, racial, religious, sexist, language or other sensitive grounds alone.
- 5.3 A regular changing artistic program of exhibitions will be shown across four galleries:
  - Main Gallery;
  - Gallery Two;
  - Ray Walsh House Foyer; and
  - Gallery Foyer.
- 5.4. Main Gallery at least six exhibitions per year.

These shall be major exhibitions that cater for a broad audience base, turning over 6-8 weeks including but not limited to:

- National, State and International touring exhibitions at least three per year;
- large scale theme based exhibitions relevant to the region at least one per year;
- large scale in-house curated exhibitions at least one per year;
- Aboriginal and Torres Straight Island Exhibitions at least 1 per year; and
- Textile Fibre Exhibition Triennial.
- 5.5. Gallery Two at least six exhibitions per year.

These shall be smaller exhibitions that stimulate and promote local and regional cultural awareness, turning over 6-8 weeks, including but not limited to:

- local and interstate exhibitions;
- solo exhibitions by local, regional and interstate artists working at a professional level;
- focus exhibitions, including a variety of art practices, themes and concepts as well as new media and video art;
- curated project exhibitions by local and regional artists;
- thematic group exhibitions including community development shows; and
- permanent collection exhibitions at least one per year.
- 5.6. Ray Walsh House Foyer at least 10 exhibitions per year.

These shall be small local and community exhibitions that support and promote the development of arts and culture in Tamworth and surrounding region, turning over 2-6 weeks, including but not limited to:

- local emerging artists' exhibitions, including solos and group shows;
- local community group exhibitions, including Volunteers of Tamworth Regional Gallery exhibitions; and
- local and regional schools exhibitions, including annual HSC Visual Arts exhibitions.

5.7. Gallery Foyer — a continually changing display of selected works from the permanent collection and new acquisitions. Alternatively, this area can display work as an introduction to an exhibition in the larger galleries.

Tamworth Regional Gallery presents our community with a combination of touring, partnership and locally developed exhibitions, and the renowned Tamworth Textile Triennial. These exhibitions cover a range of visual arts practices, including painting, design, crafts, sculpture and textiles. The annual exhibition program delivers individual exhibitions that demonstrate careful decision-making processes to ensure that the best 'exhibition mix' is delivered, targeting all elements of our community, including minority groups, and providing opportunities for audience development.

### The annual exhibition mix includes

- 1 2 x textile-based exhibitions
- 1 2 x Gallery collection-based exhibitions
- 1 2 x blockbuster exhibitions
- 1 2 x Aboriginal community exhibitions
- 1 2 x CaLD community exhibitions
- 1 2 x People with a disability exhibitions
- 1 2 x Students and/or young people exhibitions
- 5 6 x regional artist represented exhibitions

### Education

- 6.1 The Gallery acknowledges education as being fundamental to its operations and activities, and as a central ingredient to add value to the visitor experience. As an educational institution, the gallery provides learning programs for a range of visitors, including children, primary students, young people and tertiary students, teachers and adult groups.
- 6.2. Subject to available funding, a range of programs will be implemented as follows:
  - 6.2.1. Professional development for artists and arts workers in the region through:
    - practical workshops;
    - master classes;
    - lectures by guest curators, educators, arts professionals and others;
    - artist talks; and
    - arts and business related seminars and events.
  - 6.2.2.Leisure learning to service general visitors by adding value to their visits through:
    - practical workshops;
    - lectures and artist talks;
    - exhibition information sheets, catalogues and/or didactic panels that provide an overview of current exhibitions; and
    - gallery staff on hand to answer questions and provide information on current exhibitions and the permanent collection.
  - 6.2.3. Servicing the needs of the educational sector in the region, including but not limited to primary and secondary schools, TAFE NSW, through:
    - developing specific projects relating to the curricula of NSW Department of Education and TAFE NSW;

- providing a broad exhibition program;
- developing education kits relevant for students at primary and secondary level for specific exhibitions and that relate to the permanent collection;
- providing guided tours, information sheets and catalogues for specific and appropriate exhibitions; and
- developing and implementing an Outreach Program for schools in the region.
- 6.2.4. Producing a range of brochures and publications on the permanent collection and its history.

### 7. Child-safe and Child-friendly Environment

- 7.1. Tamworth Regional Gallery acknowledges that children and young people who participate in our programs are entitled to a safe and happy experience. The Gallery supports and respects our children, young people, staff, volunteers and students.
- 7.2. The Gallery supports staff, volunteers and students through:
  - promoting respect, fairness and consideration for all staff, volunteers and students:
  - holding regular meetings and training;
  - assigning a more senior officer to supervise the work a staff, volunteers and students; and
  - ensuring that all new staff, volunteers and tutors are familiar with the Tamworth Regional Council Code of Conduct.
- 7.3. Applicants for positions as workshop tutors will be screened using the Prohibited Employment Declaration and Working with Children protocols, and their references checked.
- 7.4. All complaints and issues will be dealt with in accordance with procedures set out in Tamworth Regional Council Complaints and Procedures Policy.

### 8. General Activities

- 8.1 As well as the two exhibition halls, the Gallery has an innovation studio-digital hub/meeting room and a studio space that can be hired out to approved groups or individuals. Fees and conditions of hire are set out in Council's Annual Operational Plan. Applicants must adhere to the terms and conditions set out in the Hire Agreement.
- 8.2. The Digital-Hub!nnovation Studio and Meeting Room is available for:
  - professional activities meetings and seminars.
  - community and service groups functions and events;
  - · private functions; and
  - commercial activities.
- 8.3. Esther Halliday Art Studio is available for:
  - professional artists studio space; and
  - groups workshops.

- 8.4. Exhibition halts are available for hire, in consultation with the Gallery Manager for:
  - community events;
  - commercial activities.
- 8.5. The Tamworth Regional Gallery Friends, in consultation with the Gallery Director may use the meeting room, studio or exhibition halls for fund raising functions and events free of charge.

# Management of the Gallery

- 9.1. The Gallery Director has delegated authority under section 378 of the Local Government Act 1993 to undertake and discharge the accountabilities and to achieve the performance objectives approved by the General Manager as identified in the position profile.
- 9.2. The Gallery Director has a responsibility to ensure that the following services are provided:
  - 9.2.1.Customer service providing quality customer service is core to the sustainability of the Gallery. This is achieved through:
    - professionally trained staff, supported by well informed volunteers, who ensure that information available is accurate and current;
    - providing diverse public programs that inform, engage and entertain;
    - ensuring all events and programs are adequately marketed and promoted.

### 9.2.2. Cultural programming:

- providing a vibrant and vigorous exhibition program;
- · designing a stimulating and informative educational program;
- ensuring the permanent collection is accessible both physically and virtually via the Tamworth Regional Gallery website; and
- developing and promoting the Fibre Textile Triennial.
- 9.2.3. Community use of the facility through corporate and community care.
- 9.2.4. This Gallery Director has responsibility to ensure that policies are adhered to, are updated and remain relevant.

### 10. Role of the Tamworth Regional Gallery Friends

- 10.1. The Tamworth Regional Gallery Friends is recognised as the only official voluntary service and support organisation for the gallery.
- 10.2. The Friends exists to support, stimulate and sustain public interest in the Tarnworth Regional Gallery.
- 10.3. The Friends exists to promote the use and enjoyment of the gallery by the public and to raise funds for the acquisition of artworks in respect of the acquisition policy.
- 10.4. The Friends provides assistance at Gallery openings and functions. \*

\* HISTORY - Adopted July 2020 - Ordnary Council Meeting - Min No

Adopted Ordinary Council 27 September 2016 Min No. 272/16

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Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13 Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05 Former TCC Policy

Reviewed P&R 18/9/96 Council 24/9/96 CR 612 Min No 438

Reviewed Council 24/4/90 Min No 140

First Adopted Council 27/3/90 Min No 96

### 6.3. TAMWORTH REGIONAL MUSEUMS COLLECTION POLICY

OBJECTIVE: The Collection Policy guides the decision-making process for shaping the collections ('the Collection') of the Tamworth Regional Museums ('the Museums').

The Collection Policy is a set of principles that guides collecting, loans and deaccessions.

The Collection Policy is a reference document that should be used in conjunction with appropriate available professional expertise and resources.

The Collection Policy shall be reviewed every five years for its relevance and accuracy in relation to the International and National Standards and to ensure each Museums' strategic collecting priorities reflect the changing nature of Tamworth.

The purpose of the Collection is to create a body of physical and electronic resources that

can be used to:

- enrich knowledge, understanding and experience of the history of the Tamworth region
- contribute to and foster critical historical and cultural debate
- create a sense of place
- interpret thematically the history and development of the district
- conserve heritage for the benefit of the community and future generations
- contribute to the development of an outstanding Social History collection for the Tamworth region
- provide an educational and research facility for the community.

### Nature of the Collection

The Tamworth Regional Museums Collection comprises significant objects and collections owned by Tamworth Regional Council and which reflect Tamworth's iconic cultural heritage via the following themes:

- First City of Light exemplified in the Tamworth Powerstation Museum and throughout Tamworth's local government area (LGA) at various locations.
- Music City exemplified in the Walk a Country Mile exhibit displayed in the Australian Country Music Hall of Fame, the National Guitar Museum and throughout Tamworth's LGA at various locations.
- Fossickers Way representing the rocks, gems, minerals, fossils and mining history of Tamworth and the regional display at the Nundle Information Outlet and the exhibit at the Tamworth Regional Astronomy and Science Centre.
- Tamworth in Film, Photography and Sound through the Tamworth Regional Film and Sound Archive.
- 5. The Social History Story of Tamworth and Region. The social history of Tamworth and the region includes the agricultural, commercial, domestic, electrical, transport, and strong Aboriginal culture and identity in the Tamworth region.

The Collection Policy aims to enhance strategically the depth and importance of the Collection by approaching collecting in a manner that reflects the Tamworth region as a whole, single entity.

### POLICY:

### 1.1 General Principles

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All collecting activity and collection management processes will be conducted in accordance with the ICOM Code of Ethics for Museums and within the framework of the NSW Heritage Office Movable Heritage Principles.

The Museums will undertake targeted and coordinated collecting in order to enhance the depth and value of the Collection as a reflection of the history of the Tamworth region.

The Museums recognise that there are alternatives to collecting which will be considered in cases where collection acquisition is not appropriate.

The Museums will actively pursue non-collecting initiatives. Acquisitions, loans and deaccessions will be considered in the context of the digital age, with contemporary technology utilised where appropriate.

Materials will only be acquired when the Museums can provide appropriate resources and storage to ensure their safety.

Materials may be acquired as donations, bequests, purchases or transfers.

The Museums do not accept conditional donations. No materials should be acquired that have conditions or restrictions on the way they might be used or displayed in the future.

### 1.2 Acquisition Principles

Objects are considered for acquisition where they fall into the following categories; three dimensional objects, documents and printed material, original maps, original photographs, sound recordings, film footage, born digital materials and images that depict or are associated with people, places and events significant or unique to the Tamworth Region's history (hereafter referred to as 'Objects').

The Museums collect Objects that are relevant to the Tamworth Region, with an emphasis on items provenance to the Region and related to people closely associated with the area at key periods in history. The Museums collect Objects that are relevant to each Museum's vision, mission and/or purpose.

To be considered for acquisition by purchase or donation, an Object must be of a quality and condition that is relevant to this Collection Policy.

Acquisition is dependent on the availability of support documentation or other evidence of the provenance of the Object.

Objects without provenance will be accepted only in the rare circumstances where they assist in the interpretation of the region's history via one of the identified criteria.

# 1.3 Acquisition Criteria

Objects will be considered for acquisition if they meet either of the following prioritised criteria.

# 1.3.1 Historic Criteria

The Collection will reflect traditional, recent and evolving areas of the social history of the Tamworth region, its cultural diversity and personal histories. The Museums recognise the principles of Contemporary and Active Collecting and seek to represent all time periods of Tamworth's development within the Collection.

### 1.3.2 Thematic Criteria

The Museums have an interest in particular themes, against which Objects may be considered for collection. The themes include:

Tamworth as the First City of Light

- Tamworth as a City Music
- Tamworth and the region's Mining and Mineral history
- Tamworth's cultural identity in Film, Photography and Sound
- The Social History of Tamworth and the region.

The social history of Tamworth and the region as above includes the agricultural, commercial, domestic, electrical, transport, and strong Aboriginal culture and identity in the Tamworth region.

Acquisitions may include the wider national and international social history as relevant to the themes identified above.

Acquisitions may also include the equipment and/or technology required to exhibit and interpret artefacts within the collection as exemplified in Tamworth's cultural identity in Film, Photography and Sound or as the Frist City of Light and a Music City.

Significance 2.0: a guide to assessing the significance of collections, by Roslyn Russell and Kylie Winkworth (Collections Council of Australia, Adelaide, 2009) will be used as a general framework for assessment of proposed acquisitions against these criteria.

### 1.4 Deaccession Principles

Deaccessioning is the process of de-registering an Object from the Collection for clearly stated reasons, and disposing of it in accordance with approved policies.

Caution and transparency are essential in the deaccessioning process

Tamworth Regional Museums will undertake deaccessioning to ensure that only materials that are relevant and appropriate to the Museums' future directions will be held.

### 1.5 Deaccession Criteria

The assessment criteria for deaccessioning are as follows:

- . The Object has little or no relevance to the Collection Policy and Acquisition Criteria.
- The Object is of little or no significance.
- The Object is in poor condition or lacks provenance or documentation.
- A duplicate Object exists in the Collection or other relevant collection.
- The Museums are unable to safely store and manage the Object.
- A like Object of greater significance has been acquired, rendering the earlier acquired Object redundant.

# 1.6 Loans Principles

Inward and outward loans of Objects may only be made or accepted for fixed periods and for specific purposes. Acquisitions to the collection are preferred and recommended if at all possible.

No Objects will be accepted on indefinite or long-term loan.

Loans will be accepted/permitted for a period of up to 24 months for the purposes of exhibition or research to/from appropriate institutions, or as determined by the relevant Tamworth Regional Council staff member. Loans will be accessed every 12 months or as required.

Loans will be accepted or made on a case-by-case basis, ensuring that all loans are returned by the date indicated on the loan documentation.

With the agreement of both parties, loans can be renegotiated prior to the return date.

The Museums reserve the right to request an Object's return if the need arises.

### 2. PROCEDURES

### 2.1 Acquisitions/Deaccessions Advisory Committees

To oversee the operation of the acquisition and deaccession procedures, Advisory Committees will be formed to advise on collection matters and will specialise in thematic areas as outlined in Section 1.2: Acquisition Principles.

Each Committee will comprise the following people:

- Tamworth Regional Council Representative (minimum 1).
- Community Representative (minimum 2) can be a volunteer.
- Suitably qualified people to represent the thematic area in question can be a volunteer who is actively involved in collection care within the relevant theme or an independent party co-opted for their knowledge or skills set (minimum 2).

Meetings will be formally recorded, with minutes kept and outcomes recorded. Advisory Committees will meet at a minimum on a six-monthly basis or more often if required.

Once a recommendation has been made by the Committee to acquire an Object, an acquisition proposal will then be sent to the appointed Director of the Council Business Unit for approval.

### 2.2 Acquisition Procedure

- The potential Donor will be required to record the history, associations, context and significance of the Object by completing a Proposal for Donation form.
- An interim Object Receipt will be issued if an Object is received for appraisal and consideration.
- Tamworth Regional Council Staff will appraise the Object against the Acquisition Criteria for its suitability for or relevance to the Collection.
- The Museums Advisory Committee will make a recommendation for the acceptance or refusal on the Proposal for Donation form, based on advice of the Council Staff.
- Recommendations for Acquisition will be forwarded to the relevant Department Director at Tamworth Regional Council for endorsement.
- On approval of the proposed donation, the donor is required to sign a Gift Acknowledgement form that assigns legal ownership of the Object to Tamworth Regional Council.
- Upon handover of the Object to the relevant Museum, the item is subject to a Condition Report and is assessed for conservation.
- The Object is recorded in the Collection Management System and allocated an accession number.
- The Object will be numbered, photographed and catalogued, and contextual information collated and added to the Collection Management System.

# Cataloguing collection items

Tamworth Regional Museums' staff and volunteers will catalogue core collection items as a priority. A detailed Gift Acknowledgement Form with relevant object information must be completed to transfer ownership and form the foundation of catalogue records. This information is then uploaded to the collection management database. Cataloguing should be completed as soon as possible after an item is accessioned into the collection.

# 2.3 Deaccession Procedure

- An accessioned Object must meet one or more of the Deaccession Criteria (see Section 1.5 above) to be selected for deaccessioning.
- A report outlining the reasons for deaccessioning will be prepared by Tamworth Regional Council Staff and presented to the relevant Museums Advisory Committee.
- The Museums Advisory Committee will formally endorse/not endorse the recommendation.
- There will be a 'cooling-off period' of 90 days before disposal.
- Following the expiration of the cooling-off period, the recommendations for deaccession will be forwarded to the relevant Department Director at Tamworth Regional Council for endorsement.
- If deaccessioned Objects are sold, the proceeds go into each museums budget funds.
- 7. The accession number of deaccessioned Objects will not be reused.

The following methods of disposal are in order of descending desirability:

- Return to the donor or donor's closest family.
- 2. Transfer to another museum or appropriate institution.
- 3. Change of status to Education Resource/Prop.
- 4. Sell/auction.
- 5. Destroy or recycle.

### 3. RELATED DOCUMENTS

This policy directly relates to other documents, plans and policies:

- Tamworth Regional Blueprint 100
- Tamworth Regional Museums Engagement Strategy (2019–2024)
- Tamworth PowerStation Museum Strategic Plan (2016–2020)
- Australian Country Music Hall of Fame Strategic Plan (2020–2025)
- Tamworth Region Cultural Plan (2018–2023)
- NSW Heritage Office (2000) Local Government Guidelines, 2002
- NSW Heritage Office (2004) Management of Heritage Assets by NSW Government Agencies; Heritage Act 1977 (NSW), section 170
- AICCM Code of Ethics (2000)
- ICOMOS Australia (2013) Burra Charter
- ICOM Code of Ethics for Museums
- 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property
- Roslyn Russell and Kylie Winkworth, Significance 2.0: a guide to assessing the significance of collections (Collections Council of Australia, Adelaide, 2009).

# 4. POLICY ATTACHMENT: EXISTING COUNCIL-OWNED COLLECTIONS

The existing Tamworth Regional Council-owned museum collections include the Objects and Materials listed below:

The Tamworth Powerstation Museum Collection

The Walk a Mile Collection at the Australian Country Music Hall of Fame

The National Guitar Museum Collection

The Gil Bennet Rocks, Gems and Mineral Collection

The Chris Bowman Mineral and Fossil Collection

The Tamworth Regional Film and Sound Archive

The Moonbi Museum Collection

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# 6.3. TAMWORTH POWERSTATION MUSEUM - COLLECTION MANAGEMENT POLICY

OBJECTIVE: The objectives of the Tamworth Powerstation Museum (PSM) reflect its vision, mission and values.

- Vision: For the museum to be widely known as Australia's leading museum of early electrical development.
- Mission: To conserve Tamworth's electrical heritage and present quality displays that chronicle the discovery, development and use of electricity.
- Values: Safety, Integrity, Respect, Teamwork, Passion, Commitment.
- The museum's objectives are to collect, preserve, and exhibit items and archives that will enable the PSM to illustrate and record the development of the electricity supply industry in Australia;
- to provide for the preservation and conservation of such material, and to make it available for viewing and research;
- to interpret its collection by means of exhibits and publications and to endeavour to
  ensure that the knowledge associated with the operation of boilers and steam engines
  is maintained; and
- to abide by the ethical guidelines as determined by national organisations (e.g. Museums Australia (Inc) and international organisations (e.g. ICOM) and to cooperate with other-societies in the preservation of the country's heritage.

### POLICY

PSM will document its collection to a standard that ensures it can consistently record the nature and location of the collection.

This policy directly relates to other documents, plans and policies:

- PSM Strategic Plan (2016-2020);
- NSW Heritage Office (2000) Movable Heritage Principles;
- NSW Heritage Office (2004) Management of Heritage Assets by NSW Government Agencies;
- Heritage Act 1977 (NSW) section 170;
- Museums Australia Code of Ethics (1999);
- AICCM Code of Ethics (2000);

- ICOMOS Australia. (2004) Burra Charter;
- ICOM Code of Ethics for Museums; and
- 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

The Tamworth Powerstation Museum Strategic Plan-outlines the framework and goals of the Tamworth Powerstation Museum and articulates the Museum's operations, management and services, as well as its audiences, clients and customers.\*

MISTORY — Adopted Ordinary Council: September 2020 Min No.
 Adopted Ordinary Council: 27 September 2016 Min No: 272/16
 Reviewed by DC&G: October 2012 — Updated — Ordinary Council Meeting: 15/01/2013 — Min No: 9/13
 Adopted as TRC Policy at Ordinary Meeting: 9 February 2010 Minute No: 022/10

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#### 6.4. COMMUNITY MOWERS FOR UUSE BY SECTION 355 COMMITTEES

### OBJECTIVE:

- To encourage community participation in the maintenance of Council recreation reserves, parks, sports fields and recreation facilities.
- To provide guidelines in relation to the supply and use of surplus Council lawn mowers by Section 355 Committees.

### POLICY:

- Council acknowledges the contribution made by the community towards the maintenance of community recreation facilities and reserves.
- Council acknowledges that the regular maintenance of recreation reserves, parks, sports fields and constructed recreation facilities contributes to the lifestyle attractiveness of our region.
- To encourage community participation in the maintenance of Council recreation reserves, parks, sports fields and recreation facilities. Council will, when requested in writing, endeavour to provide surplus Council lawn mowers to Section 355 Committees.
- Written applications from Section 355 Committees requesting surplus mowers will be considered for approval by merit, where appropriate and available, by the Director of Regional Services.
- Any surplus mower allocated to a Section 355 Committee will be undertaken and implemented in accordance with a Community Mower Agreement which will address the safety and operational issues associated with the provision of community mower.

\* HISTORY -

Reviewed July 2020-Updated - Ordinary Council Meeting - Min No

Adopted Ordinary Council 27 September 2016 Min No. 272/16

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 24 October 2006 Minute No 391/06

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### 6.5. COMPLAINTS AND PROCEDURES

OBJECTIVE: To provide a consistent procedure for management and response to complaints from members of the public.

### POLICY:

### 1. Statement of Intent

Tamworth Regional Council is a service organisation which exists to assist its customers and stakeholders consistent with the common good, and legal and statutory responsibilities.—Tamworth Regional Council treats all complaints with the utmost seriousnessimportance. Every complaint received by Council will be given immediate attention by appropriate staff in order to resolve investigate the issues raised by complainants.

The intent of this Complaints Policy is to provide a framework to Council for receiving and responding to complaints from the public as a means of improving customer service in all areas of Council's operations. This policy also aims to ensure that issues which are the subject of complaints are addressed promptly, where possible, to the satisfaction of the complainant, and in a manner which, as far as possible, ensures that such issues will not be the subject of future similar complaints.

#### 2. Definition

A complaint may be defined as: "an expression of dissatisfaction with the Council's policies, procedures, charges, staff, agents, or quality of service. A complaint may relate to a specific incident or issue involving Council, or to matters of a more philosophical or general nature regarding Council's processes and/or procedures."

# 3. Type and Seriousness of Complaints

Complaints to Council will vary in type and seriousness. In many circumstances the onus will fall on staff to determine the seriousness of the complaint, and what action may be appropriate in responding to the complainant. Under such circumstances, and Wwhere the complaint is deemed to be of a more serious nature, staff should make a written record of the complaint and the advice proffered to the complainant, and inform their Manager or Director immediately. Some circumstances however, will not require such action. Minor complaints may be able to be dealt with immediately, to the satisfaction of the complainant.

The following is a guide to dealing with complaints according to their seriousness and implications:

- (a) Complaints addressing issues such as non-urgent maintenance work required at a specific location, non-collection of household waste, or other matters of a minor nature, should be referred to Customer Service in the first instance for logging in Council's Customer Request Management System, and referral.
- (b) Where the complaint is serious and requires investigation, the Steps For Complaint Handling, outlined in Section 6 of this policy should be followed.
- (c) Where a report to Council is required due to the seriousness or complexity of the complaint, the matter should be will be escalated referred to the Manager or Director for action.

### 4. Lodgement of Complaints

- 4.1. Complaints may be lodged with Council in the following ways:
  - by telephone to Council's Customer Service Division;
  - in person to Council's Customer Service Division; and
  - 3. in writing to the General Manager or other Council Officer.

Confidentiality will be maintained where requested by the complainant and principles of Council's Privacy Management Plan will be observed.

- 4.2. All complaints within the following categories must be directed to the Public Officer or, General Manager in writing or-Mayor-immediately:
  - complaints about practices or procedures underpinning, or arising from, Council's decision making processes; or
  - complaints about the conduct of, or alleging impropriety in the actions of, Council staff or Councillors.

### Public Officer

Under the Local Government Act, Council's Public Officer is specifically charged with the responsibility of dealing with complaints from the public concerning Council's affairs.

### 6. Steps For Handling Complaints

Where a complaint has been lodged with Council, the following steps must be followed by appropriate staff immediately:

- 1 Any member of staff approached by a person wishing to lodge a complaint must advise that person of the methods by which their complaint may be lodged. Staff involved in this initial contact should record a written account of the complaint, and the complainant's details, on the Record of Complaint form, and forward this account to the appropriate officer immediately.
- Where a person wishes to lodge a complaint on the spot, the Council Officer attending to that person should record the details and enter into the complete a Customer Request Management System form as soon as possible after receiving the complaint and refer the complaint to the appropriate officer.
- 3 In circumstances where a complaint is received via the telephone, the complaint should be dealt with on the spot by the appropriate officer if the issue is minor, or referred to the Manager or Director where the complaint is more complex or serious. In all circumstances, including those where the complainant wishes to remain anonymous, a written account of the complaint must be recorded and a Customer Request Management System form must be completed by the officer dealing with the complainant.

Copies of these documents must be referred to the Manager or Director.

43 Upon receipt, the written complaint, or Record of Complaint if received by telephone, will be forwarded to the Records Division for registration and referred to the appropriate officer. The officer will forward a written response to the complainant, acknowledging receipt of the complaintComplaints received via telephone will be recorded into the Customer Request Management System (CRMS) and forwarded to the appropriate officer immediately. An acknowledgement of receipt of the complaint will be forwarded to the complainant within 24 hours. Complaints received via email or in writing.

depending on the type of complaint, will be recorded in the records management system or CRMS and actioned to the appropriate officer immediately.

- 54 The officer will refer a copy of the complaint, along with a Customer Request form, to the appropriate Manager or Director, for action. Alternately, Wwhere appropriate, the officer will refer the complainant to the Public Officer or an external agency or authority for lodgement of their complaint (ie. Ombudsman's Office, ICAC, Department Office of Local Government).
- 65 The Director will oversee investigation of the complaint and, where appropriate, determine remedial action to be taken. Upon receipt of a complaint, the Officer Director must ensure that any investigation, decision making on remedial action, and reporting to the Public Officer, occurs within five ten working days.
- Following investigation the Director—Officer will ensure the Customer Request formCRMS\_is completed and the Customer advised the Public Officer. A copy of all records of the complaint will also be retained in the appropriate Division for reporting purposes document management system.
- 8 The Director's report on investigation and remedial action arising from the complaint-will be reviewed and signed off by the Public Officer and General Manager.
- 9 The Public Officer will provide a written response to the complainant within 10 working days of lodgement of the complaint, with details of the investigation and remedial action taken in relation to their complaint.

### 7. Staff Responsibilities in Dealing with Complaints

Every member of staff is required to be aware of the content of this policy, and the means by which complaints are handled within Council.

Staff are also required to be aware of their potential role in assisting and directing complainants, and in recording and referring to the Public Officer, if necessary, any discussion that occurs with complainants.

### Complaints Alleging Corrupt Conduct, Pecuniary Interest, or Improper Use Of Positions

All complaints alleging corrupt conduct, pecuniary interest, or improper use of position, including complaints made verbally or even anonymously, are to be recorded on the Customer Request Management System formdocument management system—and referred immediately and directly to the Public Officer, General Manager or Mayor.

Staff receiving and recording such a complaint must ensure that the complaint, and all allegations contained therein, remains confidential, and is not discussed other than with the Public Officer, General Manager or Mayor or in accordance with the Public Interest Disclosures Policy.

# Reporting of Complaints

The Executive Management Team will regularly review the number of complaints received and determine appropriate strategies to ensure Council is meeting the Community's expectations.

### 10. Other Agencies

Complainants who are dissatisfied with Council's complaints handling process, or who would like to have their complaint addressed by an external agency or authority, may seek assistance from the following organisations: NSW Office of the Ombudsman, Level 24, 580 George St Sydney 2000, Tel. 9286 1000.

\* HISTORY - Reviewed July 2020

Reviewed July 2020 - Updated - Ordinary Council Meeting - Min No

Adopted Ordinary Council 27 September 2016 Min No: 272/16
Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13
Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Draft - Former Parry Shire Council Policy

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### 6.6. ART GALLERY DONATIONS AND CULTURAL GIFTS

OBJECTIVE: This policy sets out the requirements that the Gallery must comply with as a registered and endorsed Deductible Gift Recipient.

### Related Policies, Procedures and Forms:

Australian Taxation Office - Gift Pack for Deductible Gift Recipients and Donors

Australian Taxation Office – Gift Fund Requirements for Deductible Gift Recipients fact sheet

The Income Tax Assessment Act 1997 (Cth) allows organisations or individuals making donations or providing gifts to organisations registered as Deductible Gift Recipients (DGRs) to claim income tax deductions for the value of the donations or gifts provided. All DGR registered organisations must be endorsed by the Australian Taxation Office (ATO) to receive income tax deductible donations/gifts.

In order to encourage donations to the Gallery, endorsement has been obtained from the ATO of the Gallery's DGR status.

Donations may be in the form of financial donations or gifts of artworks. Specific requirements are contained in the ATO's – Gift Pack for Deductible Gift Recipients and Donates.

This policy sets out the Gallery's requirements to ensure it retains its status as a registered and endorsed DGR for tax deductibility purposes.

#### POLICY-

### Donations of Artworks under the Cultural Gifts Program

- 1.1. Since 1999 gifts of significant cultural works made to the Gallery under the Australian Government's Cultural Gifts Program entitle the donors to a tax deduction for the market value of their gifts. The tax deduction can be spread over five tax years.
- 1.2. A donation of works of art under the Cultural Gifts Program is exempt from Capital Gains Tax. The taxpayer should own the artwork outright in order to claim a deduction.
- 1.3. The work being donated has to be valued by valuers registered with the Australian Cultural Gifts Program. The Gallery must obtain two independent valuations in accordance with the guidelines set out in the 'ATO's – Gift Fund Requirements for Deductible Gift Recipients.
- 1.4. The work being offered must meet with Tamworth Regional Gallery Acquisition Policy and Guidelines.
- 1.5. The donated work must be given to the Council absolutely and free of any encumbrances or trusts of any kind and the Council may deal with the work at its absolute discretion at any time.

# 2. Financial Donations

- 2.1. Gifts of money made to the Gallery for the growth of the permanent collection will be held separately and not used for any other purpose.
- 2.2. Appropriate receipts or a letter will be organised by the Gallery for all individuals and organisations that make financial donations to the Gallery. All letters or receipts must contain the following information:
  - name of the fund to which the gift is made;

- gallery's ABN;
- date the gift was received;
- amount of money donated; and
- a declaration that the donation is a gift.
- 2.3. 'Gifts of money' are also excluded from tax.

### 3. 4. Policy Guidelines

- 3.1. DGR donations and/or gifts have the following characteristics:
  - there is a transfer of money or property;
  - the transfer is made voluntarily;
  - the transfer arises from benefaction; and
  - no material benefit or advantage is received by the donor.

Where all these characteristics are met there will be no GST deducted from the donation.

- 3.2. The following items are not DGR donations and or gifts and should not be treated as such, nor will they be GST free:
  - sponsorship income;
  - income from commercial activities; and
  - proceeds from raffles, charity auctions, fundraising dinners and the like where the proceeds are not deductible contributions.

NB: However, in some cases, fund-raising events may include deductible contributions. In these circumstances, specific requirements must be met, and these are outlined in the ATO's - Gift Pack for Deductible Gift Recipients and Donors.

### 4. Acknowledgement of Donations

- All donations are acknowledged in writing by the Director, Tamworth Regional Gallery.
- 4.2. Donations over \$1000 will also be acknowledged for a minimum period of three years by having the name of the donor included on a Donor Acknowledgement Board located in the reception foyer of the Gallery, or in such other public location as Council may determine from time to time.

Acknowledgement of donations will fall into the following categories:

- BRONZE for donations of \$500 \$1500;
- SILVER for donations of \$1500- \$5000;
- GOLD for donations of \$5000 and over; and
- PLATINUM for donations of \$10000 and over.

Donors will need to give approval to have their names included on the Donor Acknowledgement Board, as some donors may prefer to be anonymous.

4.3. The Donor Acknowledgement Board will be updated as required and reviewed annually.

\* HISTORY - Adopted Ordinary Council 27 September 2016 Min No. 272/16

Reviewed by DC&G. October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13 Adopted as TRC Policy at Ordinary Meeting 27 September 2011 Min No: 292/11 (130193/2011)

# 6.7. YEAR ROUND CARE POLICY MANUAL OBJECTIVE: The aim of this Policy Manual is to provide clear guidelines to staff,\* " parents, children and the community on the operations of Council's Year Round Care facilities. POLICY: The Year Round Care Policy Manual can be found on our website at: https://www.tamworth.nsw.gov.au/live/community/children-and-families/year-round-care 6.7. .\_\_ \_\_ \_\_ \_\_ \_\_ \_\_ \_\_ \_\_ \_\_ Contents YEAR ROUND CARE POLICY MANUAL 59 Payment of Fees 60 Administration of First Aid 64 Incident, Injury, Trauma & Illness 70 Infectious Diseases.... Nutrition, Food and Dietary Needs 79 Child Safe Environment 81 Child Management 86 Responsible Persons ..... Staff Orientation and Recruitment 90 Interactions with Children 94 Confidentiality......96 Mobile Phone and Electronic Devices 99 Excursions..... Sun-Safety.......104 Water Safety 105 Sleep and Rest 108 Supervision of Children

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## Year round care policy manual

## **ENROLMENT AND ORIENTATION**

### OBJECTIVE:

To provide an efficient enrolment procedure that is clear and understandable. All details requested are specified in the regulations.

### PROCEDURE:

- The enrolment form must be fully completed for each family before the child can attend the centre.
- An Educator is to go through the form with the parents prior to starting care to ensure all the details have been completed.
- Parents will have the option to complete the form at the centre or take it away with them and return when complete.
- Parents will be given an overview of the routine, buses and an orientation of the control
- Parents will be advised that it is their responsibility to notify-staff of any changes to their current details.
- If there are medical conditions related to the child, the parent must complete a child profile sheet and/or Authorisation to administer medication form. A Risk Minimisation form must also be completed.
- If the child has additional high on-going support needs a separate meeting will be required. Care will be determined by availability of staff/ training/resources and the priority of access guidelines.
- If a child is subject to an access order or agreement, Year Round Care requires a copy of the custodial details registered by the court.
- All enrolment forms are kept in a locked filing cabinet and kept confidential.

### CONSIDERATIONS:

- · Regulation 160-162 in Education and Care Services National Regulations
- National Quality Standard 6.1
- Priority of Access

Date endorsed: 22/05/2012 Date reviewed: 06/03/2018

### PAYMENT OF FEES

#### OB JECTIVE:

To provide a quality service that is affordable for families. Fee levels are set by Tamworth Regional Council in accordance with the Annual Operational Plan and are reviewed annually. Year Round Care is a non-profit organisation and relies on regular payment of fees to remain viable.

### PROCEDURE:

- Fees are to be set to ensure that the required income will be received to run the service efficiently.
- Fees are reviewed annually based on attendance and the centres ability to meet running costs. Parents will be given a minimum of three (3) weeks notice of any changes to fees.
- A late fee of \$5.00 for every five (5) minutes or part thereof is charged after 6:00pm.
- Fees can be paid weekly, fortnightly or monthly by BPay, cheque, cash or EFTPOS. Accounts are sent-out fortnightly.
- If parents need to cancel a day's attendance, Year Round Care must be notified by 6:00pm the night prior for Before School Care and by 9:00am the day of for After School Care. Any notification outside these hours, fees will be charged.
- For vacation care, all confirmed bookings will be charged fees regardless of whether
  the child attends or not, with the exception of a child injuring themselves at the centre
  eg, broken bone or the child being suspended.
- The centre is approved to offer Child Care Subsidy. Payments are made from Department of Human Services directly to the centre to reduce the fees you have to pay.
- CCS is paid for up to 42 allowable absences each financial year. Parents are responsible for keeping the centre informed. Full fees will be charged if all allowable absences are used.
- A dated receipt will be provided for each payment.
- All records will be kept confidential and stored appropriately. Parents may access
  particulars of their fees at any time and information provided in writing, upon request.

# Overdue Fees

- Parents are encouraged to discuss with the co-ordinator any difficulties that they
  have in paying fees. Suitable payment arrangements can be made.
- After two weeks overdue, a final fee reminder will be sent.
- Continued failure of overdue fees and your child's place will be given to a child on the waiting list.
- Regular payments are required. If account is still overdue after four weeks and no arrangements have been made to pay the fees or the agreement made has not been kept, the child's place will be cancelled. Then the account will be sent to Tamworth Regional Council's debt collector.
- The debt-collector will then add legal costs to the overdue account. Any bad debtors
  who have finalised their debt and wish to use the service again are required to pay
  upfront.

### CONSIDERATIONS:

- Department of Human Services
- Regulation 168 of Education and Care Services National Regulations
- National Quality Standard 7.3

### **COMPLAINTS AND GRIEVANCES**

### OBJECTIVE:

To provide the best quality of childcare and service to parents. We welcome and encourage feedback from all people who use Year Round Care.

We believe that parents and children have an important role in the centre and we value their comments.

We aim to ensure that parents and children feel free to communicate any concerns they have in relation to the centre, staff, management, programs or policies without fearing negative consequences.

Our priority is to do everything possible to improve the quality of our service.

#### PROCEDURE:

- We will support parent's/children's right to make a complaint and assist them to make their complaints clear and make every effort to resolve them.
- A complaint can be informal or formal. It can be anything which a parent/child thinks is unfair or which makes them unhappy with the service.
- Every parent will be provided with clear written guidelines detailing the grievance procedure in the parent information booklet. Children are informed verbally of how to make a complaint.
- All confidential conversations with parents/children will take place in a quiet area away from other children, parents or staff not involved.
- If a parent has a complaint or comment about the service, they will be encouraged to
  talk to the co-ordinator who will arrange a time to discuss their concern and come to
  a resolution to address the issue. Children are encouraged to voice their concerns to
  a senior staff member or place a written concern in the complaints box.
- If the complaint is not handled to the parent's satisfaction at this level, they should discuss the issue with the Tamworth Regional Council Operation Manager, either in writing or verbally.
- Management will discuss the issue with the co-ordinator and develop a strategy for
  resolving the problem. This would then be discussed further with the parent, or if
  necessary a meeting will be arranged with the co-ordinator and parent, to resolve the
  problem.
- The parent's/child's complaint is to be recorded and dated indicating the issue of concern and how it was resolved.
- Tamworth Regional Council will respond to all written complaints/grievances. All
  issues will endeavor to be resolved within a two week timeframe.
- The co-ordinator or management will inform the parent of what has been decided regarding the issue. Staff will also be informed of any relevant issues that they need to address or be aware of.
- This could be done verbally or if the issue has been dealt with on a more formal basis then Tamworth Regional Council or co-ordinator will write personally to the parent.

# CONSIDERATIONS:

- Regulation 168 of Education and Care Services National Regulations
- National Quality Standard 7.3
- TRC Complaints policy, TRC Harassment & Bullying Policy

Date endorsed: 25/06/2012 Date reviewed: 06/03/2018

Supersedes: Complaints/Grievances 01/08

### ADMINISTRATION OF FIRST AID

### OBJECTIVE:-

An Educator who holds a full first aid certificate will be at the service at all times. This is to ensure the well-being and safety of the children attending. All educators are trained in CPR.

### PROCEDURE:

- The service ensures First Aid kits are available and readily accessible at all times to educators.
- Educators will take a portable First Aid kit outside when children are doing outdoor activities.
- First Aid kits are checked regularly and restocked as needed.
- Educators are trained in management of asthma and anaphylaxis.
- When educators administer first aid, they provide reassurance to the child, follow up with parents on collection and also a call to the parent or care giver depending on the incident.

## CONSIDERATIONS:

- Regulation 89, 136 & 168 in Education and Care Services National Regulations
- National Quality Standard 2.1
- First Aid Certificate
- Anaphylaxis & Asthma Certificate

Date endorsed: 22/05/2012 Date reviewed: 20/03/2018

### **DEALING WITH MEDICAL CONDITIONS**

#### OBJECTIVE:

To ensure the proper care and attention is provided to all children with asthma, allergies, anaphylaxis, diabetes and other medical conditions.

To provide an environment as far as practical, where a child with asthma, allergies, anaphylaxis, diabetes or other medical conditions is able to participate equally in all aspects of the program.

To minimise the risk of exposure to known allergens and to ensure all staff are aware of the medical management plans and treatments.

#### PROCEDURE:

### Identification of children with medical conditions

- The service requests the child's individual medical condition/s at time of enrolment, including diagnosis of asthma (including seasonal asthma), anaphylaxis or diabetes.
- On enrolment, if any medical conditions are identified, parents will be asked to complete the service Risk Minimisation Plan, Communication Plan and provide an 'Action Plan' completed by a health professional.
- The service will provide the parent with a copy of the services Medical Conditions
  policy.
- Parents are required to complete a checklist, on enrolment, of foods that their child/ren are to avoid at the centre.
- Where details of known allergens change or there is a change in the medical conditions, parents will be required to notify these changes to the service as soon as practical, using methods identified in the communication plan.
- Where a child already attending the service subsequently falls into this category, the parents will also be required to follow these procedures.

### Service Expectations

- Parents need to be aware that whilst all care is taken to reduce a child's exposure to any asthma triggers, allergens or potential allergens, the service cannot guarantee that exposure will not occur.
- Whilst the service will implement a range of specific procedures and risk minimisation strategies to reduce the likelihood of common allergens within the service, educators and parents need to be aware that it is not possible for an Education and Care Service to remain totally allergen free considering the nature of such a service and the involvement with a large number of children, parents, staff and community members.
- The service does not provide products containing peanuts. The service does however purchase and will offer to non-allergic children, or those children whose risk minimisation plan allows "food that may contain traces of nuts", foods such as Sao biscuits.
- The service will assess the child's individual needs at enrolment and will make the decision if additional support from Inclusion-Support will be required before the child can attend.

 Medication must be given directly to an authorised educator and not left in the child's bag. Medication form will be filled out as well with the proper information provided on the form for educators.

### **Practices**

#### The service will:

- Display each affected child's emergency action plan within the staff room.
- Ensure that all educators are aware of any child enrolled who has been identified as having an allergy or has anaphylaxis, a diagnosis of asthma, diabetes or any other medical condition. This will occur at induction.
- Ensure all educators follow safe food handling and hygiene practices.
- Ensure that an educator, trained in emergency response to asthma and anaphylaxis
  including the administration of an Epi-Pen, is always on duty.
- Ensure that all educators are trained in identifying signs of hypoglycemia and hyperglycemia.
- Where a child is enrolled with other medical conditions such as epilepsy, the service will endeavor to have staff trained in any emergency response first aid required.
- Ensure all educators are aware of where any medication is stored.
- Ensure medication, such as an Epi-pen, is taken with the child should the child leave the service for an excursion.
- 9. Ensure there is signage to indicate where each child's medication is stored.
- 10. Implement the Emergency Action Plan in the event of a medical emergency.
- Only administer medication from its original packaging with the child's name, dosage and prescribing doctor.
- Before medication is given to a child, the certified supervisor will verify the correct dosage with another member of staff.

### Parents of a child with known medical conditions will provide the following:

This is a legal requirement under the Education and Care Services National Regulations and parents are required to complete and update this as requested.

- Inform the service co-ordinator on enrolment of the child's 'known' medical condition.
- Obtain an Action Plan for the child in consultation with the child's doctor and provide this to the service.
- The parent will assist in completing the Risk Minimisation Plan to identify any perceived risk and determine strategies to reduce this risk.
- Develop a communication plan to determine the most appropriate means of communicating about the child's medical condition.
- Give permission to display the Emergency Action Plan within the centre, containing a
  picture of the child and parental contact numbers.
- Provide any medication including an Epi-Pen (if required), asthma relieving medication and spacer to the service.
- 7. Regularly check the expiration date on any medication.
- 8. Inform educators of any changes to the status of the child's medical condition.

- Complete an 'Authorisation to Administer Medication' form if/when the child requires medication while attending the service.
- Inform the service if medication has been administered prior to attending care.

# General risk minimisation strategies for children with allergies or at risk of anaphylaxis

- Children are taught not to share food.
- 2. Children wash their hands at designated times throughout the day and prior to eating.
- Educators will supervise meal times to reduce the risk of ingestion and cross contamination of foods.
- Educators will discuss and inform parents of any observable change to any individual child's reaction or perceived allergic response to a possible or known allergen in order for them to review or develop a specific health management strategy or Emergency Action Plan.

### Common allergens and triggers for asthma and anaphylaxis

o Peanuts	⊕- <del>Eggs</del>	<ul> <li>Cows milk</li> </ul>	<ul> <li>Fish and shellfish</li> </ul>
o-Wheat	o-Soy	o-Sesame	Tree nuts
⊕Emotions	⊕Exercise	<ul> <li>Dust mites</li> </ul>	⊕Chemicals
<ul> <li>Perfumes</li> </ul>	Air pollution	⊕ Insect-bites	→Some fruits

#### Self Administration of Medication

- A parent of a school aged child is able to give permission for children to self administer-medication.
- This approval will be sought on the medication form. Parents should only give approval if they know that their child is able to successfully administer medication eg. Ventolin.

### **Guidelines of Self Administration of Medication**

- Educators are required to check that the medication form has been completed and that the medication is as stated on the form.
- Educators are to check the dose prior to the child administering the medication.
- Two educators are to, at all times, witness the self administration of medication and to sign the form.
- Should educators feel that the child is not able to successfully administer the medication, they reserve the right to administer it on the behalf of the child.

# General information

Anaphylaxis is a severe allergic reaction that can be potentially life threatening. Some children have allergies to food that are not life threatening, however foods need to be avoided and medication, such as antihistamine may be required to control the reaction.

Where an allergic reaction involves the respiratory and/or cardiovascular system, it is then called Anaphylaxis. Anaphylaxis is a severe, life threatening reaction to an allergen. A reaction can occur within minutes of a person coming into contact with an allergen.

Asthma affects more than one in nine children in Australia. People with asthma have sensitive airways in their lungs. When they are exposed to certain triggers their airways narrow, making it harder for them to breathe.

Many children may experience intermittent asthma. This is where a child may have symptoms of asthma occasionally after exposure to a trigger. Intermittent asthma can usually be controlled with a reliever medication. Around 70% of children have infrequent intermittent asthma, which means they have short isolated episodes of asthma, usually in response to a respiratory infection or environmental allergen.

Persistent asthma is where a person experiences frequent asthma attacks, which are classed as either mild, moderate or severe. In these situations, the child is usually on preventer medication to control the number of and severily of asthma attacks. Children or adults that only experience intermittent asthma can still have a severe asthma attack.

## CONSIDERATIONS

- Regulation 90-96 in Education and Care Services National Regulations
- National Quality Standard 2.1
- Anaphylaxis and Asthma management
- Resources www.allergy.org.au and www.asthmafoundation.org.au

Date endorsed: 22/05/2012 Date reviewed: 20/03/2018 Supersedes: Medication Policy 08/04; and Allergies 07/04

Tamworth Regional Council General Policy Register - Community Services

### INCIDENT, INJURY, TRAUMA & ILLNESS

### OBJECTIVE:-

To ensure we follow correct procedures to deal with incidents, trauma and illness to minimise the impact on children's well-being.

The centre will make every attempt to ensure sound management of the injury to prevent any exacerbation.

A certified supervisor is fully First Aid trained including the management of asthma and anaphylaxis.

### PROCEDURE:

"The person caring for the child assumes responsibility for acting in the best interests of the child in the event of an injury. The careful exercise of this discretion is considered part of the staff's duty of care."

(Guide to the Law for Children's Services, NSW-Community Child Care Co-op.)

- Parents are required to provide written consent for educators to seek medical attention for their child, if required, before they start in the centre. This will be recorded on the enrolment form.
- Parents will be required to supply the contact number of their preferred doctor or dentist, Medicare number and expiry date.
- Parents will be required to supply two (2) emergency contact names and phone numbers in case of an emergency or accident.
- If a child, educator or visitor has an accident while at the centre they will be attended to immediately by a educator who holds a First Aid Certificate.
- Anyone injured will be kept under adult supervision until they recover or an authorised person takes charge of them.

# In the case of a minor accident the first aid attendant will:

- Assess the injury and attend to the injured person and apply first aid, as required.
- Ensure that disposable gloves are used to protect from contact with blood or bodily fluids.
- Ensure that all blood or bodily fluids are cleaned up and disposed of in a safe manner.
- Ensure that anyone who has come into contact with any blood or fluids wash in warm soapy water.
- Record the incident and treatment given in the "Bumps & Bruises" book, indicating name, date, time, nature of injury, how occurred, treatment given and by whom, to be signed by staff and witnessed if possible.
- Obtain parent signature confirming knowledge of the accident.
- Notify the parents either by phone after the incident, if appropriate or on their arrival to collect the child.
- Ensure other children are adequately supervised.

# In the case of a major accident requiring more than first aid, the first aid attendant will:

- Assess the injury and decide whether the child needs to be attended to by local doctor or whether an ambulance should be called. Advise the certified supervisor of decision.
- If the child's injury is serious, the first priority is to get immediate medical attention. Parents should be contacted straight away however, if not possible, there should be no delay in organising proper medical treatment. Keep trying to contact the parents in the meantime.
- Attend to the injured person and apply required first aid.
- Ensure that disposable gloves are used with any contact with blood or bodily fluids.
- Stay with the child until suitable help arrives, or further treatment taken.
- Try to make the child comfortable and reassure them.
- If an ambulance is called and the child is taken to hospital, a staff member will accompany the child and take the child's medical records.
- Record the incident and treatment given on the incident form and give to the certified supervisor for parents to sign. National Law requires this form to be sent to DEC, the Regulatory Authority within 24 hours.
- Ensure all other children are adequately supervised

## In the event of Trauma the Nominated Supervisor / Certified Supervisor will:

- Notify the parents or emergency contact person immediately regarding what happened and action being taken. Every effort will be made not to panic the parents.
- Reassure the children and keep them calm, keeping them informed about what is happening, and away from the injured child.

# Death of a child

 Educators in the centre must be prepared to handle all incidents in a professional and sensitive manner. In the event of such tragic circumstance as the death of a child, the staff will follow guidelines as set out below.

The death of a child must be reported to:

- An Ambulance Service
- The Police
- The Department of Family and Community Services
- Tamworth Regional Council
- Clear emergency procedures should be maintained for the other children at the centre.
- The centre will notify the parent/guardian that a serious incident has happened and advise them to contact the relevant medical agency.
- . This information should be provided in an extremely sensitive manner.

- It is not the role of the centre to inform the parent/guardian that their child has died; however the parent may appreciate being told with a representative from Year Round Care.
- A detailed report should be given ASAP within 24 hours.
- Counselling will be made available for all children and Educators.

#### Illness

- A child or adult will be considered sick if he/she:
  - Sleeps at unusual times, is lethargic
  - Has a fever over 38°
  - Is crying constantly from discomfort
  - Vomits or has diarrhoea
  - Is in need of constant one to one care
  - . Has an infectious disease.
- . If a child is unwell at home, parents will be asked not to bring the child to the centre.
- . If a child is sent home from school; they are not to attend After School Care.
- If an educator is unwell they should not report for work. Educator should contact the centre as soon as possible to inform them that they are unable to attend work.
- If a child becomes ill or develops symptoms at the centre, the parents will be contacted to take the child home.
- If an educator becomes ill or develops symptoms at the centre, they can return home
  if able or organise for someone to take them home.
- The Nominated Supervisor will organise a suitable replacement as soon as possible.
- The child who is ill will be comforted, cared for and placed in a quiet isolated area with adult supervision until the child's parent or other authorised adult takes them home.
- If the child has a fever the parents will be informed and asked for permission to give Panadol. Panadol will not be given without permission.
- If a child's temperature is very high, cannot be brought down and parents cannot be contacted, the child's doctor will be contacted and permission sought to give Panadol. If the situation becomes serious, an Ambulance will be called.

# CONSIDERATIONS

- Regulation 12, 85-87, 183 (2) & 136, Education and Care Services Regulations
- National Standard 2.1
- Duty of Care.
- NSW Department of Community Services Guidelines.

Date endorsed: 22/05/2012 Date reviewed: 20/03/2018

Supersedes: Accidents, Death of a Child 08/04

## INFECTIOUS DISEASES

### OBJECTIVE:-

We aim to provide a safe and hygienic environment that will promote the health of the children and educators. As the care needs of a sick child cannot be met without dramatically reducing the general level of supervision of the other children or risking other children's health, parents will be asked not to bring sick children to the centre and to collect children who are unwell.

All care and consideration will be given to the child who becomes ill while at the centre. Children—with—infectious—diseases—will—be—excluded—from—the—centre—for—the—period recommended by the Department of Health.

### PROCEDURE

## Infectious Diseases

- Children and educators will be excluded from the centre if they are ill with any contagious illness. This includes vomiting, diarrhoea and conjunctivitis.
- The period of exclusion will be based on the recommendations outlined by the Department of Health.
- The decision to exclude or re-admit a child or educator will be the responsibility of the
  co-ordinator or assistant co-ordinator based on the child's symptoms, medical opinion
  and Department of Health guidelines for children who have an infectious disease or
  who have been exposed to an infectious disease.
- Children with vomiting or diarrhoea will be excluded for 24 hours after the symptoms have disappeared or after a normal stool.
- A doctor's clearance certificate will be required prior to returning to the centre for all
  infectious diseases such as measles, mumps diphtheria, hepatitis A, polio,
  tuberculosis, typhoid and paratyphoid.
- Parents will be informed about the illness and infectious diseases policy on enrolment.
- A regularly updated copy of the Department of Health guidelines on infectious diseases will be displayed in the parent area for reference.
- The certified supervisor will follow the recommendations as outlined in the Department of Health document.
- Parents will be informed about the occurrence of an infectious disease in the centre
  ensuring that the individual rights of educators or children are not infringed upon.
- Children who are not immunised will be asked to leave the service to maintain their safety and wellbeing
- All educators will ensure proper hygiene practices are carried out as outlined in the Hygiene Policy.

	Under the provisions of the Public Health Act 1991 and Regulation, doctors, hospital
_	
	chief executives (or general managers), pathology laboratories, directors of childcare
	centres and school principals are required to notify the following diseases:

⊖-Diphtheria	⊖-Measies	⊕-Mumps	O Pertussis (Whooping Coug
<ul> <li>Poliomyelitis</li> </ul>	⊕ Rubella	⊕.Tetanus	⊕ Meningococcal

Notification requested by phone, if possible.

# Notification Mechanisms

### Infectious diseases:

- Infectious diseases should be directed to the local Public Health-Unit and should be notified within 24 hours of diagnosis.
- All infectious diseases notification forms are available from Public Health Units.

# CONSIDERATIONS

- · Regulation 88 of the Education and Care Services Regulations
- Department of Health guidelines.

Date endorsed: 22/05/2012

Date reviewed: 20/03/2018

Supersedes: Illness and Infectious

Diseases 08/06

### **EMERGENCY AND EVACUATION**

### OBJECTIVE:

We aim to provide an environment that provides for the safety and wellbeing of the children at all times. All children and Educators will be aware of, and practiced in, emergency and evacuation procedures. In the event of an emergency, natural disaster or threats of violence these procedures will be immediately undertaken.

Evacuation may be necessary in the event of a fire, chemical spill, bomb scare, earth quake, gas leak, siege, flood, bushfire or other emergency.

We aim to provide an environment that is safe with no risk to the health and well being of the children, Educators or parents. We will ensure that all activities undertaken while the service is in operation will not be potentially hazardous and that all hazardous materials will be stored appropriately.

### PROCEDURE

- Emergency evacuation procedures will be clearly displayed near the main entrance and exit of each room used by the centre.
- All educators, including relief educators, will be informed during orientation of the
  procedure and their specific duties. Educators will make arrangements as to duties
  undertaken in the absence of other educators.
- Children and educators will practice the emergency procedure at least once per term, in all types of care, before school, after school and at the beginning of vacation care.
- Drills will be conducted more regularly when there are new children.
- Parents will be informed of the procedure and assembly points in the parent handbook.
- No child or educator is to go to their lockers or bags to collect personal items during an emergency evacuation. This would lead to confusion and delays.
- Fire extinguishers and blankets will be installed and maintained in accordance with Australian Standard 2444. The educator's priority is to get children out of any immediate danger not to put the fire out.
- The evacuation plan will include:
  - Routes of leaving the building suitable for all ages and abilities. These should be clearly mapped out.
  - A safe assembly point away from access of emergency services.
  - List of items to be collected and by whom.
  - List of current emergency numbers.
  - List of educator's duties in the emergency.
- Educators will be nominated to:
  - Make the announcement to evacuate, by blowing the whistle three (3) times or siren, identifying where the fire is and the safety route to evacuate
  - The children will know to stop what they are doing and listen to the instructions that will follow. Children are to be encouraged to move outside quickly.
  - Collect children's attendance records, phone or mobile and parents' contact numbers.
  - Make the phone call to 000 or other appropriate service, management and parents-as-required.

- Collect the first aid kit and any medications.
- Check all corners, cupboards and toilets for children and educators. Check that all doors and windows are closed as far as possible, to reduce the spread of a fire.
- Supervise the children at the assembly area, and take a roll-call of children.
   Adults are to talk quietly and firmly reassure the children physically and verbally.
- When the emergency service arrives the Nominated Supervisor will inform the officer
  in charge of the nature and location of the emergency and if there is anyone missing.
- No one-should re-enter the building until the officer in charge has said it is safe to do so.

### Hazardous Materials

- Should any pests or vermin be identified, action should be taken to rid the centre of the problem by initially using non-chemical methods such as physical removal, maintaining a clean environment and use of any non-chemical products.
- Environmentally friendly sprays may be used only with adequate ventilation.
- Aerosol cans, such as spray paints etc used for specific activities, will only be used outside in a well-ventilated area.
- All potentially dangerous products will be stored in the appropriate containers, clearly labelled and stored in the designated secured area which is inaccessible to the children.
- Educators should always read the SDS before use of any cleaning material, sprays
  or chemicals and be aware of appropriate first aid measures.

### Harassment and Threats of Violence

### Disturbing Influences

- If a person/s, known or unknown to the service, harasses or makes threats to children or educators at the centre, or on an excursion, educators will:
  - Where possible, calmly move the children away from the person.
  - Calmly and politely ask them to leave the centre or the vicinity of the children.
  - Be firm and clear and remember their primary duty is the children in care.
  - of they refuse to leave, explain that it may be necessary to call the police to remove them.
  - ....... If they still do not leave, call the police.
  - If the Nominated Supervisor is unable to make the call, another educator should be directed to do so.
  - No educator is to try to physically remove the unwelcome person.
- Educators should be aware of any unfamiliar person on the premises and find out what they want as quickly as possible and try to contain them outside the centre.

### CONSIDERATIONS

- Regulation 97 in Education and Care Services National Regulations
- National Quality Standard 2.3

### **NUTRITION, FOOD AND DIETARY NEEDS**

### OBJECTIVE:

We aim to provide a variety of nutritious, good quality food in the centre. Children will be encouraged to develop healthy eating habits through good examples and education. We consider meals to be a very important social and learning experience for the children, therefore we aim to make meals relaxed and sociable.

#### PROCEDURE

- An adequate quantity of food and drink will be provided for breakfast before 8:00am and afternoon tea daily.
- The menu is balanced according to current nutritional guidelines and is displayed weekly.
- Sweets and treats will be available only-occasionally, other methods of rewarding children are encouraged.
- . Drinking water will be available at all times for the children and the educators.
- Food provided will include foods from various cultures, especially those in the service and community.
- Peanut butter is not used in either Centre.
- . Children are allowed to eat from their own lunch box.
- Children are not permitted to share food.
- The food provided will be planned ahead and menus will be displayed.
- Children and parents are encouraged to contribute ideas for the menu.
- During Vacation Care parents will be asked to provide their child/ren morning tea, lunch, afternoon tea and drink. The Centre will provide a small amount of morning and afternoon tea as an additional snack.
- Parents should ensure that there is enough food in their child or children's lunch box for their individual needs.
- All children's individual needs, such as allergies, gluten free etc, will be addressed in the menus. Educators will keep a list of all children's allergies or food restrictions near the food preparation area to ensure all educators follow these.
- Children who have a severe food allergy (anaphytaxis), an action plan is required to be completed by your family doctor and a Risk Minimisation and Communication Plan is to be completed by the parent before your child can attend.
- Food will be purchased to meet child's individual needs e.g. Gluten free
- Snack times will be a social event where children and staff can relax and experience a variety of food.
- · Educators will demonstrate healthy eating habits.
- The denial of food will not be used as a punishment.
- The service provides nutritional information for parents. This is done using posters, notices and information sheets.
- Children are encouraged to be involved in menu planning, preparing and serving of food.

- Children's cooking activities will be encouraged to develop life skills.
  - At all times safe and hygienic practices are followed.
- Educators will be encouraged to find out more information on food and nutrition issues for children

### CONSIDERATIONS

- Regulation 78-80 & 168 in Education and Care Services National Regulations
- National Quality Standard 2.1 & 2.2
- www.healthykids.nsw.gov.au/
- Munch & Move guidelines

Date endorsed: 22/05/2012 Date reviewed: 20/03/2018 Supersedes: Food & Nutrition 8/04

#### CHILD SAFE ENVIRONMENT

#### OBJECTIVE:

We believe that the welfare of all children is of paramount importance and that the centre has an obligation to defend the child's right to care and protection.

We believe that the child: educator ratio is an important factor in determining the quality of care that we provide. We aim to maintain positive educators, child and parent interactions while ensuring children's safety and wellbeing.

All children have the right to feel safe, secure and to be free from bullying. Any form of bullying goes against Year Round Care's philosophy and this behaviour will not be tolerated.

We aim to provide an environment that is safe with no risk to the health and wellbeing of the children, educators or parents. We will ensure that all activities undertaken while the service is in operation will not be potentially hazardous and that all hazardous materials will be stored appropriately.

### PROCEDURE

- Educators and management have a responsibility to take action to protect children they suspect may be abused or neglected. All educators are aware of their role as mandatory reporters.
- Our centre will carry out responsibilities of mandatory reporting as indicated under legislation. This responsibility involves following the procedures as outlined by the NSW Department of Community and Family Services and the Commission for Children and Young People for reporting any significant risk of harm.
- Educators will ensure the nominated supervisor is informed before using the online Mandatory Reporting Tool. Reports should be treated with strict confidentiality. They should not discuss the issue with the parents or try to undertake any investigation into the situation.
- Should the situation arise where the child is considered in immediate danger and the child is taken into Departmental care, educators will follow the advice of the Departmental officers.
- All-Certified-Supervisors will attend Child Protection training and other educators are informed of their responsibilities at staff meetings.
- All educators employed will have to pass a medical and Working with Children Check prior to employment.
- We aim to provide procedures for children to attend excursions as part of our program, which are clear to educators and families and ensure the safety and well being of the children in our care.
- . The educator to child ratios, as outlined in the Standards, will be met at all times.
  - 1.1.1 There will be a maximum of 15 children to one educator in the centre
  - 1.1.2 There will be a maximum of eight children to one educator for excursions.
  - 1.1.3 There will be a maximum of five children to one educator for swimming.
- There will be a minimum of two educators present at all times. A certified supervisor
  will be present at all times as specified in the education and care regulations.
- When educators are sick or unable to attend work, appropriate relief educators will be employed to meet the standards.

- Bullying may be classed as:
  - Physical hitting, pushing, kicking, punching, or any other action which results in injury/harm.
  - Psychological verbal or non-verbal bullying can be insults, taunts, threats, ridicules and intimidation.
- The child should report the matter to an educator, to seek assistance/advice.
- Educators will follow up, report and undertake appropriate investigation.
- Educators will view the matter seriously and will take action according to our behaviour management policy, which may result in suspension or being expelled from the service.
- All educators are aware of their responsibility to ensure every area used is safe and free from hazards. This includes the following:

### Before School Care

Educators to ensure doorway, hallway, entrance and all play areas are free from debris.

### After School Care

Prior to sport/outdoor play, an educator is required to check the area in which they will occupy. Any hazards found should be reported to appropriate people eg: Nominated Supervisor, GA, cleaners, principal. The hazard can then be removed safely.

#### Vacation Care

Morning educators are to check all play areas when unlocking toilets. Report any hazards found and remove safety.

#### Excursions

Risk Assessments for each excursion and experience MUST be completed and discussed at meeting. All documentation kept on file for educators to access.

### CONSIDERATIONS

- Regulation 168 in Education and Care Services National Regulations
- Children and Young Persons' (Care and Protection) Act 1998.
- Department of Family and Community Services Mandatory Reporting Guidelines.
- Working with Children Check.
- National Quality Standards 2.3 & 7.1
- National Standards 1994, Section 3.1 & 3.3
- Excursion Risk Assessments and checklist

Date endorsed: 22/05/2012 Date reviewed: 20/03/2018

Supersedes: Child Protection 11/06; Patrol Area 3/06; Child Ratios 8/04; and Bullying 06/08 Policies

### **DELIVERY AND COLLECTION OF CHILDREN**

#### OBJECTIVE:

We aim to provide procedures for dropping off and collecting children, which is clear and ensures the safety and well being of the children in our care. Parents are required to follow specified communication procedures to ensure we can provide appropriate care of their children. In this regulation parent does not include a parent who is prohibited by a court order from having contact with the child.

#### PROCEDURE

### Dropping Off

- Children are not to be left at the centre at any time prior to the opening hours of the centre.
- On arrival, the person bringing the child is responsible to complete the sign-in sheet next to the child's name, indicating time of arrival with initial of parent/guardian.
- Particular requirements for the day or any changes to who will collect the child, must be notified to an educator and information recorded in the diary.
- Children are to place their belongings in the appropriate place.
- The person dropping off the child must ensure that an educator is aware of the child's presence before leaving the centre.
- Should a child require medication of any kind, parents must fill in and sign the medication form (see Medication Policy).

### COLLECTION OF CHILDREN

### Parents

- A child may only leave the premises with a parent or authorised person nominated on the enrolment form.
- The authorised person who is collecting the child must complete the sign-out sheet next to the child's name, indicating time of departure before the child may leave.
- . The authorised person and child/ren are to ensure that all belongings are collected.
- . An educator must be aware that the authorised person is collecting the child.
- An educator is to be notified if the person collecting the child is to be later than usual.
   The child will be notified to avoid any anxiety.
- If the child is to be collected by anyone different than the stated authorised person/s
  named on the enrolment form, parents must have personally informed the
  appropriate educator prior to pick up. This change must be confirmed in writing and
  the person picking up the child will be asked to provide identification.
- The centre will not release the child to anyone who is not authorised.
- Children cannot be collected from the centre by anyone younger than 16 years of age.
- It is not acceptable to ring educators and request them to sign your children in or out.
   You must walk your child in and out of the centre to ensure their safety.
- Children must be collected by the closing time of the centre. Both centres charge a late fee of \$1,00 per minute. This late fee will not get CCS.

- Educators may refuse the authorised collection person if:
  - identification isn't provided;
  - person is younger than 16 years of age;
  - o-custody orders are in place; or
  - they appear to be under the influence of alcohol or other illegal substances.

### Educators

- Educators collecting children from bus stops will ensure they follow procedures to maintain the safety and wellbeing of the child.
- Children will only leave the premises with educators for the purpose of excursions when written permission has been given by parents or authorised person.
- A child may leave the premises if the child is given into the care of a person or taken outside the premises because the child requires medical, hospital or ambulance care or treatment; or because of any other emergency.

## CONSIDERATIONS

- Regulation 99 Sub Reg 4, 158, 168 (m) &176 in Education and Care Services National Regulations
- Custodial requirements

Date endorsed: 03/04/2012 Date reviewed: 20/03/2018

Supersedes: Sign In and Out 09/05

### CHILD MANAGEMENT

### OBJECTIVE:

We aim to provide an environment where all children feel safe, cared for and relaxed and which encourages co-operation and positive interactions between educators and children.

Educators will give each child positive guidance and encouragement toward acceptable behaviour.

Each child will be given an opportunity to express themselves and their opinions.

The dignity and rights of each child are maintained at all times.

### PROCEDURE

- Rules will be clearly established based on safety, respect for others, order, cleanliness and which help-create a caring environment.
- Positive behaviour will be encouraged and self-discipline skills developed through
  positive example and direction. The children will be involved in creating their own
  rules and these will be reviewed every six months and discussed at the beginning of
  each school term.
- All rules will be clearly expressed in a positive way and reinforced consistently.
- Educators, families and children will be made aware of the rules.
- · Rules will be displayed in a prominent place.
- Positive behaviour will be encouraged by role modelling, diverting children to more appropriate activities, showing appreciation for appropriate behaviour and building on each child's strengths and achievements.
- Educators will only use reflection time, where a child is encouraged to sit and think
  about other ways that the issue could have been dealt with more appropriately. Smart
  Choices form may be filled out with the child regarding the child's behaviour and
  shown to the parent/carer upon collection. The form will be signed by parent/carer
  and kept on file.
- Educators will follow up by discussing the situation with the child and working together on better solutions for future behaviour.
- Children are to be given opportunities that enable them to be responsible for their own-behaviour-through-the-development of-problem-solving-skills.
- Children will be encouraged to seek support when necessary.
- Educators will have access to training and support in positive approaches to behaviour management. This will be made available as part of the training budget.
- Educators and families work in partnership in promoting a consistent and positive approach to behaviour management.
- To assist in maintaining a positive, safe and caring environment the educators and children will have the following responsibilities:

### The children will:

- Accept and value every child and adult regardless of race, cultural background, religion, gender or ability.
- . Treat each other with respect, courtesy and understanding.

- Be encouraged to maintain positive communication and relationships between educators, children and other adults.
- Ensure that appropriate and positive language is used at all times.
- Settle their differences in a peaceful manner, try to use communication to resolve difficulties rather than resort to violence.

#### The educators will:

- Accept and value every child and adult regardless of race, cultural background, religion, gender or ability.
- Treat-children with respect, courtesy and understanding.
- Maintain positive communication with the children at all times.
- When communicating with children, staff will ensure that they are understood and communicate at the child's level in a friendly, positive and courteous manner.
- Use voice intonations, facial expressions, and explanations as methods of discipline.
- Shouting at children will be avoided.
- Reward positive behaviour with a raffle ticket, which is placed in the reward box.
   Children's names will been drawn each Friday.

### To encourage children to take responsibility for their actions, educators will:

- Form friendly and warm relationships with the children in their care and be supportive and encouraging to help develop an understanding of the child and their interests.
- Ensure that expectations, relating to the children's behaviour, is explicit and clear and consequences are consistently applied.
- Act as a role model for acceptable behaviour.
- Encourage and reward acceptable behaviour.
- Focus on the behaviour, not the child.
- Give praise and positive feedback to the children as often as possible.
- Provide an environment which will foster the child's self-esteem.
- Introduce older children to simple conflict resolution skills.
- Help children to appreciate and care for each other and their surroundings.
- Ensure that appropriate language is used at all times.
- . Never single out any children or make them feel inadequate at any time.
- Avoid threatening or verbally abusing the children in any way.

## CONSISTENT UNACCEPTABLE BEHAVIOUR

# Where a child demonstrates consistent unacceptable behaviour the educator will:

- Ensure the child has time to sit and reflect about their inappropriate behaviour.
- Have a discussion with the child regarding ways of dealing with behaviour.
- Look for and assess possible causes for the behaviour.

# If the child physically hurts other children or adults, the staff will:

Remove the child from the situation, or remove other children.

- Record the incident, indicating date, time, victim, injury, offender and attendant.
- Families are contacted and notified of the situation. Child is suspended from centre for two days.
- If inappropriate behaviour continues when the child returns, the child will be suspended again until a Behaviour Management Plan has been put in place which will involve a discussion with all educators, families and other professionals, as required.

# EXCLUSION FOR UNACCEPTABLE BEHAVIOUR

- Should unacceptable behaviour continue and the above strategies are not working, the staff will inform the management.
- The supervisor in consultation with the staff will discuss the issue and review incident report.

### CONSIDERATIONS

- Regulation 155, 168 in Education and Care Services National Regulations
- National Standards 5.1 & 5.2
- United Nations Convention on the Rights of the Child
- Incident, Injury, Trauma and Illness Policy

Date endorsed: 11/08/2004 Date reviewed: 05/04/2018

### RESPONSIBLE PERSONS

### OBJECTIVE:

We at Year Round Care will abide by the National Law. The law states a responsible person must be physically present at a service at all times that the approved service operates.

### PROCEDURE

- The 'nominated supervisor' is a Certified Supervisor that has been nominated by the Approved Provider (TRC) and has consented to that nomination. For both services this is the Operation Manager, Heather Lynn.
- A person who is deemed as the responsible person by the nominated supervisor will be in charge of the day to day operation of the service in the nominated supervisor's absence. Therefore this person must have sound knowledge of the children and the service operations.
- This person must also hold a First Aid Certificate, Working with Children Check and Child Protection Certificate.
- The Responsible Person must accept this in writing and this will be demonstrated on the sign-in/sign-out sheet. This document will be available for the Regulatory Authority on request.
- A Responsible Person who is placed in day-to-day-charge are not equivalent to a nominated supervisor and do not have the same responsibilities under the National Law as nominated supervisors.

### CONSIDERATIONS

- Regulation 173 in Education and Care Services National Regulations
- National Quality Standard 4.1 & 4.2
- Service "Certified Supervisor" Certificate

Date endorsed: 22/05/2012 Date reviewed: 05/04/2018

# STAFF ORIENTATION AND RECRUITMENT

### **OBJECTIVE:**

We believe that educators are the most valuable asset to the quality of the centre and that high quality educators are imperative to the smooth running of the centre. We aim to employ the best possible educators for the position through fair advertising and selection processes.

Staff orientation is an important process to ensure educators are fully equipped to carry out their duties in the best possible way. An orientation process will be developed and carried out for all employees in the centre, providing them with a clear understanding of Year Round Care and its operations and expectations within the centre.

### PROCEDURE FOR RECRUITMENT

- Advertisements will be placed in local and regional papers as well as job seeking websites.
- Advertisements are to include:
  - Job title
  - Specific employment information, including hours of work and Award rate
  - Working with Children Check is essential
  - Applications in writing should include contact telephone numbers, resume, minimum of two referees, at least one a work reference, and full contact details.
  - Closing date and postal address for applications. Contact name and number where the applicant can obtain more information.

#### Selection Panel

- When a position becomes available management will appoint a selection panel to conduct the selection process.
- The panel will consist of three TRC members: a member of management, the coordinator of the centre, and an HR Representative.
- The Panel will:
  - Ask applicants to consent to screening
  - Short list the applicants
  - Arrange interview questions, date and time
  - Contact the applicants for interview
  - Conduct the interview
  - Verify the Working with Children Check on the preferred applicant
  - Short list applicants to medical process
  - Make a decision on a suitable applicant, which is put before management for final approval.
  - Offer the position to the successful applicant and contact the unsuccessful applicants after the position has been accepted.
  - Set date for the commencement of employment and orientation of the new person
  - Prepare letter of employment and contract

 The co-ordinator or assistant co-ordinator will conduct the orientation process as soon as possible, after the applicant has accepted the position.

#### LabourCo Recruitment Process

- An educator who wishes to work casually is required to contact LabourCo and complete
  their induction and medical/hearing process before commencing work with Year Round
  Care. Once deemed a suitable employee by LabourCo, Year Round Care will request a
  suitable time for an orientation of the service to occur.
- . The orientation process will include:
  - Introductions to existing staff and management
  - Guided tour of the service
  - Being shown where all relevant records are kept and where to keep personal belongings
  - Discussion about working arrangements and expectations, including professional code of conduct and duty of care
  - e-Opportunity to ask any questions regarding the centre or expectations
- . The new staff member will be provided with the following information:
  - Staff-Handbook
  - Emergency contact form to complete

### CONSIDERATIONS

- . National Quality 4.1 & 4.2
- National Regulation 145-152 & 168
- . Equal Opportunities Act
- · Prohibited Employment Legislation (Working with Children Check)

Date endorsed: 25/06/2012 Date reviewed: 05/04/2017 Supersedes Orientation 07/06 and Recruitment 08/04

Tamworth Regional Council General Policy Register - Community Services

### STAFF PROFESSIONALISM

### OBJECTIVE:

The professional attitude and behaviour of the staff is of utmost importance to the provision of a quality service a positive reputation in the community and the standard of care provided for the children and families in the centre.

We aim to provide clear guidelines to the staff-regarding the expectations for their professional behaviour in the centre.

### PROCEDURE:

- Staff-professional code of conduct, duty of care and expectations will be discussed in the initial orientation process of all new staff.
- Educators will be made aware of their duty of care and their responsibility in relation to supervision and the health and safety of the children.
- Professional behaviour in all areas will be reviewed as part of the ongoing employment of all staff.
- Management, in conjunction with the nominated supervisor, will immediately address any breach in the professional expectations outlined. If the concern involves the nominated supervisor, two representatives from management will conduct the discussion.
- All discussions will be recorded and standard of behaviour and expectations clearly explained.
- . Any further problems will be addressed as per the TRC disciplinary procedure.
- Educators will be expected to know, understand and perform their duties as per their job description.
- Educators will be expected to maintain and improve their skills through participation in staff training and development opportunities.
- Educators will be expected to start duties on time
- . Educators will be expected to dress appropriately for their duties.
- . Educators must not attend work under the influence of drugs or alcohol.
- Educators should not attend work when they are unfit to do so due to injury or sickness and must inform the centre as soon as possible.
- Educators will use only suitable language that is not offensive to other staff, parents and children.
- The centre is a smoke free zone. Educators may not smoke in or around the building, or in the eight of the children. Educators are to follow the new laws and not smoke within four metres of a public place.
- Educators will be expected to know and follow the child protection policies.
- The quality of the centre and positive working environment are dependent on good staff and parent relationships. Educators will follow proper communication procedures as outlined in the policy booklet.
- The maintenance of good teamwork will be an expectation outlined in all job descriptions.
- All LabourCo staff are to follow the LabourCo procedures outlined in the staff handbook given at orientation of Year Round Care.

# CONSIDERATIONS.

- . Regulation 168 of Education and Care Services National Regulations
- National Standard 4.2
- Tamworth Regional Council Code of Conduct & Duty of Care and Tamworth Regional Council disciplinary and grievance policy
- . Staff-handbook-Code of Professional Standards

Date endorsed: 16/05/2012 Date reviewed: 24/04/2018

Tamworth Regional Council General Policy Register - Community Services

## INTERACTIONS WITH CHILDREN

#### OBJECTIVE:

Year Round Care will provide an environment which reflects the principles in 'My Time, Our Place' where the development of secure, respectful and reciprocal relationships with children are fostered and encouraged and genuine respect for diversity and a commitment to equity is reflected in all our interactions with children.

We will endeavour, through our interactions with children, to nurture their optimism, happiness and sense of fun. We will aim to recognise and respond to barriers which may impact on children achieving a positive sense of self-identity.

Educators will utilise opportunities in their interactions to develop an understanding of each child's individual needs.

## PROCEDURE:

#### The educators will:

- Maintain a positive attitude in all interactions with children.
- Listen carefully to children's experiences and perspectives and show interest in their ideas and perspectives.
- Respect children as individuals and encourage each child to voice their opinions, concerns and ideas in a supportive forum that is free from stigmatism.
- Support children in feeling confident in the environment by avoiding strategies such as shouting, threats of corporal punishment or the refusal of food or other basic needs. Educators will always treat children with respect, courtesy and understanding.
- Treat children equally regardless of race, cultural background, religion, gender or ability and ensure interactions between children and educators exhibit this.
- Sensitively manage children who are having difficulty conveying their message or managing their emotions.
- Ensure children understand what is being communicated to them during interactions and allow them time to question or respond.
- Speak to children at their level and use voice intonations, facial expressions and body language to assist in-conveying messages. Engage in one-on-one conversations with all children and develop an understanding of their likes, dislikes and interests.
- Collaborate with children regarding the daily routines and practices within the service including programming of experiences in order to meet their individual needs, interests and abilities.
- Organise environments and spaces that promote small and large group interactions and meaningful play and leisure.
- Collaborate with children to develop a set of rules or boundaries to guide their behaviour in the service and discuss clear expectations and consequences of inappropriate behaviours.
- Ensure that all educators enforce the rules and consequences consistently at all times.
   Consequences will be relevant to the situation and never demeaning. Follow up all issues that arise by discussing the situation with the child and strategising for better solutions for future issues.
- Collaborate with family members and schools regarding appropriate behaviour management practices to ensure there is a consistent approach.

- Access professional development and resources related to positive behaviour management and include this in professional development planning.
- Act as a positive role model for appropriate and expected behaviours in the service being mindful of respectful language and tone.
- Encourage and reward acceptable behaviour by giving praise and positive feedback to children as often as possible.
- . Focus on the behaviours being displayed and not the child displaying them.
- Ensure that appropriate physical contact is maintained in regards to comforting children, application of first aid, safety provisions such as holding hands and maintaining respectful bodily space.
- Identify when interactions with a child are not appropriate and refer to the services 'Providing a Child Safe Environment' policy to address these concerns.

#### The children will

- Be treated with respect, courtesy and understanding regardless of race, cultural background, religion, gender or ability.
- Be encouraged to listen to others, have respect, courtesy and understanding regardless
  of race, cultural background, religion, gender or ability.
- . Be encouraged to share humour and express themselves in a variety of ways.
- Practice strategies for problem solving, debating, negotiating and interacting with others in an appropriate way with the guidance of educators.
- Have opportunities to use and share their home language with other children and educators.
- Collaborate with staff in developing service routines and procedures including rules and boundaries and the consequences they should expect if these are not followed.
- . Encourage their peers to adhere to the rules and expectations
- Participate in experiences that will build relationships and promote interactions between each other, educators and visitors to the service.
- Assist educators in developing programs and routines for the service that reflect their individual needs, interests and abilities.
- Have their need for solitude or quiet time supported and respected by educators and other-children.
- Develop an understanding of the choices they make and the responsibility they have to manage their own behaviours in conjunction with educators.

## CONSIDERATIONS.

- . Reg 73, 74, 76, 155, 156, 168 of Education and Care Services National Regulations
- . My Time Our Place School aged Framework

## CONFIDENTIALITY

## OBJECTIVE:

We place tremendous value on being professional at all times and not talking about children, staff or parents in an inappropriate way in any of our services or in any other place.

We aim to maintain positive and open communication between all parties involved in the centre however cannot express enough of the importance of confidentiality when communicating with all stakeholders.

#### PROCEDURE:

- Educators and members of management are to treat each other with respect, courtesy and understanding.
- Educators will create a comfortable and supportive environment for parents and strive for open-communication and good relations with parents.
- . Educators and parents will treat each other with respect, courtesy and understanding.
- . Appropriate language is to be maintained at all times
- Educators should inform parents personally about anything relating to their children as an ongoing process. Any sensitive issues should be discussed privately.
- Parents and educators are requested to maintain confidentiality at all times.
- Educators are to treat each other with respect, courtesy and empathy. Educators are expected to work together as a team and be supportive of each other in the workplace.

## Storage of Records and Documents

- Records will be kept in a safe and secure place. Information that is kept in a record must not be communicated (either-directly-or-indirectly) with anyone other-than;
  - o Educators who require the information for the education and care of the child
  - Medical personnel
  - . The parent of the child that the record relates to, or
  - e The Regulatory Authority or an authorized officer.

# CONSIDERATIONS:

- . Regulation 163, 181 & 183 Education and Care Services National Regulations
- . TRC Code of Conduct
- . Excursions Risk Assessment and Checklist

Date endorsed: 22/05/2012 Date reviewed: 24/04/2018 Supersedes Communication 7/06, Confidentiality 11/04

## CONFIDENTIALITY

## OBJECTIVE:

We believe that the quality of the service is developed through continual training and development of the staff. We aim to provide staff with encouragement and support to further their skills in the out-of-school hours field.

#### PROCEDURE

- Management will ensure that sufficient funds are made available in the budget for all in-service training and development.
- The Co-ordinator will inform the management of any specific training and development needs of the staff.
- Staff appraisals and the centre requirements will be used to ascertain further training needs.
- The Co-ordinator in conjunction with staff will access all training available and determine what will be attended and by whom.
- All staff will be given the opportunity to be involved in some form of training throughout the year.
- All staff will be given opportunities to upgrade their qualifications in line with the National Regulations.
- · A variety of training methods will be used including:
  - a Internal workshops, which can be conducted by staff or outside presenters
  - External workshops, conferences and seminars
  - Accredited short courses provided by registered training organizations
- Staff are encouraged to share relevant skills and knowledge they obtain from any training with the other staff in staff meetings or where more time is required, in an internal workshop.
- . The centre will cover the costs of all authorised training.
- . The individual however, will cover tertiary study costs.

# CONSIDERATIONS

- My Time Our Place-School Age Framework
- · National Quality Standards

Date endorsed: 11/09/2006 Date reviewed: 24/04/2018

## MOBILE PHONE AND ELECTRONIC DEVICES

## OBJECTIVE:

Year Round Care aims to ensure all children in their care receive quality care and that they are free from harm at all times.

Year Round Care provide a program which is stimulating, interesting and exciting which allows opportunities for children to play, explore and develop new skills and is appropriate to the developmental and leisure needs of all children.

#### PROCEDURE:

## Children

- Staff request that children leave their mobile phones and electronic devices at home. If they do bring it with them it must be turned off and placed in the locked drawer in the office.
- . Parents can collect the phone from staff when they collect their child/ren.
- . If a parent needs to contact their child urgently, they can do this via the centre's landline.

## Educators

- . Educators must turn their mobile phones off at the start of their shift.
- . Educators may use the centre landline if required.

## Excursions

- . Staff are not to take their own mobile phones unless at the request of management.
- . There must be at least one mobile phone at excursion venues.

## CONSIDERATIONS:

- · Parental Consent to Photography
- Staff Professionalism

Date endorsed: 25/06/2012 Date reviewed: 24/04/2018

Supersedes: Mobile Phone policy 01/08

## WRITTEN PROGRAM

#### OBJECTIVE:

Year Round Care aims to develop and implement a balanced program that is stimulating, interesting and exciting which allows opportunities for children to play, explore and develop new skills and is appropriate to the developmental and leisure needs of all children.

Our centre's program will reflect the cultural diversity of today's society. Children and parents are encouraged to be actively involved in the planning, implementation and evaluation of the program.

## PROCEDURE:

- The educators will be responsible for the development of a child centred program, which
  reflects the philosophy of the centre and meets the social, physical, recreational,
  intellectual, creative and emotional developmental needs of the children attending.
- Programs will be developed for all aspects of the centre, before school, after school, vacation care and school staff development days.
- The written program will be prepared each week/day and be displayed for children and parents to see.
- Training in children's programming and activities will constitute part of staff development and be included as an item in the centre's budget each year.
- Children and parents are encouraged to incorporate their views, ideas and specific interests into the program.
- Educators will encourage feedback and input from children and parents in relation to the program.
- Children will be encouraged to be actively involved in the planning, implementation and evaluation of the program, through discussions, conversations, group meetings and planning.
- All children's opinions will be considered.
- A written program for vacation-care indicating excursions and times will be provided for the parents prior to vacation care commencement.
- The program will be flexible to meet the needs of the children and allow for spontaneity and enjoyment in the centre.
- Educators will interact with children and, where appropriate participate, in activities and encourage children to try new activities.
- The program will be evaluated on an ongoing basis to ensure it is meeting the needs of individual children and the families in the centre.
- . The program is to:
  - Promote the importance of play in the child's life
  - Reflect the cultural and language diversity of the local and wider community
  - Consider all developmental areas and be age appropriate
  - Consider individual and group interests, needs, skills, talents and abilities
  - Be-balanced, providing a range of indoor/outdoor activities, quiet/active-times and areas and structured/unstructured activities
  - Be stimulating, interesting and exciting, to allow for opportunities to explore and develop new skills

- o Foster children's independence, self esteem and self help skills
- Foster friendships and encourage co-operative and responsible behaviour among children
- e Provide children with opportunities for self-expression and self-direction
- Help children develop self-discipline skills through positive example and direction
- o-Help children to appreciate and care for each other and their surroundings
- e-Make the children feel welcomed and valued in the centre

# CONSIDERATIONS

- . My Time Our Place-School Age Framework
- . National Quality Standards 1.1 & 1.2

Date endorsed: 16/04/2007 Date reviewed: 24/04/2018

## **EXCURSIONS**

## OBJECTIVE:

We aim to provide procedures for children to attend excursions as part of our program, which are clear to educators and families and ensure the safety and wellbeing of the children in our care.

#### PROCEDURE:

- The service must ensure a current risk assessment has been carried out in accordance with regulation 101 of the Education and Care Services National Regulations before authorisation is sought.
- Risk assessment will include:
  - e... The proposed route and destination
  - e Any water hazards, rivers, dams, buckets
  - e-Any risks associated with water based activities
  - o The transport to and from the proposed destination for the excursion
  - The number of educators, and any specialised skills
  - . The proposed activities
  - e The duration
  - e-Items required to be taken
  - First Aid kits
- All children taken outside the service will have written consent from the authorised carer prior to excursion commencing.
- . When transporting children by public transport educators will:
  - Ensure appropriate local bus companies are used
  - Any excursions traveling more than 100 kilometres will require a coach with seatbelts
  - e Conduct a head count on a regular basis
  - Assist children in getting on and off the mode of transport.
- . When transporting children by foot educators will:
  - e Ensure that the safest route is taken
  - Ensure children cross the road at a pedestrian crossing or traffic lights where available, and obey the road rules
  - Undertake extreme care crossing all roads
  - e-Keep children together as a group and walk in line on pavements
  - Educators are to remain vigilant to ensure that no child runs ahead, lags too far behind the group or acts inappropriately
  - Take appropriate wet weather gear, jackets or sun hats to use as required and sunscreen
  - Conduct a head count on a regular basis
- Children should be made aware of all the rules associated with all modes of transport.
   Educators will ensure that these rules are communicated and followed to ensure the safety and wellbeing of each child.

 Children will be required to wear a coloured wrist band when leaving the centre. This is to assist educators to identify children from the service.

# CONSIDERATIONS

- Regulation 100-102 in Education and Care Services National Regulations
- . Excursions Risk Assessment and checklist

Date endorsed: 22/05/2012 Date reviewed: 05/10/2018 Supersedes: Excursion Checklist

& Transportation

## SUN SAFETY

## OBJECTIVE:

We aim to ensure that all children attending the centre will be protected from harmful rays of the sun throughout the year. All staff are to model appropriate sun protection behaviour and enforce the sun protection policy.

## PROCEDURE:

- Children and staff should wear protective clothing when outside such as hats, and shirts that cover their shoulders and necks.
- Educators will direct children to wear hats for outdoor play. Outdoor activities will be held in shaded areas whenever possible.
- Educators are to direct children who do not have a hat to wear a centre hat or play in the chade.
- An SPF15+, broad spectrum, water resistant sunscreen will be made available in the centre and applied to staff and children when exposed to the sun.
- . Parents will be informed of the sun protection policy on enrolling their child in the centre.
- During vacation care parents are encouraged to apply a sunscreen to their child prior to attending the centre, and reminded to supply a suitable hat.
- Where children have allergies or sensitivity to the sunscreen, parents will be asked to provide an alternative sunscreen.
- The sun protection message should be reinforced throughout the program & excursions
- Activities are to be planned to avoid exposure to the sun between the hours of 11am and 3pm.
- The centre will incorporate sun and skin protection awareness activities in the program and provide notices and posters about the topic.

# CONSIDERATIONS:

- Regulation 114 of Education and Care Services National Regulations
- National Quality Standard 2.3
- . Cancer Council Recommendations

Date endorsed: 08/11/2004 Date reviewed: 24/04/2018

## WATER SAFETY

## OBJECTIVE:

We aim to ensure that all children attending the centre will be protected and safe in and around water and that clean drinking water is available at all times.

The education and care-service will ensure that all educators take reasonable precaution to protect-children from harm and any hazard likely to cause injury.

## PROCEDURE:

- Supervision from educators is a key aspect to ensure that children's safety is protected.
   Educators need to supervise more closely when they are in a situation that presents a higher risk of injury.
- Educators will ensure the children are made aware of the rules and boundaries while near water to reduce the risk of injury.
- Educators will ensure that water troughs or containers for water play are filled to a safe level and emptied onto the garden areas after each use.
- Encourage children to play in or near-water-safely, giving appropriate instructions and quidance.
- Buckets of water used for cleaning are emptied immediately after use. Buckets are not to be left in play areas or accessible to children unless they are being used as part of a supervised program activity.
- Hot water that may be accessible to children during service operation will be maintained at an appropriate temperature (43.5C or less)
- Excursion risk assessments are conducted.
- . Water activities chosen are age appropriate and the children's swimming ability noted.
- Staff: child ratios of 1:5 will be maintained when in or around water.
- . Educators who attend excursions in and around water are confident swimmers.
- Educators will be positioned to actively supervise all children accessing the water.
- Families must inform educators of their child's swimming ability, which will be used to assist educators to manage their safety while in the water.
- One educator with a current first aid qualification and CPR, anaphylaxis management and emergency asthma management training as required by the Education and Care Services national Regulation 2011, is in attendance and immediately available in an emergency.

## CONSIDERATIONS:

- . Regulation 100-102 of Education and Care Services National Regulations
- National Quality Standard 2.3

Date endorsed: 22/05/2012 Date reviewed: 05/10/2018

## PARENT CODE OF CONDUCT

#### OBJECTIVE:

To provide the most appropriate environment in which a child can grow, learn and develop. This is not only the responsibilities of the educators at Year Round Care, but is also the responsibility of each and every parent who enters the service.

## CODE OF CONDUCT:

- No parent or adult is permitted to curse or use inappropriate language on the grounds of the service at any time, whether in the presence of a child or not. Such language is considered offensive by many people and will not be tolerated. At NO time shall inappropriate language be directed toward an Educator of Year Round Care.
- Threats of any kind will not be tolerated. All threats will be reported to the appropriate authorities and will be prosecuted to the fullest extent of the law. PARENT MUST BE RESPONSIBLE FOR, AND IN CONTROL OF, THEIR BEHAVIOUR AT ALL TIMES.
- Parents are prohibited from addressing, for the purpose of correction or discipline, a child
  that is not their own. No parent or adult may physically punish another parent's child. If
  a parent should witness another parent's child behaving in an inappropriate manner, or is
  concerned about behaviour reported to them by their own child, it is most appropriate for
  the parent to direct their concern to the co-ordinator of Year Round Care. All behaviour
  concerns should be brought to the attention of the co-ordinator.
- Smoking is prohibited anywhere on the grounds of Year Round Care. This includes the car park.
- While it is understood that parents will not always agree with the educators of Year Round Care, or the parents of the other children, it is expected that all disagreements be handled in a calm and respectful manner. Confrontational interactions are not an appropriate means by which to communicate a point and are strictly prohibited.
- Year Round Care takes very seriously the responsibility of maintaining the confidentiality
  of all persons associated with the service. Parents need to recognise that the
  Confidential Policy not only applies to their child or family, but all children, families and
  educators associated with Year Round Care.
- Failure to comply with our Parent Code of Conduct may result in the parent not being allowed on the grounds of Year Round Care and appropriate arrangements will be made for another person to collect and drop of their child to the service.

## CONSIDERATIONS:

 National Quality Standard 6.1, supportive relationships with families are developed and maintained.

> Date endorsed: 19/03/2018 Date reviewed:

#### SLEEP AND REST

#### OBJECTIVE:

Year Round Care believes that effective rest and, where necessary, sleep strategies are important factors in ensuring a child feels safe, secure and comfortable in the service environment. The service defines "rest" as a period of inactivity, solitude, calmness or tranquillity and is considered different to a child being in a state of sleep in regards to school aged care children. Whilst the majority of children who access our service may never need to sleep or rest during their time at the service, it is important that educators can accommodate the rest needs of all children regardless of their age if it is needed. This may be when a child is unwell, if they are tired from an excursion or if they have additional needs and their rest requirements are greater then their peers.

#### PROCEDURE:

- In accordance with the Education and Care Services National Law and Regulations, the service will ensure that the needs for sleep and rest of children in the service are met, having regard to the ages, developmental stages and individual needs of the children.
- The service's Sleep and Rest policy is based on recommendations from the evidencebased practice detailed on the ACECQA website.
- The service consults with families about their child's individual needs and to be aware of the different values and parenting beliefs, cultural or otherwise, that are associated with rest.
- If a family's beliefs and practices are in conflict with the evidence-based practice recommendations, then the service will not endorse an alternative practice, unless the service is provided with written evidence from a medical practitioner.
- Year Round Care has a duty of care to ensure that all children are provided with a high level of safety when resting or sleeping while in the centre.
- In meeting the service's duty of care, it is a requirement that management and educators implement and adhere to the service's Sleep and Rest Policy.
- All children will be placed on their back to rest when first being settled. If a child turns
  onto their side or stomach during sleep, then educators allow them to find their own
  sleeping position.
- . All children will rest with their face uncovered.
- . Children's rest environments are free from cigarette or tobacco smoke.
- . The rest environment, equipment and materials will be safe and free from hazards.
- Educators will monitor resting children at regular intervals and supervise the rest environment.

## Rest for School Aged Children

- If a school aged child requests a rest, there is a designated area for the child to be inactive, calm and away from the main group of the children.
- The designated rest area may be a cushion, mat or seat in a quiet section of the care environment.
- Quiet solitary play experiences are available for those school aged children who request
  the need for a rest time away for their peers.

- Safe resting practices are relevant to school aged children because, if they are resting or sleeping they should be monitored at regular intervals and a school aged child's face should be uncovered when they are sleeping, as described above.
- . Light bedding is the preferred option if requested by the child.
- Educators will show awareness of children's comfort and avoiding overcrowding when the children are in need of rest or sleep.
- Our service will provide a range of both active and restful experiences throughout the program and support children's preferences for participation.

## Safe Resting Practices for a Child Who is Unwell

- . Refer to the service's Incident, Illness, Injury, Trauma policy for additional information.
- Child will be encouraged to rest in a quiet, comfortable and safe place.
- Child will be encouraged to lie down and make themselves comfortable when displaying signs of feeling unwell.
- . Children will be allowed to find their own sleeping position.
- All children will rest with their face uncovered.
- Children who are unwell (and waiting for collection from caregiver) will be given the highest supervision priority and monitored constantly, especially if the child has a high temperature, vomited or received minor trauma to the head.
- Parents will be contacted immediately to make arrangements to collect the child as soon as possible.

## Rest/Sleep Environment and Equipment

- The service will ensure a rest or sleep space is available or can be made available to children at all times. This could include a quiet area with cushions, a book corner with bean bags, a lounge or chair etc.
- The area and equipment will be checked regularly as part of the services safety check and hazard identification practices.
- Hygiene standards will be maintained when children use the rest/sleep area and equipment, such as washing the blankets and covers when a child is unwell.
- There may be occasions where children with additional needs will need to sleep or rest in their wheelchairs or other equipment such as a stroller. It is important that children are not left alone whilst sleeping in these and that the restraints are sufficiently fastened.
- The service will ensure the room temperature, airflow, noise and lighting is conducive to sleep and rest when necessary.
- Children's clothing items will be checked prior to sleeping to ensure it doesn't present any hazards to them whilst asleep.

# CONSIDERATIONS:

 Regulation 81 Sleep and Rest and National Quality Standards and Element, standards 2.1 and 2.2 and elements 2.1.1, and 2.2.1

## SUPERVISION OF CHILDREN

#### OBJECTIVE:

Year Round Care believes that the supervision of children in our care is of paramount importance and that we all have a responsibility to protect the health and safety of each individual at all times. Children need a safe and secure environment in which to thrive. Effective supervision is integral to creating environments that are safe and responsive to the needs of all children. Part of this is ensuring that children are protected form hazards or harm that may arise from their play and daily routines. Effective supervision also allows educators to engage in meaningful interactions with children. Our service is committed to:

- Complying with the Education and Care Services National Law and Regulations at all times.
- Ensuring that children are supervised at all times.
- Considering the design and arrangement of children's environments to support active supervision.
- Guiding educators to make decisions about when children's play needs to be interrupted and redirected.
- 5. Supporting educators and their supervision strategies.
- Providing consistent supervision strategies when there are staffing changes.
- Acknowledging and understanding when supervision is required for high risk experiences and/or the ratio of adults to children is increased.
- 8. National Quality Standard 2.2 Element 2.2.1

#### PROCEDURE:

- In accordance with the Education and Care Services National Law and Regulations, the service will ensure that the prescribed ratio of one educator for every 15 children. This ratio will reduce to one educator for every eight children when on an excursion outside of the service premises.
- Ratios will take into account the number of educators, their level of skill and experience
  and the types of activities children are involved in. Positioning and supervision of
  children will vary at different times during the session. Educators will be aware of
  activities, which are of higher risk eg. outdoor play vs indoor craft activity.
- Educators will constantly discuss and move to where higher risk activities are taking place.
- Zoning areas of the service helps educators to better supervise children when they are accessing various locations such as indoor, outdoor, sporting fields, toilets etc.
- To ensure there are a sufficient number of educators to meet ratios each time children
  are being educated and cared for, the service will ensure a roster is completed and
  made available for educators. When creating a roster, the co-ordinator will take the
  number of expected children enrolled into consideration.
- To minimise the possibility of children, educators or visitors being harmed anywhere in the service, it may be necessary for certain areas to have a risk assessment completed and documented. This will assist educators in being able to focus on supervising and interacting with children rather than dealing with hazard reduction during key supervision times.

- Educators will ensure that children are unable to/understand not to access unsupervised areas of the service and that potentially hazardous items are kept out of areas that children have access to in accordance with service safety procedures.
- Active supervision is a combination of listening to and watching children play, being aware of the environment and its potential risks, any equipment children are using, the weather conditions, the time of day, managing small and large groups of children, transitions and many more factors.
- Understanding each child's abilities and skill-level by developing-meaningful relationships with all-children and engaging in their play.
- Using clear and simple rules and boundaries that are developed with and known to all
  children and consistently applied by educators, enforcing strategies for when children do
  have to move out of play areas such as a buddy system for toilet access etc.
- Checking the environment for hazards and risks prior to children accessing it and also during supervision and ensuring the setting up of the environment supports active supervision practices.
- Educators will position themselves in strategic positions where they can see and hear the children.
- Educators scanning constantly with sight and hearing for any hazards or issues, which
  may pose a risk to children's health, wellbeing and safety.
- · Circulating the play areas where children are situated
- Teach children how to appropriately and safely use the equipment and access play areas and take some responsibility for their actions.
- Support children to determine safe and unsafe practices.
- Encourage children's confidence in reminding their peers about safe practices and to alert an educator if there is a problem.
- Children are offered opportunities to develop their own rules and boundaries in partnerships with educators, which allow them to better understand the reason for limits and acknowledge the consequences when these are not adhered to.
- Educators respect all children's rights to privacy and allow them the space to be independent, especially older children. Educators will develop supervision strategies that monitor but also allow older children to self-manage their play and limit setting.
- Educators will engage in play with children and interact with them in accordance with our services values and beliefs whilst supervising. This helps to build meaningful relationships and helps to minimise challenging behaviours.

## CONSIDERATIONS

Education and Care Services National Law and Regulations S51, 165,166,167,170,171
 R82,83,99,100,101,102,115,123,155,168,176.

Date endorsed: 19/04/2018

Date reviewed:

CHILDREN'S MISSION STATEMENT

'To feel happy and safe in a caring place, having fun with friends and doing the things I enjoy with people I like.'

September 2007

HISTORY - Reviewed July 2020 - Updated - Ordinary Council Meeting - Min No. Formatted: Font color: Black

# 7. COMPLIANCE

# 7.1. BUILDING OVER WATER AND STORMWATER EASEMENTS

**OBJECTIVE:** To provide a policy in regard to existing and proposed structures over easements.

# POLICY:

- 1 That no building or structure of any type be permitted to be constructed over water, sewer or drainage easements.
- 2 That where existing buildings or structures are found to be located within a water, sewer or drainage easement, the property owner be requested to remove the building or structure.
- 3 In the case of construction over water infrastructure the Director Water Enterprises be delegated authority to adjudicate any exception to this policy in extreme or unusual circumstances and for stormwater the matter be referred to the Director Regional Services.

\* HISTORY --

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Amendment - Item 8.2 Ordinary Council 23 October 2012

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy

Reviewed by EPSD 1/10/02 still valid.

Council meeting 28 June 1994 CR 211 Min No 160

P&R August 1992 CR373, Council 25 August 1992 Min No 242

#### 7.2 COUNTRY MUSIC FESTIVAL -- RAFFLE TICKETS -- REGULATION OF SALES IN THE CENTRAL BUSINESS DISTRICT

OBJECTIVE: To specify the need for approval to be obtained for the sale of raffle tickets in the central business district, and to identify guidelines for this activity.

## POLICY:

That Council, under the authority of the Local Government Act 1993 (Section 68) and the function delegated to the Director Business and Community, permit the sale of raffle tickets in the Central Business District:

#### Guidelines

- Approval only need be obtained for sales during January each year.
- 2 Organisations, which install objects on the public footpath or road (such as tables or displays), hold a Public Liability Policy of not less than \$20,000,000.
- Applications be called each November for the following Januaryopen annually in the second half of the year for the following January.
- Any approval granted be subject to the following standard conditions:
  - should it be proposed to install any object on the public footpath or public road, it will be necessary to hold a public liability policy of not less than \$20,000,000;
  - ticket sellers are not to impede the travel of any pedestrians;
  - (iii) upon request from Council staff, it will be necessary to produce identification;
  - (iv) the 422organization is responsible for the collection and disposal of litter associated with and in the immediate vicinity of ticket sales; and
  - the selling of all such tickets shall be in accordance with the Charitable Fundraising Act of 1991 and charitable Fundraising Regulations 1993, and the Best Practice Guidelines for charitable Organisations, as published by the Chief Secretary's Department.

\* HISTORY -

Reviewed July 2020-- Updated -- Ordinary Council Meeting -- Min No

Adopted Ordinary Council 27 September 2016 Min No: 272/16

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy

P&R 22/9/99 ESD99/29 CR426 Council 26/9/99 Min No 341

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# 7.3. ENCROACHMENTS OONTO PUBLIC ROADS

# OBJECTIVE:

- To ensure that users of the footway and carriage way are not obstructed.
- To encourage uniformity of projections in relation to the streetscape.

#### DOLICY:

Generally buildings will not be allowed to encroach onto the Road Reserve. For buildings not the subject of building line the following exemptions will apply:

#### Awnings

The height above the footpath is to generally to conform with awnings on adjoining properties but shall not be less than 2.6 metres.

To be a minimum of 600mm from the vertical projection of the kerb line or carriage way.

## Awning Blinds:

The height above the footpath shall not be less than 2.6 metres.

## Advertising Signs:

The height above the footpath shall be not less than 2.6 metres.

Awning signs shall be a minimum 600mm from the vertical projection of the kerb line or carriage way.

Pole signs shall not project further than 1.2 metres into the road reserve. The pole and footings must be within the property boundaries.

## Eaves, Cornices and the Like:

The height above the footpath shall not be less than 2.6 metres.

The maximum projection shall be 450mm.

\* HISTORY -

Reviewed July 2020 - Updated - Ordinary Council Meeting - Min No

Reviewed by DC&G. October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy

Reviewed by ESPD 1/10/02 Still Valid

Ref: Council meeting 28 June, 1994 CR211.

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# 7.4. FOOTPATHS – USE OF PUBLIC FOOTPATHS FOR RESTAURANT AND OUTDOOR SEATING

OBJECTIVE: To encourage the establishment of outdoor seating areas in accordance with clearly documented guidelines.

## POLICY:

That Council under the authority of the Public Roads Act, 1993, Section 125 and the Delegated Function to the Environmental Planning and Economic Development Director Regional Services permit the use of public footpaths for restaurant seating outdoor eating areas in association with adjoining restaurant or other food premises:

## Management Guidelines:

## 1 General

- (i) Persons wishing to install and operate facilities for outdoor eating on public footpaths shall be required to hold a Public Liability Policy of at least \$20,000,000 with the interest of Council in this regard noted on the Certificate of Currency.
- (ii) The maximum licenceease period will be only for three years only.
- (iii) A licence agreement shall be entered into between the Proprietor of the relevant business and Council to embody the conditions which may be imposed pursuant to section 125 of the Roads Act 1993, this Policy and any other requirements, under the Delegated Function to the Environmental Planning and Economic Development Director. The licence agreement is to contain provisions indemnifying Council against any claims resulting from placement or use of the outdoor furniture.
- (iv) The number and type of items to be placed in the footpath shall be specified in the licence, together with the area of the footpath within which the items are to be placed. For the period of the agreement, the fees will be charged at the rate as determined in the Fees and Charges component of Council's Annual Operational Plan.
- (iv)(v) There will be an application fee payable upon the establishment of a licence, and this fee shall be set out in the Fees and Charges component of Council's Annual Operational Plan, area subject to the agreement shall be clearly marked by the Director. For the period of the agreement, the fees will be charged at the rate as determined in the Fees and Charges component of the Council's Annual Management Plan.
- (w)(vi)The proprietor will be responsible for all legal costs associated with the agreement.
- (খɨ)(vɨi) Placement of outdoor eating furniture on major pedestrian thoroughfares shall retain a minimum clearance for pedestrian traffic of 2.5 metres.
- (wiii) All other pedestrian thoroughfares shall retain a minimum clearance for pedestrian traffic of 1.5 metres.
- (viii)(ix) All footpath eating areas adjacent to streets shall retain a minimum clearance to the kerb of 600mm.
- (x) The proprietor shall be responsible for disposal of litter and cleaning of the footpath occupied by the outdoor eating area.

(xi) Applicants should be aware that Council can revoke, suspend or amend an approval for outdoor dining made under this Policy if:

the conditions of the licence or this Policy or any other applicable+ policy of Council is breached;

the use of the footpath is causing public safety or public access to be b. compromised:

the footpath is needed for public works;

- the footpath is needed for a special event; or
- the footpath is needed to manage an increase in pedestrian traffic; or

Where Council needs to revoke, suspend or amend an approval for outdoor dining Formatted: Font color: Black the licence holder will be given notice of Council's intention.

Any licence granted hereunder is non-transferable. Any licence granted to the operator of the business, and not to the business or the property. In the event that the operator changes, the licence ceases immediately and a new operator must apply for a new licence.

(xiii) The outdoor dining area and furniture associated with the use of the footpath for outdoor dining are to be:

- kept clean and maintained in good order suitable for their purpose;
- positioned and used as required when in use;
- not to be permanently fixed; and
- removed and stored away from public areas when the area is not in use.

(xiv) Waste and litter is to be managed by:

- removing waste promptly from the area;
- disposing of any waste appropriately; and
- making sure the area is regularly cleaned and tidied.
- (xv) The licence is to be kept on the premises together with the place attached and shall be produced on request to Council officers.
- (ix)(xvt) Council reserves the right to approve all outdoor furniture, and any decision of Council in that regard is final. Any furniture that Council deems unsuitable shall be immediately removed by the proprietor.

#### Peel Street and Fitzroy Street, Tamworth 2

- Clauses 1(i) to 1(vi) inclusive, and 1(viii) above<u>In</u> addition to the previous clauses, the following shall apply to premises in Peel Street and Fitzroy Street, Tamworth.
- Placement of chairs and tables shall be confined to the area of footpath adjacent to the restaurant premises. Before consideration would be given to areas not adjacent to the restaurant, the written consent of the adjoining owner and tenant must be obtained by the Proprietor (to use the adjoining footpath frontage).
- (iii) No advertisements will be permitted to be placed within the agreed outdoor eating area or in the adjoining footpath area unless the written prior approval of the Director has been obtained.
- (iv) The outdoor eating area shall be located so as to retain a 3.0 metre wide pedestrian corridor under the existing shop awnings.

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- (v) Outdoor eating furniture shall not restrict the access to public seating facilities. The Director may in certain circumstances agree to the relocation of such facilities at the expense of the proprietor. No interference or use of the facilities will be permitted without the approval of the Director.
- (vi) The proprietor shall be responsible for removal of chairs, tables, umbrellas, etc., from the footpath at the close of daily trading.

#### 3 Alcohol Consumption at Outdoor Dining Premises in the Tamworth CBD Alcohol\* Free Zone

Alcohol consumption is only permitted where the proprietor has a suitable liquor licence, and has satisfied all the requirements of the relevant licensing authority.

The consumption of alcohol at outdoor footpath dining facilities, within the Tamworth CBD alcohol free zone will be permitted where staff of the premises have Responsible Service of Alcohol Certification and is subject to compliance with the following conditions:

- the proprietor must hold a valid outdoor dining licence. Such approval must be valid and all associated fees and indemnities in place;
- the areas must be barricaded off from the remainder of the street so as to delineate the area;
- alcohol must be served by the proprietor of the restaurant. Under no circumstances must alcohol be stored under or near the tables at BYO restaurants;
- alcohol must only be served where a meal is provided by the restaurant to the patrons seated in the outdoor dining area;
- all conditions pertaining to the outdoor dining facility must be adhered to as set out in both this Policy and the licence, together with any relevant legislation;
- consumption of alcohol at outdoor dining facilities is not permitted during the Annual-Tamworth Country Music Festival; and

(vi). Furniture, umbrellas or barriers advertising alcoholic beverages are not permitted.

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HISTORY -

Reviewed July 2020 - Updated - Ordinary Council Meeting - Min No

Adopted Ordinary Council 27 September 2016 Min No: 272/16

Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 ~ Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy

ESD Report No 95/14 to P & R 22/3/95. To Council 28 March, 1995 - CR 161 to be reviewed by ESD March, 1996. CR 175 Ord Meet of Council 26/3/96 Min No 97 - ESD to review in June 1997. (Revoked 28 May 1996 and replaced). ESD Report No 96/25 to P & R 22/5/96. Adopted Ord Meeting 26/5/96 CR328 Min No 179. To be reviewed June 1997.

Reviewed 15/12/98 SMT.

Reviewed 1/10/02

5/12/98 SMT.

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# 7.5. FOOTPATHS -- OUTDOOR SEATING

OBJECTIVE: To encourage the establishment of outdoor seating areas in accordance with clearly documented guidelines.

#### POLICY:

That Council permit the use of public footpaths for outdoor eating areas in association with adjoining restaurant or other food premises as follows:

#### 1 General

- (i) Persons wishing to install and operate facilities for outdoor eating on public footpaths shall be required to hold a Public Liability Policy of at least \$20,000,000.
- (ii) A Lease Agreement shall be entered into between the Proprietor and Council in accordance with Sections 138 and 149 of the Roads Act 1993. The lease is to contain provisions indemnifying Council against any claims resulting from placement or use of the outdoor eating-furniture.
- (iii) Initially the lease period shall be for a maximum of twelve (12) months.
- (iv) For the period of the lease, the lease fee will be as published in the annual Management Plan. The amount of this fee will be reviewed prior to renewal of the lease.
- (v) The lessee will be responsible for all legal costs associated with the lease.
- (vi) Placement of outdoor eating furniture on major pedestrian thoroughfares shall retain a minimum clearance for pedestrian traffic of 2.5 metres.
- (vii) All other pedestrian thoroughfares shall retain a minimum clearance for pedestrian traffic of 1.5 metres.
- (viii) All footpath eating areas adjacent to streets shall retain a minimum clearance to the kerb of 600mm.
- (ix) The lessee shall be responsible for disposal of litter and cleaning of the footpath occupied by the outdoor eating area.

# 2 Peel Street, between Fitzroy and Brisbane Streets

- (i) Clauses 1(i) to 1(vi) inclusive, and 1(viii) above, shall apply.
- (ii) Placement of chairs and tables shall be confined to the area of footpath fronting the restaurant premises unless the written consent of the adjoining owner and tenant has been obtained to allow use of the adjoining footpath frontage.
- (iii) No advertisements will be permitted to be placed within the leased outdoor eating area or in the adjoining footpath area unless the written prior approval of Council has been obtained.
- (iv) The outdoor eating area shall be located so as to retain a 3.0 metre wide pedestrian corridor under the existing shop awnings.

- (v) Outdoor eating furniture shall not restrict the access to public seating facilities.
- (vi) The lessee shall be responsible for removal of chairs, tables, umbrellas, etc, from the footpath at the close of daily trading.

\* HISTORY — Adopted Ordinary Council 27 September 2016 Min No. 272/16

Reviewed by DC&G - October 2012 — Updated — Ordinary Council Meeting 15/01/2013 — Min No. 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No. 229/05

Former TCC Policy

ESD Report No. 98/98/25 to P. & R. 22/5/96. Adopted Ord Meeting 28/5/96 CR328 Min No.179

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## 8. CORPORATE MANAGEMENT

## 8.1. COPYRIGHT OF PLANS

## OBJECTIVE:

- To ensure that Council retains the Copyright of all Plans, those that it has prepared and those that have been prepared by others.
- To ensure that public use/re-use of plans held by council in accordance with Copyright Act.

#### POLICY:

In circumstances where Consultants are engaged to prepare plans on Council's behalf, a term\_must be included in the Consultancy Agreement/Contract providing the copyright in such plans belongs to Council.

Copies of plans held by Council can only be reused or copied if written permission is received from the person/persons who prepared those plans. Copyright does not pass to the owner of the property and cannot be copied on their request.

Plans submitted to Council must be originals or amended by the plan author/draftsperson or with the consent of the author/draftsperson.

HISTORY — Reviewed July 2020—Updated — Ordinary Council Meeting — Min No

\_Adopted Ordinary Council 27 September 2016 Min No. 272/16

Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy

Reviewed 14/4/90 Min No 140

First adopted on 28 February 1989, Min No 55.

# 8.2. CORPORATE SPONSORSHIP (SF1384)

# OBJECTIVE: OBJECTIVE:

—To outline the general principles and to introduce a uniform and-consistent procedure which Council will use to seek, negotiate, secure and manage external sponsorships for its selected events, activities, assets and services.

To enhance through sponsorship, where appropriate, the resources available to Council for its events, activities, assets and services and thereby to enable it to provide for the needs of the community in a better way.

To provide a rationale for acknowledging fairly and consistently the contribution of a sponsor whilst maintaining the philosophical and aesthetic integrity and image of Council's activities, services and assets.

To ensure transparency and accountability in the means by which Council seeks, secures and manages external sponsorships and to ensure that the sponsorship agreement entered into offers best value for Council and the Tamworth Regional community.

To clearly identify responsibility and accountability levels.

## POLICY:

# TAMWORTH REGIONAL COUNCIL POLICY ON CORPORATE SPONSORSHIPS

## **Table of Contents**

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10	Acknowledgements and Benefits to Sponsors	
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# OVERVIEW

 Tamworth Regional Council (Council) actively seeks financial and/or in-kind sponsorship from time to time from organisations, bodies, companies or

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- individuals to support specific promotions, events, services and other activities of Council.
- 1.2. The Sponsorship Policy adopted by Tamworth Regional Council is aimed to ensure that probity and conflict of interest issues are maintained in the selection or appointment of sponsors and in managing those sponsors. \_It does not apply to the grants and sponsorships given by the Council.
- 1.3. This Policy takes into consideration the Independent Commission Against Corruption's (ICAC) revised Sponsorship Principles (1995) which have been designed to be used as a guide by public sector agencies in establishing and managing private sector sponsorship. \_It also takes into consideration the Australian National Audit Office's document Management of Corporate Sponsorship (April 1997). ICAC has highlighted two principles:
  - 1.3.1.The public should be confident that government decisions are made, and appear to be made, on objective grounds and;
  - 1.3.2. Private sector organisations should have equal access to the tangible and intangible benefits which flow from the sale of a government asset, in this case its goodwill.
- 1.4. This Policy should be read in conjunction with the Council's Code of Conduct.
- 1.5. This Corporate Sponsorship Policy outlines:
  - 1.5.1. what sponsorships the Council will and will not undertake;
  - 1.5.2 guidelines for assessing, managing, evaluating, developing and reporting on sponsorships; and
  - 1.5.3. the rights and responsibilities of all parties involved in a sponsorship in order to ensure there is neither conflict of interest nor negative impact on the Council's reputation or probity.
- 1.6. Sponsorship The Tamworth Regional Council has a range of responsibilities to deliver programs and services under the relevant legislation. It also produces events which contribute to the vibrant cultural life of the Tamworth Region.

Sponsorship is sought and used by a number of Council Directorates to obtain additional resources with which to support specific activities or programs. In addition, the success and public exposure of an activity can be enhanced by sponsorship.

Sponsorship can be provided as cash or as value-in-kind, where the sponsor provides a product or a service. The value of sponsorship arrangements could vary from a few hundred dollars to in excess of a million dollars. A Sponsorship Agreement can last from a few hours, for a specific event, to a partnership of several years between the Council and sponsor.

Through sponsorship, the Council can enhance, extend or reduce the cost of current activities or programs or develop new ones. It can do this by providing some benefit to a private sector company, corporation or other government agency in exchange for money, goods or services to support its activities.

The benefits to sponsors can include, for instance, the exposure of the sponsor's name or logo as a supporter of a Council activity. \_This activity may attract a larger or different audience from that which the sponsor might target in its normal business.

The association of the sponsor with the broader public interest of the Council can improve the sponsor's relationship with its stakeholders, shareholders, staff and customers — as well as provide the opportunity for the sponsor to present its name and products to a wider market.

- Who manages this Policy? The General Manager or a Director manages the policy and processes outlined in this document. (Refer Section 78).
- 1.8. The purpose of this Policy This Policy has been developed to provide a transparent process in the interests of public accountability. It provides a process for use by the Council's General Manager or responsible Director and other staff, as well as information for potential sponsors about partnerships with the Council.
- 1.9. Who can use this Policy? Any employee of the Council or potential sponsor can use this policy for reference or to identify projects which could benefit from sponsorship.\_ Ideas for possible sponsorship opportunities should be discussed with the General Manager or responsible Director. \_For reasons of consistency and probity, responsibility for undertaking negotiations for all sponsorships rests with the General Manager or responsible Director.

## 2. OBJECTIVES

- 2.1. To outline the general principles and to introduce a uniform and consistent procedure which Council will use to seek, negotiate, secure and manage external sponsorships for its selected events, activities, assets and services.
- 2.2. To enhance through sponsorship, where appropriate, the resources available to Council for its events, activities, assets and services and thereby to enable it to provide for the needs of the community in a better way.
- 2.3. To provide a rationale for acknowledging fairly and consistently the contribution of a sponsor whilst maintaining the philosophical and aesthetic integrity and image of Council's activities, services and assets.
- 2.4. To ensure transparency and accountability in the means by which Council seeks, secures and manages external sponsorships and to ensure that the sponsorship agreement entered into offers best value for Council and the Tamworth Regional community.
- To clearly identify responsibility and accountability levels.

# 3.2.\_SCOPE

- 3.4.2.1. This Policy applies to the entire organisation and to all external sponsorships, from a business, individual, or government, sought and secured by Council for any of its events, activities, assets or services.
- 3.2.2.2. This Policy covers all activities described as sponsorship in the definition below regardless of whether the sponsorship is in cash or in-kind as goods or services.
- 3.3.2.3. Sponsorships by Council of the activities or events by other organisations or individuals are outside the scope of this Policy and should be dealt with by reference to any related Council policies.

# 4.3. DEFINITIONS

4.4.3.1. Benefits for sponsors

The primary benefit for sponsors is a competitively-priced medium to reach a target audience.

Benefits include, but are not limited to branding, hospitality, and advertising.

Benefits are determined by collaboration and agreement between the Council and the sponsor, and are restricted by Government guidelines and this Policy.

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	4.2.3.2. Benefits for the Council			Through sponsorship, the Council can gain resources to enhance, or to offset the cost of, producing and promoting Council events, programs and services.			
	4.3.3.3. Project			Refers to the activity (eg. event, program, service or asset) for which sponsorship is being sought.			
	4.4. <u>3.4.</u> Resources			Resources raised by sponsorships, can be in the form of cash, goods or services.			
		Cash		Payment to Council by a sponsor following receipt of a Council invoice to be used to offset the cost or enhance the potential of a specific Council project.			
		Value kind	in	Goods such as equipment, or services such as advertising or printing, given to the Council to enable a specific event, program, service or asset to be produced and/or delivered.			
	4.5.3.5. Sponsor			For the purpose of this Policy, a sponsor is any organisation or individual providing resources to the Council, for use in achieving Council objectives, in return for specific benefits.			
				A sponsor is not an organisation or individual providing a 'gift' with no benefits in return.			
	4.6. <u>3.6.</u> Grants			The Council complements its events, programs and services by funding community based organisations to provide events programs and services within the Council boundaries.			
				Grants and sponsorships provided by the Council to support these services are not considered sponsorship under the terms of this Policy.			
	4.7.3.7. A sponsorship as defined by ICAC is a contribution in money or kind, generally by the corporate and government sector or private individuals, in support of an individual Council related activity, in return for agreed benefit(s).						
	4.8.3.8. A sponsorship does not include the selling of advertising space, joint ventures, consultancies and gifts or donations where the reciprocal benefit provided by the Council does not extend beyond some modest acknowledgment.						
1	4.9.3.9. Sponsorship, used well, is an important business tool where both parties						
1	benefit.  5.4. POLICY: PRINCIPLES  5.4.4.1. A sponsorship arrangement should not impose or imply conditions that would limit, or appear to limit Council's ability to carry out its functions fully and impartially. As a general principle, Council should not enter into a sponsorship arrangement which include implicit or explicit conditions that might compromise or be seen to compromise in any way the full and impartial exercise of Council's statutory and regulatory						
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- functions or carrying out of its normal services and functions. Council activity is undertaken on the authority and on behalf of the community that it represents.
- 5.2.4.2. Recognition of the sponsor's contribution will be provided pursuant to the Sponsorship Agreement; however such Agreement should not be interpreted as explicit endorsement of the sponsor or its products or services by Council.
- 5.3.4.3. There should be no real or perceived conflict between the objectives and mission of Council and those of the sponsor. Council officers must ensure that Council is able to carry out its role without any hindrance.
- 5.4.4.4. Council will generally neither seek nor accept sponsorship from an organisation or individual who are, or are likely to be, subject to regulation, inspection or determination by Council during the life of the sponsorship. To minimise the risk for Council, sponsorships may in no case be accepted:
  - 5.4.4.4.4.1. If the potential sponsor is currently under inspection, regulation or development application determination;
  - 5.4.2.4.4.2. If the potential sponsor is currently under inspection, regulation or development application determination by Council and there are contentious issues involved; and/or the matter has already received or likely to receive significant community interest or coverage in the media.
- 5.5.4.5. If, in unavoidable circumstances, sponsorship is secured from an organisation or individual who are, or likely to be, subject to regulation, inspection or determination by Council during the life of the sponsorship, then such sponsorship negotiations must clearly indicate that sponsorship relationship has no bearing on Council's regulatory, determination or inspectorial functions. This condition shall form part of the Agreement with the sponsor and the sponsor shall be advised accordingly.
- 5.6.4.6. The sponsorship will not control or influence in any way any other dealings between Council and the sponsor.
- 5.7.4.7. Sponsorship cannot be accepted by Council where any likely activity or transactions stemming from the proposed sponsorship would contravene any provisions of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.
- 5.8.4.8. Where sponsorship takes the form of provision of a sponsor's product(s) or services such items shall still be evaluated for their fair and reasonably accurate value, and fitness for the purpose against objective operational criteria which are relevant to Council's needs.
- 5.9.4.9. Goods and Services Tax (GST) will apply to items that are provided to Council in lieu of cash by sponsors. So, it is imperative that public authorities make sure that valuations of such items are reasonably accurate.
- 5.40.4.10. Where Council considers accepting goods or services offered by a sponsor in lieu of cash, it should apply the principles of open and effective competition before doing so. Consideration should be given to how value for money in relation to the goods or services is to be assessed, determined and achieved.
- 5.41.4.11. The products or services provided are considered 'value for money' when:
  - 5.11.1.4.11.1. Both parties can agree on an appropriate market value for the items and the value thus arrived at likely to withstand independent scrutiny;
  - 5.11.2.4.11.2. Any benefits are for Council and not individuals;
  - 5.44.3.4.11.3. The process is properly documented and managed; and
  - 5.44.4.11.4. Accountability is maintained.
- 6.5. OBTAINING APPROVAL

- 6.4.5.1. All sponsorship proposals must be approved by the Council, and/or the General Manager or a Director and will be in compliance with the requirements of the sponsorship policy.
- 62.5.2. Sponsorship Agreements to a total value in excess of \$150,000, whether a single year or multi-year Sponsorship Agreement, will be put to Council for approval.
- 6.3-5.3. Sponsorship Agreements between the range of \$20,001 to \$149,999, whether a single year or multi-year Sponsorship Agreement, will be put to the General Manager for approval, or to the Council if so deemed by the General Manager.
- 6.4.5.4. Sponsorship Agreements up to a total value of \$20,000, whether a single year or multi-year Sponsorship Agreement, will be put to the relevant Director for approval, or to the Council if so deemed by the Director with concurrence from the General Manager.

# 7-6. TERMINATION OR SUSPENSION OF SPONSORSHIP

- 7.4.6.1. The sponsorship may be terminated by Council if any of the general principles referred to in this Policy are not observed.
- 7.2.6.2. If Council is required to exercise its regulatory functions and serve a notice pursuant to a function on a sponsor, the sponsorship contract may forthwith be suspended or terminated, as deemed necessary by Council, without the right of either party to claim compensation.
- Council may terminate any sponsorship arrangement, if the sponsor violates any terms of the Sponsorship Agreement or engages in any activity that contravenes Council regulations. \_Such termination will not entitle either party to claim compensation.
- 7.4.6.4. Where a sponsor's corporate mission or objective changes significantly during the currency of the sponsorship, Council will review the sponsorship arrangements to see whether the arrangement should be maintained.
  - Where Council will be of the opinion that such changes have created a conflict or perceived conflict between the objectives and mission of Council and those of the sponsor, Council at its sole judgement may terminate the sponsorship arrangement. Such termination will not entitle the sponsor to claim any compensation.
- 7-5-6.5. Both Council and the sponsor shall have the right to terminate a Sponsorship Agreement in the event of a force majeure situation, without requiring to pay any compensation to the other party.

# 8.7. SEEKING AND ASSESSING SPONSORSHIP

- 8-1-7.1. Council will follow an open and transparent process by usually calling for an expression of interest (or using other broadly based mechanisms not limited solely to invited sponsors) for one or more sponsorship projects at a time. Simultaneously, a number of potential sponsors, with specialised characteristics and likely to be more suitable, may also be targeted and directly notified of the expression of interest (EOI) opportunity, well before closing of the EOI.
- 8.2.7.2. A short-list of potential sponsors, considered more suitable, than the others, for the particular sponsorship project will be prepared from the EOI's received. Council may then seek proposals from the short-listed potential sponsors seeking proposals or approach them directly and enter into negotiations with some of these, depending on their level of interest and suitability.
- 8.3-7.3. If, for a valid reason, the notification of a sponsorship opportunity is restricted only to certain potential sponsors with highly specialised characteristics, regardless of the amount of the sponsorship sought, then more direct methods such as contacting and sending out letters and proposals to a set of specialised sponsors would be

- appropriate.\_ In such cases, the widest selection of potential sponsors in that specialised category should be contacted.
- 8.4.7.4. Where a decision is taken not to advertise sponsorship opportunities widely, the reasons justifying the decision shall be clearly documented to dispel any possible suggestions of impropriety.
- 8.5.7.5. Council will assess potential sponsors against a set of pre-determined criteria, based on this Policy and its Guidelines. The criteria will be circulated to all potential sponsors prior to closing of EOI or entering into direct negotiation with any of them.
- 8-6-7.6. Each potential sponsor will be assessed on the individual suitability of the prospective sponsor against the particular Council activity, asset or services to be sponsored.
- 8.7-7.7. Council will have the sole discretion to accept or reject any or all sponsorship proposals and negotiate with a short-listed or selected sponsor to further tailor details of the arrangement to suit purposes of both Council and the sponsor.
- 8.8.7.8. Where a Council activity, asset or service requires more than one sponsor, each sponsor should be made aware of the involvement of the other and, where appropriate, the possibility that sponsors may be able to dovetail their involvement.

## 9.8. APPROVAL OF SPONSORSHIP

9.1. All sponsorship arrangements negotiated must be approved by the Council, and/or the General Manager and/or a Director as the case maybe, (refer also Section 6 herein) before an Agreement binding Council can be entered into. The General Manager will have the discretion to seek Council's endorsement, if deemed necessary.

## 40.9. ACKNOWLEDGEMENTS AND BENEFITS TO SPONSORS

- 40.4.9.1. In return for the contribution made by a sponsor, Council will provide acknowledgement and other benefits in an appropriate manner and as mutually agreed with the sponsor in the Sponsorship Agreement. The forms of recognition could include, but not be limited to, those mentioned in the Guidelines to this Policy.
- | 40.2.9.2. The benefits provided to a sponsor should be commensurate with the level of sponsorship and significance of sponsored activity, asset or service and be consistent with the other sponsorship arrangements.
- 40.3.9.3. Council will ensure that sufficient resources are available to enable the agreed sponsor benefits to be delivered. Sufficient information should be provided for the sponsor to be able evaluate the outcome of the sponsorship

# 44-10. INELIGIBILITY CRITERIA

- 41.1.1. Council will only enter into sponsorship arrangement with a business or an individual whose standing, reputation and image are high and are consistent with the values, objectives and policies of Council and whose involvement as a sponsor is not likely to be viewed unfavourably by the wider Tamworth Regional community. However, generally, the following shall be excluded:
- 44.4.4.10.1.1. businesses involved in the manufacture, distribution and wholesaling of tobacco related products;
  - 44.4.2.10.1.2. businesses or individuals who are under investigation or have been found guilty of any criminal or improper conduct by a Court, ICAC or any other judicial, investigative or legal authority;

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- 41.1.3.10.1.3. businesses whose products or services are considered to be injurious to health, or are seen to be in conflict with Council's policies and responsibilities to the community;
- 44.4.4.10.1.4. businesses or individuals who engage in unethical practices and/or activities involving controversial ethical or moral issues;
- 41.1.5.10.1.5. businesses or individuals who engage in activities that discriminate against and/or disadvantage any particular section of the community, or that contradict widely accepted social norms;
- 44.4.6.10.1.6. businesses or individuals who are managed by or have links to individuals, organisations or activities of poor repute;
- 44.4.7.10.1.7. businesses or individuals who have been the subject of unfavourable coverage in the media;
- 44.4.8.10.1.8. those sponsors, businesses or individuals, the association with whom may be seen as inappropriate relationships for Council and those that, for a variety of reasons, have the potential to become controversial, reflect negatively on Council, or would not impact positively on Council or the Tarnworth Regional community;
- 44.4.9.10.1.9. a sponsor who is at odds with Council directly or indirectly;
- 44.4.40.10.1.10. a sponsor who does not meet the community standard of good taste; and
- 41.4.41.10.1.11 a sponsor whose products or services are at odds with Council's duty of care, aims or objectives.

# 42-11. PROBITY AND CONFLICT OF INTEREST

- 42.4.11.1. If not already covered in this Policy, all probity guidelines and relevant items of Sponsorship Principles from the Independent Commission Against Corruption (ICAC, NSW), wherever applicable, shall form part of this Policy and its Guidelines.
- 42.2.11.2. Councillors and Council staff involved in seeking or assessing of sponsorship proposals must declare any conflict of interest in accordance with Council's Code of Conduct and other existing Council policies where applicable.

\* HISTORY -

Reviewed July 2020- Updated - Ordinary Council Meeting - Min No.

Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13 Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

EMT 14 March 2005 - Revoked at Ordinary Meeting 11 December 2007 Min No 501/07

Adopted as Updated TRC Policy at Ordinary Meeting 11 December 2007 Min No 501/07 on & from 12 December 2007

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## 8.3. TAMWORTH REGIONAL COUNCIL PUBLIC INTEREST DISCLOSURES POLICY

OBJECTIVE: To ensure acts of wrongdoing within Council can be reported and that reporters of wrongdoing will be protected.

## POLICY:

#### Purpose and Context of the Policy

The purpose of this policy is to establish an internal reporting system for staff and councillors to report wrongdoing without fear of reprisal. The policy sets out who you can report wrongdoing to in Tamworth Regional Council, what can be reported and how reports of wrongdoing will be dealt with by Council.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the Public Interest Disclosures Act 1994 (PID Act).

This policy is just one in the suite of Council's complaint handling policies.

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through the People, Culture & Safety. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to People, Culture & Safety to be dealt with in accordance with the Grievance Policy.

\_Tamworth Regional Council believes that high standards of ethical and accountable behaviour are important in promoting integrity, accountability and good management within Council. The purpose of this Policy is to:

- ensure that all Councillors, Council Staff and our Community understand that Tamworth Regional Council will not tolerate wrongdoing of any form;
- advise and assure all staff that they will be supported and protected if they report wrongdoing; and
- to explain the procedures and process for handling reports that are made as public interest disclosures under the Public Interest Disclosures Act 1994 (the PID Act).

Tamworth Regional Council is required under the PID Act to record and report on all reports of wrongdoing made by Council staff and Contractors to Council. This will be undertaken confidentially-through Council's document management system, TRIM.

This policy is required under section 6D of the PID Act to ensure that Tamworth Regional Council has procedures for receiving, assessing and dealing with public interest disclosures, having regard to the Ombudsman's guidelines in formulation of this policy for the purposes of the Act. This Policy conforms to Council's Code of Conduct, Equal Employment Opportunity Policy, Workplace Harassment Policy and Workplace Grievance Procedure Policy located on the Council Intranet, and is strongly endorsed by the Mayor and General Manager.

Cr Col Murray Paul Bennett

Mayor General Manager

# 2. Organisational Commitment

Tamworth Regional Council believes that high standards of ethical and accountable behaviour are important in promoting integrity, accountability and good management within Council. The purpose of this Policy is to:

- ensure that all Councillors, Council Staff and our Community understand that Tamworth Regional Council will not tolerate wrongdoing of any form;
- advise and assure all staff that they will be supported and protected if they report wrongdoing; and
- to explain the procedures and process for handling reports that are made as public interest disclosures under the Public Interest Disclosures Act 1994 (the PID Act).

Tamworth Regional Council has adopted a strong visions and values culture for staff. Our vision is:

"Committed to our people in delivering excellence to our Community"

Underpinning the vision are five values that have been adopted by each division of Council and a set of behaviours identified that reflects these values. The five values are:

- accountability;
- safety and health;
- customer orientation;
- equity; and
- teamwork.

Tamworth Regional Council encourages staff to report any wrongdoing they witness within Council. However, Council will respect any decision to disclose wrongdoing outside Council providing that the disclosure is made in accordance with the Provisions of the PID Act. Staff who report wrongdoing can be assured of confidentiality, wherever possible, and guaranteed Council's support and protection against any adverse action motivated by their report.

All Public interest Disclosures will be investigated thoroughly and impartially and if some form of wrongdoing is found, appropriate action to rectify the wrongdoing will be undertaken. Managers and Supervisors at all levels will be provided information and training on this Policy, to ensure they are aware of the needs of those who report wrongdoing and to understand the benefits of reporting wrongdoing to Council.

Tamworth Regional Council is committed to providing adequate resources, both financial and human, to:

- encourage reports of wrongdoing:
- protect and support those who make public interest disclosures including protection from any adverse action motivated by their report<u>them;</u>
- inform staff who make reports of the progress and outcomes;
- provide training for key personnelabout how to make reports and the benefits of internal reports to Council and the public interest generally;
- properly assess and investigate or otherwise deal with allegations;
- properly mange any workplace issues that the allegations identify or that result from a reportereate;
- correct any problem that isappropriately address any identified problems.

Disclosures must be made voluntarily and not in the exercise of a duty imposed on the public official or under an Act. Staff are encouraged to report known and suspected wrongdoing within Council.

Under the PID Act, the General Manager as the head of a public authority is responsible for ensuring that:

- the public authority has an internal reporting policy;
- the staff of the public authority are aware of the contents of the policy and the protection under the PID Act for people who make public interest disclosures;
- the public authority complies with the policy and the authorities obligations under the PID Act; and

 the policy delegates at least one staff member as being responsible for receiving public interest disclosures – the Ombudsman would advise organisations to provide more than one person with such responsibilities.

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This Policy will be reviewed annually to ensure that the content is relevant and effective.

Cr Col Murra Mayor Paul Bennet

General Manager

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## Who Does this Policy Apply to?

This Policy and the PID Act, will apply to:

- Councillors and all Council staff (including full time, part time, temporary and casual employees);
- consultants;
- individual contractors working for Council; and
- any individual performing public official functions, and, their conduct and activities could be investigated by an investigating authority including volunteers of Section 355 Committees.

The Policy also applies to public officials of another Council or public authority whoreport wrongdoing relating to Tamworth Regional Council.

3.4. Roles and Responsibilities of Staff

This Policy and the PID Act, will apply to:

- Councillors and all Council staff (including full time, part time, temporary and casual employees);
- consultants;
- individual contractors working for Council; and
- any individual performing public official functions, and, their conduct and activities
  could be investigated by an investigating authority including volunteers of Section 355
  Committees.

Disclosures must be made voluntarily and not in the exercise of a duty imposed on the public official or under an Act. Staff are encouraged to report known and suspected wrongdoing within Council.

Under the PID Act, the General Manager as the head of a public authority is responsible for ensuring that:

the public authority has an internal reporting policy;

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- the staff of the public authority are aware of the contents of the policy and the protection under the PID Act for people who make public interest disclosures;
- the public authority complies with the policy and the authorities obligations under the PID Act; and
- the policy delegates at least one staff member as being responsible for receiving public interest disclosures—the Ombudsman would advise organisations to provide more than one person with such responsibilities.

# a. THE ROLE OF COUNCIL STAFF AND COUNCILLORS

Staff and Councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All Council staff and Councillors are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing:
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality;
- treat any staff member or person dealing with a report of wrongdoing with courtesy and respect; and
- respect the rights of any person the subject of reports.

Staff and Councillors must not:

- make false or misleading reports of wrongdoing; or
- victimise or harass anyone who has made a report

Additionally, the behaviour of all Council staff and Councillors involved in the internal reporting process must adhere to the Council's Code of Conduct. A breach of the Code could result in disciplinary action.

### b. THE ROLE OF TAMWORTH REGIONAL COUNCIL

Tamworth Regional Council has a responsibility to establish and maintain a working environment that encourages staff and Councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

Council will assess all reports of wrongdoing it receives from staff and Councillors and deal with them appropriately. Once wrongdoing has been reported, Council takes 'ownership' of the matter. This means it is up to us to decide whether a report should be investigated, and if so, how it should be investigated and by whom. Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.

Tamworth Regional Council must report on our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every six months.

To ensure Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and Councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

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### ROLES OF KEY POSITIONS

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# General manager

The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring Council complies with the PID Act. The General Manager can receive reports from staff and Councillors and has a responsibility to:

- assess reports received by or referred to them, to determine whether or not the reportshould be treated as a public interest disclosure, and to decide how the report will be dealt with;
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct Procedures;
- ensure there are strategies in place to support reporters, protect reporters from reprisal
  and manage workplace conflict that may arise in relation to a report;
- make decisions following any investigation or appoint an appropriate decision-maker;
- take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified;
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC); and
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

### **Disclosures Coordinator**

The Disclosures Coordinator has a central role in Council's internal reporting system. The Disclosures Coordinator can receive and assess reports, and is the primary point of contact in Council for the reporter. The Disclosures Coordinator has a responsibility to:

- assess reports to determine whether or not a report should be treated as a public interest\*
   disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager);
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct Procedures;
- coordinate Council's response to a report;
- acknowledge reports and provide updates and feedback to the reporter;
- assess whether it is possible and appropriate to keep the reporter's identity confidential;
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified;
- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report;
- ensure Council complies with the PID Act; and
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

#### Disclosures Officers

Disclosures Officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist staff and Councillors to make reports.

Disclosures Officers have a responsibility to:

- document in writing any reports received verbally, and have the document signed and\*
   Formatted: Justified dated by the reporter;
- make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace;
- discuss with the reporter any concerns they may have about reprisal or workplace conflict; and
- carry out preliminary assessment and forward reports to the Disclosures Coordinator or General Manager for full assessment.

#### Mayor

The Mayor can receive reports from staff and Councillors about the General Manager. Where the Mayor receives such reports, the Mayor has a responsibility to:

- assess the reports to determine whether or not they should be treated as a public\*
   Formatted: Justified interest disclosure, and to decide how they will be dealt with;
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct Procedures;
- refer reports to an investigating authority, were appropriate;
- Iliaise with the Disclosures Coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report;
- refer actual or suspected corrupt conduct to the ICAC; and
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

### Supervisors and line managers

Supervisors and line managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and line managers should be aware of the internal reporting policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:

- gencourage staff to report known or suspected wrongdoing within the organisation and support staff when they do:
- identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy.
- implement local management strategies, in consultation with the Disclosures
   Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report;
   and

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-notify the Disclosures Coordinator or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the General Manager, notify the Mayor.

### 4.5. What Should be Reported?

You should report any wrongdoing you see within Tamworth Regional Council, or any activities or incidents you see within Council that you believe are wrong.

Reports about the five categories of serious wrongdoing — corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Actgovernment information contravention and local government pecuniary interest contravention — which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act as public interest disclosures and according to this Policy. See below for details about these types of conduct. More information about what can be reports under the PID Act can be found in the NSW Ombudsman's Guideline B2: What should be reported?

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the relevant policies. This might include:

- harassment or unlawful discrimination
- practices that endanger the health or safety of staff or the public.

Even if these reports are not dealt with as public interest disclosures, Council recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

### Corrupt Conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others:
- acting dishonestly or unfairly, or breaching public trust; or
- a <u>Councilpublic</u> official <u>being influenced by a member of public</u> to use their position in a
  way that is dishonest, biased or breaches public trust.

For more information about corrupt conduct, see the NSW Ombudsman's guideline on what can be reported.

### b. Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful; or
- refusing to grant an approval someone a licence for reasons that are not related to the merits of their application.

For more information about maladministration, see the NSW Ombudsman's guideline on what can be reported.

c. Serious and Substantial Waste in Local Governmentof Public Money

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Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastagelosing or wasting public of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of Council.

For example, this could include:

- poor project-management practices leading to projects running over timenot following a competitive tendering process for a large scale contract; or
- having <u>badpoor</u> or no processes in place for a system involving large amounts of public funds.

For more information about serious and substantial waste, see the NSW Ombudsman's guideline on what can be reported.

# d. Government Information Contravention Breach of the GIPA Act

A breach of the Government Information (Public Access) Act 2009 (GIPA Act) government information contravention is a failure to properly fulfil functions under that Acte Government Information (Public Access) Act 2009 (GIPA Act).

For example, this could include:

- destroying, concealing or altering records to prevent them from being released;
- knowingly making decisions that are contrary to the legislation; or
- · directing another person to make a decision that is contrary to the legislation.

For more information about government information contravention, see the NSW Ombudsman's guideline on what can be reported.

### e. Local Government Pecuniary Interest Contravention

A local government pecuniary interest contravention is a failure to comply with the requirements fulfil certain functions under the Local Government Act 1993 relatingon to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, lodge written declarations and disclose pecuniary interests at Council and Council Committee Meetings and leave the Meeting while the matter is being discussed. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior Council staff member recommending a family member for a Council contract and not declaring the relationship; or
- the General Manager holding an undisclosed shareholding in a company competing for a Council contract a Councillor participating in consideration of a DA for a property they or their family have an interest in.

For more information about local government pecuniary interest contravention, see the NSW Ombudsman's guideline on what can be reported.

### f. Other Wrongdoing

Although reports about the previous five categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wreng.

For example, these could include:

harassment or unlawful discrimination;

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- reprisal action against a person who has reported wrongdoing; or
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor, in line with Tamworth Regional Council's policies including:

- Code of Conduct
- Equal Employment Opportunity;
- Workplace Harassment Policy;
- Workplace Grievance Procedure Policy: and
- Statement of Business Ethics.

Even if these reports are not dealt with as public interest disclosures, Tamworth Regional Council will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

#### Assessment of Reports

All reports will be promptly and thoroughly assessed to determine what action will betaken to deal with the report and whether or not the report will be treated as a public interest disclosure.

The Disclosures Coordinator is responsible for assessing reports, in consultation with the General Manager where appropriate. All reports will be assessed on the information available to the Disclosures Coordinator at the time. It is up to the Disclosures Coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the Disclosures Coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

### 5.7. When will a Report be Protected?

Tamworth Regional Council will support any staff who report wrongdoing. Fortreat\_a report as to be considered a public interest disclosure, if it it has to meets all of the requirements criteria of a public interest disclosure under the PID Act. These requirements

- the report must be about one of the following five categories of serious wrongdoing corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act or local government pecuniary interest contravention;
- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing; and
- tThe report has to be made to either the General Manager or, for reports about the
  General Manager the Mayor, a position nominated in this Policy (see Section 89), or
  an investigating authority or in limited circumstances to an MP or journalist (see
  Ssection 940).

Reports by staff and Councillors willare not be considered to be public interest disclosures if they:

- mostly question the merits of the government policy (see Section 17) of the governing body of Council; or
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see Section18).

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A public official who wilfully makes a false or misleading statement commits an offence under the PID Act where the maximum penalty may include a fine or up to 12 months jail. Who can Receive a Report Within Tamworth Regional Council? Staff are encouraged to report general wrongdoing to your supervisor. However, the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this Policy or any supporting procedures The following positions are the only people within Tamworth Regional Council who+ Formatted: Normal. No bullets or are authorised to receive a public interest disclosure. Any supervisor who received a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities (Section 4). General Manager Formatted: Font: Bold Mr Paul Bennett PO Box 555 TAMWORTH NSW 2340 Ph: 02 6767 5441 Formatted: Indent: Left: 1 cm, No Mayor bullets or numbering Cr Col Murray PO Box 555 TAMWORTH NSW 2340 Mobile: 0419627545 Disclosure Coordinators Formatted: Indent: Left: 1 cm, No bullets or numbering Mr Chris Weber Director Corporate and Governance PO Box 555 TAMWORTH NSW 2340 Ph: 02 6767 5435 Ms Tara Donaldson Manager People, Culture and Safety PO Box 555 TAMWORTH NSW 2340 Ph: 02 6767 5254 Formatted: Indent: Left: 1 cm, No Disclosure Officers bullets or numbering Mrs Karen Litchfield Manager Governance PO Box 555 TAMWORTH NSW 2340 Ph: 02 6767 5514 Ms Sally Collison **Business Partner** PO Box 555 TAMWORTH NSW 2340 Ph: 02 6767 5635 Ms Leesa Bryant

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Business Partner PO Box 555

TAMWORTH NSW 2340

#### Ph: 02 6767 5252

### Who can Receive a Report Outside of Tamworth Regional Council?

Staff and Councillors are encouraged to report wrongdoing within Tamworth Regional Council, but internal reporting is not your only option. If you follow the guidance below, Yyou can also make a public interest disclosure to:

- an investigating authority. If your report is about both the General Manager and the Mayor, you may wish to consider making it to an investigating authority; or
- a Member of Parliament or a journalist, but only in limited circumstances outlined below.

### Investigating Authorities

The PID Act lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the type categories of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the General Manager or the Mayor.

The relevant investigating authorities for In relation to Council, these authorities are:

- the Independent Commission Against Corruption (ICAC) for reports about corrupt conduct;
- the Ombudsman for reports about maladministration;
- the OfficeDirector-General of the Division of Local Government. Department of Premier and Cabinet — for disclosures about local councilsgovernment agencies; or
- the Information Commissioner for disclosures about a government information contraventionbreach of the GIPA Act.

You should contact the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that it is very likely the investigating authority may well will discuss any such reports the case with Tamworth Regional Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff or Councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

# Members of Parliament or Journalists

To have the protections of the PID Act, a persenstaff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager;
- a person nominated in this policy, including the Mayor for reports about the General Manager; or
- an investigating authority in accordance with the PID Act.

Also, Tamworth Regional Council or the investigating authority that received your initial the report must have either.

decided not to investigate the matter:

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- decided to investigate the matter, but not completed the investigation within six months
  of the original report;
- investigated the matter but not recommended any action as a result; or
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true (see Section 19).

### Other External Reporting

If you report wrongdoing to a person or an organisationauthority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or Tamworth Regional Council's Code of Conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside Tamworth Regional Council, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit, Their contact details are provided at the end of this policy.

### 6-10. How to Make a Report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the reportdisclosure and ask the person making the reportdisclosure to sign this record. The reporterstaff member should keep a copy of this record.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

# 7-11. Can a Report be Anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Tamworth Regional Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If we Council do not know who made the report, it is very difficult for us to prevent any reprisal should others identify volunction.

### 12. Feedback to Staff who Report Wrongdoing

The individualStaff and Councillors who reported wrongdoing will be told what is happening in response to their report.

# Acknowledgement

When you make a report, Tamworth Regional Council will contact you to confirm that your report has been received and to advise; you will be given:

an acknowledgement that your disclosure has been received;

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- the timeframe within which for when you will receive further updates; and
- the name and contact details of the people who can tell you what is happening or handle any concerns you may have.

The PID Act requires that you are provided with an acknowledgement letter and a copy of this Policy within 45 days after you have made your report. We will attempt to get this information to you within two working days from the date you make your report.

After a decision is made about how your report will be dealt with, Council you will send you an acknowledgement letter, providingbe given;

- information about the action that will be taken in response to your report;
- the likely timeframes for any investigation or other action; and
- information about the internal and external resources or services available that you can access for supportwithin Tamworth Regional Council to handle any concerns you may have; and
- information about external agencies and services you can access for support.

We will provide this information will be given to you within 10 working days from the date you make your report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.

Please note, if you make a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this policy.

#### b. Progress Updates.

While your report is being dealt with, such as by During any investigation or making other enquiries, you will be given:

information on the ongoing nature of the investigation;

- information about the progress of the investigation or other enquiries and reasons for any delay;
- advice of any decision by Council not to proceed with the matter; and
- advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.

### c.\_Feedback

Once the matter has been finalisedAt the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is
  proposed to be taken in response to your disclosure and any problem that was identified;
  and
- advice about whether you are likely to be called will be involved as a witness in any
  further matters, such as disciplinary or criminal proceedings.

Behaviour of all people involved in the PID process needs to adhere to Council's Code of Conduct. A breach of the Code of Conduct could result in disciplinary action.

8-13. Maintaining Confidentiality

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Tamworth Regional Council realises many staffreporters will wantmay want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them you for reporting wrongdoing.

Where possible and appropriate www will take steps to are committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However, there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your identityreport confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal in consultation with you. You will be involved in developing this plan. You will also be told if your report will be dealt with under Council's Code of Conduct, as this may mean certain information will have to be tabled at a Council meeting.

If you report wrongdoing, it is important that you only discuss your report with those staff of Tamworth Regional Council responsible forto dealing with it. This will include the Disclosures Coordinator and the General Manager, or in the case of a report about the General Manager, the Disclosures Coordinator and the Mayor. If you discuss your report more broadly, you may affect the outcome of any investigation. In the case of a report about the General Manager, you should only discuss your report with the Disclosures Coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

Any staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

Where your complaint is made under the Council's Code of Conduct and relates to the General Manager or a Councillor, you may be required to discuss it with a Conduct Reviewer.

### 9. Who can Receive a Report Within Tamworth Regional Council?

You are encouraged to report general wrongdoing to your supervisor. However, the PID Act requires that for a report to be a public interest disclosure, it must be made to a public official in accordance with Council's disclosure procedures. For Tamworth Regional Council, this means this Policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a public interest disclosure must refer the staff member making the report to one of the positions listed below.

If your report involves a Councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor.

The following positions are the only staff within Tamworth Regional Council who can receive a public interest disclosure.

## a. General Manager

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- deciding if a report is a public interest disclosure;
- determining what needs to be done next, including referring it to other authorities;
- deciding what needs to be done to correct the problem that has been identified;
- ensuring there are systems in place to support and protect people who report wrongdoing;

- dealing with disclosures made under Council's Code of Conduct in accordance with the Procedures for the Administration of the Code of Conduct; and
- referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The General Manager for Tamworth Regional Council is:

Mr Paul Bennett PO Box 555 TAMWORTH NSW 2340 Ph: 02-6767-5441

### .....Mayor

If you are making a report about the General Manager, you should make your report to the Mayor. The Mayor is responsible for:

- deciding if a report is a public interest disclosure;
- determining what needs to be done next, including referring it to other authorities;
- . deciding what needs to be done to correct the problem that has been identified; and
- dealing with disclosures made under Council's Code of Conduct in accordance with the Procedures for the Administration of the Code of Conduct.

The Mayor must make sure that there are systems in place within Tamworth Regional Council to support and protect people who report wrongdoing.

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The Mayor for Tamworth Regional Council is:

Cr-Col Murray PO-Box-555 TAMWORTH NSW 2340 Mobile: 0419627545

### Disclosure Coordinators

Disclosure Coordinators have a central role in dealing with reports made by staff and Councillors. Disclosure Coordinators can receive them, assess them, and refer them to the people within or contracted by Council to be dealt with appropriately.

Disclosure Coordinators for Tamworth Regional Council are:

Mr-Chris Weber Director Corporate and Governance PO-Box-555 TAMWORTH NSW 2340 Ph: 02-6767-5435

Ms Tara Donaldson Manager People and Culture PO Box 555 TAMWORTH NSW 2340 Ph: 02-6767-5254

### Disclosure Officers

Disclosure Officers work with the Disclosure Coordinators, and are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

Disclosure Officers for Tamworth Regional Council are:

Mrs Karen Litchfield Manager Governance PO-Box 555 TAMWORTH NSW 2340 Ph: 02 6767 5514

Mr Quenten Bailey Business Partner PO Box 555 TAMWORTH NSW 2340 Ph: 02-6767-5407

Ms Leesa Bryant Business Partner PO Box 555 TAMWORTH NSW 2340 Ph: 02 6767 5252

### 10.2. Who can Receive a Report Outside of Tamworth Regional Council?

Staff and Councillors are encouraged to report wrongdoing within Tamworth Regional Council, but internal reporting is not your only option. If you follow the guidance below, you can make a public interest disclosure to:

- an investigating authority. If your report is about both the General Manager and the Mayor, you may wish to consider making it to an investigating authority; or
- a Member of Parliament or a journalist, but only in limited circumstances outlined below.

# a. Investigating Authorities

The PID Act lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to Council, these authorities are:

- the Independent Commission Against Corruption (ICAC) for corrupt conduct:
- the Ombudsman for maladministration;
- the Director-General of the Division of Local Government, Department of Premier and Cabinet for disclosures about local government agencies;
- the Information Commissioner --- for disclosures about a government information contravention.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that it is very likely the investigating authority will discuss the case with Tamworth Regional Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

b.a. Members of Parliament or Journalists

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To have the protections of the PID Act, a person reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager;
- a person nominated in this policy; or
- . an investigating authority in accordance with the PID Act-

Also, Tamworth Regional Council or the investigating authority that received the report must have either.

- decided not to investigate the matter;
- decided to investigate the matter, but not completed the investigation within six months
  of the original report;
- investigated the matter but not recommended any action as a result; or
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly—to be protected under the PID Act—if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or Tamworth Regional Council's Code of Conduct by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside Tamworth Regional Council, contact the disclosures coordinator or the NSW Ombudsman's Public Interest Disclosures Unit, Their contact details are provided at the end of this policy.

# 11.2 Feedback to Staff who Report Wrongdoing

The individual who reported wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

- an acknowledgement that your disclosure has been received;
- the timeframe for when you will receive further updates; and
- . the name and contact details of the people who can tell you what is happening.

The PID Act requires that you are provided with an acknowledgement letter and a copy of this Policy within 46 days after you have made your report. We will attempt to get this information to you within two working days from the date you make your report.

After a decision is made about how your report-will be dealt-with, you will be given:

- information about the action that will be taken in response to your report;
- likely timeframes for any investigation:
- information about the resources available within Tamworth Regional Council to handle any concerns you may have; and
- · information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report.

During any investigation, you will be given:

- information on the ongoing nature of the investigation;
- information about the progress of the investigation and reasons for any delay; and
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified;
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings

Behaviour of all people involved in the PID process needs to adhere to Council's Code of Conduct. A breach of the Code of Conduct could result in disciplinary action.

# Managing the Risk of Reprisal and Workplace Conflict

When a staff member or Councillor reports wrongdoing, Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, Council may:

- relocate the reporter or the staff member who is the subject of the allegation within the\*
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- transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified
- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

These courses of action are not punishment and will only be taken in consultation. with the reporter.

### 12-15 Protection Against Reprisals

Tamworth Regional Council will not tolerate any reprisal action against staff or Councillors a person who reports wrongdoing or are believed to have reported wrongdoing,

The PID Act provides protection for people-staff and Councillors who have made a public interest disclosure reporting wrongdoing by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for themat person making a the public interest disclosure. It may also be a breach of Council's Code of Conduct. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.

Tamworth Regional Council will not tolerate any reprisal action against a person who reports wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take Formatted: Font: Bold

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detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss;
- intimidation or harassment;
- discrimination, disadvantage or adverse treatment in relation to employment;
- dismissal from, or prejudice in, employment; or
- disciplinary proceedings.

A person who is found to have committed a reprisal offence may face criminalpenalties such as imprisonment and/or fines, and may be required to pay the victim
damages for any loss suffered as a result of the detrimental action. Taking detrimental
action in reprisal is also a breach of Council's Code of Conduct which may result in
disciplinary action. In the case of Councillors, such disciplinary action may be taken under
the misconduct provisions of the Local Government Act 1993 and may include suspension or
disqualification from civic office.

It is important for staff and Councillors to understand the nature and limitations of the
protection provided by the PID Act. The PID Act protects reporters from detrimental action
being taken against them because they have made, or are believed to have made, a public
interest disclosure. It does not protect reporters from disciplinary or other management
action where Council has reasonable grounds to take such action.

### Responding to Reprisals

Tamworth Regional Council will act to protect those who report wrongdoing from reprisals.

When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for who has reportinged wrongdoing, in reprisal for making a report, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately. I, or in the case of an allegation of reprisal action by the General Manager, you can alternatively report this to the Mayor.

All supervisors must notify the <u>Disclosures Coordinator or the General Manager if they suspect report any suspicions they have that reprisal action against a staff member is occurring, or has occurred, or if any such allegations are made to themany reports that are made to them.\_\_, to the <u>Disclosures Coordinator or the General Manager</u>, or in the case of an allegation of reprisal by the General Manager, to the Mayor can alternatively be notified.</u>

If the Disclosures Coordinator Council becomes aware of, or reasonably suspects that reprisal action is being or has been taken against a person who has made a disclosure, Council will:

they will ensure that the matter is reported under Council's Code of Conduct and dealt with in accordance with the Procedures for the Administration of the Code of Conduct.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

The General Manager may issue specific directions to help protect against reprisals, including:

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- assess the allegation of reprisal to decide whether the report should be treated as a
  public interest disclosure and whether the matter warrants investigation or if other action
  should be taken to resolve the issue;
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter;
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure;
- refer any breach of Part 8 to Council's Code of Conduct (reprisal action) by a Councillor or the General Manager to the Office of Local Government;
- refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.
- issuing-warnings to those alleged to have taken reprisal action against the individual who
  made the disclosure;
- Relocating the member of staff who has made the disclosure or an officer the subject of the allegations within the current place for a decision;
- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified; or
- granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

In relation to staff who make reports, such directions will only be made if the member of staff agrees to it. The Disclosures Coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support — and it is not a punishment.

If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.

If you have reported wrongdoing and are experiencing feel that any reprisal action which you believe is not being dealt with effectively, contact the Ombudsman, the ICAC, or the Chief ExecutiveOffice of the Division of Local Government, the Ombudsman or the ICAC —( depending on the type of wrongdoing you reported). Contact details for all—these investigating authorities are included at the end of this policy.

### b. Protection Against Legal Action

If you make a <u>public interest</u> disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for <u>having</u> made king the <u>public interest</u> disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

### 43-16. Support for those Reporting Wrongdoing

Tamworth Regional Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as y have made a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or <sub>r</sub> counselling services, legal or career advice.

Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss

their support options with the Disclosures Coordinator Human Services can arrange services to support staff who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal.

All supervisors must notify the Disclosures Coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

# 44-17. Sanctions for Making False or Misleading Disclosures

It is important that-all staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. Tamworth Regional Council will not support staff or Councillors who wilfully make false or misleading reports. Such conduct It-may also be a breach of the Council's Code of Conduct and may resulting in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the Local Government Act 1993 and may include suspension or disqualification from civic office.

### 45.18. Support-The Rights of Persons for the Subject of a Report

Tamworth Regional Council is committed to ensuring staff or Councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and

If you are the subject of a report, you will be advised:

- treated fairly and impartially;
- told your rights and obligations under our policies and procedures;
- kept informed during any investigation;
- given the opportunity to respond to any allegation made against you; and
- told the result of any investigation.

## 46.19. Review

This policy will be reviewed by Council every twelve months. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

### 47-20. More Information

More information around public interest disclosures is available on our intranet. Staff and Councillors can also access advice and guidance from the Disclosures Coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

# 48.21, Resources

The contact details for external investigating authorities that staff can make a public interest disclosure to or seek advice from are listed below.

# For disclosures about corrupt conduct:

Independent Commission Against NSW Ombudsman Corruption (ICAC) Phone: 02 8281 5999

Toll free: 1800 463 909 Tel. typewriter (TTY): 02 8281 5773 Facsimile: 02 9264 5364

Email: icac@icac.nsw.gov.au Web: www.icac.nsw.gov.au Address: Level 21, 133 Castlereagh Street, Address: Level 24, 580 George Street,

Tel. typewriter (TTY): 02 9264 8050

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Facsimile: 02 9283 2911

Phone: 02 9286 1000

Email: nswombo@ombo.nsw.gov.au Web: www.ombo.nsw.gov.au

For disclosures about maladministration:

Toll free (outside Sydney metro): 1800 451

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Sydney NSW 2000 Sydney NSW 2000

For disclosures about breaches of the For disclosures about Council: GIPA Act:

Information Commissioner Toll free: 1800 463 626 Facsimile: 02 8114 3756 Email: oicinfo@oic.nsw.gov.au

Web: www.oic.nsw.gov.au Address: Level 11, 1 Castlereagh Street,

Sydney NSW 2000

For disclosures about police misconduct:

Phone: 02 9321 6700 Toll free: 1800 657 079 Facsimile: 02 9321 6799

Email: contactus@pic.nsw.gov.au Web: www.pic.nsw.gov.au Address: Level 3, 111 Elizabeth Street,

Police Integrity Commission (PIC)

Sydney NSW 2000

Office of Local Government Phone: 02 4428

4100

Tel. typewriter (TTY): 02 4428 4209 Facsimile: 02 4428 4199

Email: dlg@dlg.nsw.gov.au Web: www.dlg.nsw.gov.au

Address: 5 O'Keefe Avenue, Nowra, NSW 2541

\* HISTORY -Reviewed July 2020-- Updated -- Ordinary Council Meeting -- Min No

Adopted Ordinary Council 27 September 2016 Min No. 272/16

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Updated August 2005 (2)

March 2005 (1)

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### 8.4. WORKPLACE SURVEILLANCE POLICY

OBJECTIVE: The purpose of this policy is to ensure that the Council complies with the requirements of the Workplace Surveillance Act 2005 ("the Act"). The Act requires that employees be formally notified of any actions by the Council that would fall within the definitions of

> The Act deals with surveillance of employees by means of cameras, computers or tracking devices and requires that employees are notified as to the nature of that surveillance. The notice provided to staff must indicate:

- the kind of surveillance to be carried out (camera, computer or tracking);
- how the surveillance will be carried out;
- when the surveillance will start;
- 4. whether the surveillance will be continuous or intermittent; and
- whether the surveillance will be for a specified limited period or ongoing.

DEFINITIONS: Under the Act, surveillance of an employee means surveillance of an employee by any of the following means:

- camera surveillance, which is surveillance by means of a camera that monitors or records visual images of activities on premises or in any other place;
- computer surveillance, which is 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 receipt of emails and the accessing of Internet websites); and
- tracking surveillance, which is surveillance by means of an electronic device the primary purpose of which is to monitor or record geographical location or movement (such as a Global Positioning System tracking device).

Council is committed to meeting its statutory obligations under the act and this policy represents the formal notification to employees about activities of the council that fall within the statutory definitions of surveillance.

The instances of activity by the Council that are covered by the surveillance provisions are camera surveillance, computer surveillance, and tracking surveillance

The Council will also comply with the legal requirements of the Act where surveillance is prohibited. These prohibitions include:

- a prohibition on surveillance in any change room, toilet facility, shower or other bathing facility at the workplace:
- a prohibition on surveillance when the employee is not at work except in cases of computer surveillance where the employee is using equipment and/or resources supplied by the Council. If staff connect to the Council via a private computer, such surveillance shall be restricted to Council equipment-only:
- a prohibition on blocking the delivery of emails unless notice (prevented delivery notice) has been or where the incoming communication is perceived to be spam or a threat to the security of the Council's systems or contains potentially menacing, harassing or offensive material; and

 a prohibition on preventing delivery of an email or access to a website merely because it has been sent by or on behalf of an industrial organisation of employees or contains information about industrial matters.

### **EXCLUSIONS:**

Council does not intend at this stage to introduce camera surveillance.

### PROCEDURES:

This Policy will be emailed to all employees with Council email accounts and distributed with pay slips to employees who do not have Council email accounts. It will also be published on the Council's intranet site.

The Policy will be provided by Employee Services to all new staff prior to them commencing employment with the Council.

### OTHER REFERENCES:

Standard Work Practice 12019 - Information Technology and Communications Services Usage Procedures

"Standard Work Practice 20,008 - Use of GPS Tracking Devices on Council's Plant and Fleet Vehicles".

### 8.5.8.4. CORPORATE BRANDING POLICY

OBJECTIVE: To protect the integrity of Tamworth Regional Council's brand mark and to ensure the correct use and application of the Council logo at all times, within the organisation and by third parties.

#### POLICY STATEMENT:

Our corporate brand is how the rest of the world sees us and it is important, especially for a large organisation with separate business and event units like our own, to keep a consistent corporate brand throughout.

Corporate standardisation helps people recognise that a message has come from Tamworth Regional Council, regardless of who, or what department, has sent it. The correct use of our corporate brand also assists the community in identifying the breadth of services and activities provided by Council.

Our logo is one of the strongest branding tools of our organisation and must be used consistently and correctly when applied to any medium both within Council and by approved external groups and organisations. This includes, but is not limited to, use of Council's logo on internal and external publications, documents, advertisements, stationery, signage, vehicles, buildings, digital mediums and uniforms.

#### POLICY:

The Tamworth Regional Council corporate brand must be used (when appropriate) to promote and assist the community in identifying the breadth of services and activities provided by Council.

The day-to-day use of the corporate brand within and for Tamworth Regional Council purposes must be done in accordance with this policy and Council's Corporate Brand Guidelines.

The corporate brand is the official identity of Tamworth Regional Council and must not be modified in any way.

Requests by third parties to use Council's corporate branding (including the corporate logo) must comply with the Corporate Brand Guidelines.

### PRINCIPLES:

# Use of Council logo by internal groups

- the correct Council logo must be used by all directorates, units, teams and commercial operations
  of Tamworth Regional Council;
- adaptation the Council logo without prior approval from Council's Communications team is not permitted;
- the Communications team may exercise its right to remove or request changes to application of Council's logo that do not comply with the Corporate Brand Guidelines;
- staff supplying Council's logo to third parties, printers, suppliers or graphic designers must ensure the correct version is supplied; and
- development of new logos, brand marks or designs to identify individual units, branches, teams or commercial operations within Tamworth Regional Council is not permitted without prior approval of the General Manager, and in accordance with the Corporate Brand Guidelines.

# Use of Council logo with facility/service subbrands

Tamworth Regional Council facilities and services that have a separate brand to that of Council
must include the corporate logo on all official documentation and advertising in accordance with
Council's Corporate Image Guidelines.

### Use of Council logo by external groups

Third parties may use the Council logo, in line with the Corporate Image Guidelines and pending

prior approval from Council's Communications team.

- Use of the Council logo alongside other logos must only be done so in line with Council's Corporate Brand Guidelines.
- No fees will be charged to use Council's logo however eligible third parties will be responsible for any costs associated with artwork, design and production.
- The use of Council's logo must not in any way bring discredit or disrepute upon the organisation.
- Council may exercise its right to withdraw any approval at any time if the approved user is deemed to be not complying with the conditions as set out in this policy or any approval.

## DEFINITIONS

#### Logo

A logo is a name, symbol, or trademark designed for easy and clear.

#### Brand

A brand is a name, term, design, symbol or other feature that distinguishes one entity or product from others. It has an important role to play in the reputation and/or monetary value of an organisation or company.

# Facility/Service Sub Brand:

Select services and facilities delivered by Tamworth Regional Council that require separate branding from that of Council in order to position and differentiate themselves in a competitive market.

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\* HISTORY -

Adopted Ordinary Council Meeting 25 September 2018 - Min No 203/18

### 8.6.8.5. MEDIA ENGAGEMENT POLICY

### OBJECTIVES

The objectives of this policy are to:

- establish the purpose of Council's involvement with media;
- clearly indicate Council's authorised spokespersons and define roles and responsibilities within Council for working with the media;
- limit the risk to Council's reputation through the communication of inaccurate information;
- embed a philosophy of proactive engagement and transparency with media within the organisation;
- assist the media by clarifying the level of service they can expect regarding access to Council
  officials, provision of information and responses to enquiries, and
- establish a framework for the release of information from Council Mmeeting agendas.

### SCOPE

This policy applies to Council staff, Councillors and volunteers and situations when they are required to:

- communicate with the media about Council affairs and related matters;
- attend public speaking engagements; or
- make comments on Council affairs where it is reasonably foreseeable that their comments will be published in the media.

This policy applies to consultants engaged by Council to liaise with the media on its behalf.

This policy applies to journalists' behaviour when attending Council Mmeetings. Council's Code of Meeting Practice also outlines guidelines for general meeting practice.

### POLICY STATEMENT

Tamworth Regional Council is committed to connecting with the community using a wide range of traditional and contemporary mediums. Media is a key influencer of Council's reputation. It is therefore important that Council has an established framework for interaction with the media. Council will proactively pursue media opportunities to connect in a genuine way with both the community and a broader audience.

For the purposes of this policy, media includes both traditional media outlets and social media platforms as detailed in Council's Social Media Policy.

## PRINCIPLES

# Council's involvement with media

Tamworth Regional Council has worked proactively to build relationships with local and regional media outlets for a number of years. The community, in particular, has a right to be informed by independent media about initiatives and projects, issues and developments that relate to Council and the Region.

Council will embrace the opportunities presented by the media and actively pursue media exposure. Media organisations and their representatives will be treated equally and without bias. Council will be respectful and endeavour to meet the deadlines of media outlets when responding to their inquiries whilst also acknowledging that it may not always be possible for Council to meet the requested deadline due to the availability of an appropriate spokesperson or other operational reasons.

All media enquiries coming into or out of the organisation will be managed through Council's Communications team.

### Tamworth Regional Council will actively engage with media to:

- protect, and where possible enhance, Council's reputation;
- promote the projects and services of Council;
- inform the community about projects, policies and activities;
- promote the Tamworth region as a destination to live, work, visit and invest, and
- provide essential updates to the community during a crisis or emergency.

### Consistency of communication

Council will proactively resource and manage its media through the Communications team during business hours as a single point of contact within the organisation to aid consistency of communication for both internal stakeholders and media.

A Style Guide for Media Release Writing, together with a corporate Social Media Policy, have been developed to aid consistency of communications including with media.

### Mayor's role as principal Council spokesperson

Pursuant to the Act, the functions of the mayor are to:

- chair all Mmeetings of Council at which he or she is present, to lead its decision-making process;
- act as the principal spokesperson for Council to represent its views, and those of the community;
   and
- · carry out the civic and ceremonial duties of the Mayor and Councillors

This policy recognises the Mayor as the principal Council spokesperson to be quoted in all reactive or proactive engagement with media.

### Delegation of Mayor's spokesperson role to the Deputy Mayor

If the Mayor is unavailable, the Deputy Mayor becomes Council's principal spokesperson.

# Delegation to other Ccouncillors

If both the Mayor and Deputy Mayor are unavailable, or the Mayor wishes to delegate the role of spokesperson to a Councillor with the relevant portfolio, Mayoral Media Engagement Responsibilities can be delegated any other Councillor. Without this delegation, no other Councillor is to engage with Media to speak on behalf of Council.

# Limits of Mayoral Media Engagement Responsibilities

Any media engagement regarding the Council's day-to-day operations and management is the responsibility of the General Manager (Section 335(a) of The Act).

The Mayor and Councillors must promptly refer any media inquiries they receive to the Communications team.

### Staff authority and delegation

Staff representing Council in the media are required to first have the approval of their supervisor to be a media spokesperson.

Staff approached by media as private citizens are entitled to enter into public debate and make comment on civic affairs provided they do not give, or that it could be interpreted as, the impression they are speaking in their official position or on behalf of Council.

# **Key Practice Guidelines**

Official Council statements issued by the Mayor, Deputy Mayor, Councillors or delegated staff, including those prepared and/or issued on their behalf by the Communications team – must:

- be consistent with Council's current policy and position;
- support the reputation of the Council, its staff, and its Councillors;
- be respectful of the Mayor, other councillors, Council's General Manager, its Executive team, Council officers, and all members of the public;
- not commit Council or its resources to a course of action without prior Council discussion and/or resolution;
- not be in breach of any laws (such as privacy, defamation, racial vilification, or equal opportunity), or Tamworth Regional Council's Code of Conduct; and
- avoid any admission of legal liability.

If a Councillor chooses to express a personal opinion or view that differs from the Council's agreed position, the councillor must clearly identify their opinion or view as their own. In that case, Council resources will not be available for their communication or engagement requirements.

All Councillors quoted in Council generated media content (such as media releases, media responses, and community newsletters) will have an opportunity to approve their comments in a timely manner, prior to an advised deadline.

Tamworth Regional Council's General Manager can ultimately determine the interpretation or application of this policy.

### Media attending Council Mmeetings

A member of the Communications team will attend Council Mmeetings and act as a liaison between the Mayor, Councillors and journalists.

Any media outlet wishing to take photographs, film or audio record a Council Mmeeting must first seek permission though the Chair, pursuant to Council's Code of Meeting Practice.

When in the Chamber journalists, photographers and camera operators must:

- be seated in the designated media area or stand in a designated position;
- place mobile phones on silent (phone calls in the Council chamber are not permitted);
- · leave the Chambers in accordance with meeting practice, and
- direct any questions and interview requests to the Communications Unit who will organise the information or interview.

Breaches of this policy by a journalist may result in removal from the media area in the Chamber at the instruction of the General Manager.

### Reputation and Risk

Council will openly discuss matters of interest with media unless disclosure of information contravenes Council's obligations of confidentiality or privacy, duty of care, or could infringe on other laws or regulations that govern its operations.

To ensure consistency of communication with media, key messages will be developed and used.

Council acknowledges that not all media coverage will reflect positively on the organisation however it will seek to ensure that any media coverage of matters is balanced.

Staff delegated to speak to the media and the process for escalation of issues will be identified in communications plans. Wherever possible, media enquiries will be addressed by the staff member or manager, with appropriate delegation, responsible for the matter with escalation occurring when the

matter becomes controversial, sensitive or crosses Directorates within the Council. The General Manager will be the spokesperson for the organisation in crisis situations, projects of a significant nature or where an individual communications plan identifies the General Manager as the spokesperson.

Council will collect, retain and dispose of media communication in line with Council's Records Management Policy.

#### Proactive engagement and transparency

Council will wherever possible proactively release information to media and make staff available for comment or interview in a timely manner.

It is the responsibility of all staff to identify media opportunities and provide suggestions to the

The Communications team will foster productive relationships with media, being respectful of media needs including deadlines.

### Council meeting Meeting agendas

Media releases will be developed for matters of interest. A schedule for media releases will be determined by the Communications team with a view to release appropriate information in tandem with Council Mmeeting Business papers being made public. The intent of these releases will be to focus on the subject matter of the report rather than the officer's recommendation.

To ensure a central point of information dissemination, only Communications team staff will provide media updates regarding notable resolutions at Council meetings Meetings. These may be in the form of social media posts (including video) or media releases. Councillors are encouraged to share this information at the conclusion of the Council Mmeeting. It is acknowledged that the Minutes of Council Mmeetings remain the official record of resolutions.

\* HISTORY - Reviewed July 2020 - Updated - Ordinary Council Meeting - Min No Adopted Ordinary Council Meeting 25 September 2018 - Min No 202/18

### 8.7.8.6. TAMWORTH REGIONAL COUNCIL-SOCIAL MEDIA POLICY

#### OBJECTIVES

- establish the purpose of Council's involvement with social media;
- outline the management and use of social media for Council, and
- provide for the inclusion of social media as a tool in the delivery of Council's services and activities.

#### SCOPE

This policy applies to Tamworth Regional Council employees, contractors and Councillors.

The policy applies to those digital spaces where people publish, discuss and share information. This can include forums, blogs, wikis, social networking websites, mobile applications, and websites that allow individual users to easily upload and share content.

Examples include but are not limited to Facebook, Twitter, Instagram, YouTube and Flickr.

### POLICY STATEMENT - PERSONAL USE OF SOCIAL MEDIA

### Employees

Council recognises that staff may wish to use social media in a personal capacity. Staff are personally responsible for content they publish on any form of social media.

#### Employees must

- ensure their personal comments cannot be mistaken for the official view of Council, impact Council's reputation, offer views on Councillors or other staff members, or affect the staff member performing their role within Council, and
- behave politely and respectfully.

### Employees must not:

- post material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, breaches a Court suppression order, is unlawful, is for personal gain, or encourages others to break the law;
- imply that they are authorised to speak as representatives of Council, nor give the impression that the views expressed are those of Council;
- use the identity or likeness of another Council worker in a social media space;
- use their council email address or any council logos or insignia that may give the impression of
  official support or endorsement of their personal comment;
- use or disclose any confidential information or personal information obtained in their capacity as a worker or contractor of Council;
- post material that is, or might be construed as, threatening, harassing, bullying or discriminatory towards another worker or contractor of Council, or
- comment or post any material that might otherwise cause damage to Council's reputation or be seen as an admission of legal liability.

Reasonable and unreasonable personal use

When accessing social media via Council's Internet, intranet and extranet systems, employees must use these resources 'reasonably', in a manner that does not interfere with work, and is not inappropriate or excessively accessed.

Examples of reasonable use include:

re-tweeting content from a Council Twitter feed in a personal Twitter account;

- reposting or sharing content from Council Facebook pages, and
- updating personal Facebook status and posting messages during a lunch break.

Council resources must not be used to access or post any material that is fraudulent, harassing, threatening, bullying, sexually explicit, profane, obscene, racist, sexist, intimidating, defamatory, for personal gain or otherwise inappropriate or unlawful.

Employees must not use Council's Internet and computer resources to provide comments to journalists, politicians and lobby groups other than as authorised in the course of their official duties.

It is not acceptable to spend time using social media that is not related to your work unless it occurs in your own time (for example during meal breaks).

#### Councillors

Councillors engage with the citizens of the Tamworth region through various forums including social media. Councillors have the responsibility to ensure that their use of social media is appropriate.

#### This includes

- making it clear they are expressing their personal opinion and not speaking on behalf of Council;
- use their council email address or any council logos or insignia that may give the impression of
  official support or endorsement of their personal comment;
- not using Council social media sites as a forum for political debate or making comments that impact Council's reputation;
- only disclose and discuss publicly available information;
- comment or post any material that might otherwise cause damage to Council's reputation or be seen as an admission of legal liability; and
- where appropriate, share Council posts for the purposes of promoting those initiatives and projects.

### Consultants, Contractors and Suppliers

Consultants, contractors and suppliers to Tamworth Regional Council using social media will comply with the intent of this policy, and appropriate clauses will be included in any procurement documentation.

# POLICY STATEMENT - CORPORATE USE OF SOCIAL MEDIA

Before engaging in social media available outside online Council spaces (e.g. a Facebook site run by a local resident) as a representative of Council, employee must become authorised to comment.

To be authorised to comment or be an authorised spokesperson, employees must delegated in accordance with Council's delegations register.

# Best Practice Guidelines

Authorised representatives must:

- disclose that they are an employee or elected representative of Council and use only their own identity, unless authorised to use an approved official account or avatar;
- disclose and comment only on information classified as public domain information;
- ensure that all content published is accurate and not misleading and complies with all relevant Council policies and other relevant requirements;
- · only post content that is genuinely expected to be relevant and of interest to followers;
- respond to enquiries within 24 hours (Monday to Friday) whenever possible;
- keep messages simple and engage in conversations where appropriate;

- link to more information on Council's website where possible;
- ensure that no copyrighted or trademarked material is published without permission including Google images;
- comment only on their area of expertise and authority;
- ensure comments are respectful of the community with which they are interacting online, and
- adhere to the terms of use set by the social media platform or website and adhere to legislation including copyright, privacy, defamation, contempt of court, discrimination, harassment and any other applicable laws, as well as Council's Code of Conduct.

### Authorised representatives must not:

- post or respond to material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, breaches a Court suppression order, is unlawful, is for personal gain, or encourages others to break the law:
- use or disclose any confidential or secure information; and
- comment or post any material that might otherwise create liability or cause damage to Council's reputation or bring it into disrepute.

### Creation of Council-produced social media

The Communication team will be responsible for the approval of new social media channels to ensure that they meet with reputational and communication needs of Tamworth Regional Council.

Creation of and use of any social media sites aligned to Tamworth Regional Council must be preapproved by the Communications team. This includes the endorsement of the owner of the site and any additional authorised persons required to manage or provide content for the site.

All online and social media accounts used by Council must be listed and the passwords provided on the Social Media Register which is maintained by the Communications and Engagement team.

### Social media moderation

All Council social media sites must display Tamworth Regional Council's Acceptable Use Guidelines that makes it clear that:

- contributions should be relevant, non-threatening, respectful of views of others, and avoid insulting, obscene and defamatory comment, and
- where necessary, the moderator will remove any posts that do not comply with the published Acceptable Use Guidelines.

The moderation process must:

- be objective and impartial and avoid any perception that posts are being censored for political reasons;
- be sensitive to the diversity of the community and avoid any perception that it is being applied in a discriminatory manner; and
- inform contributors why their post has been rejected and give them an opportunity to resubmit.

In the event that a contributor is regularly breaching the Acceptable Use Guidelines for a site, they will be sent a Facebook inbox message warning them that they are facing expulsion of the site if their online behaviour is not modified.

Tamworth Regional Council further reserves the right to remove any contributions that break the Acceptable Use Guidelines of the relevant online community, or where a contributor has become obviously vexatious.

### Social media monitoring

The Communications team will monitor content posted on all official social media outlets to ensure adherence to the Social Media Policy for appropriate use, message and consistency in branding.

Tamworth Regional Council will actively monitor social media channels for relevant contributions that impact on the Council, its operations, reputation and colleagues. This will be done by using relevant social media analytics and through the Communications and Engagement Unit.

#### DEFINITIONS

Communications team means the Manager Communications and Engagement, or his or her delegate or team members.

Social Media is the term used for internet-based tools for sharing and discussing information among people. It refers to user-generated information, opinion and other content shared over open digital networks. Social media may include (although is not limited to):

- social networking sites (for example Facebook, Myspace, LinkedIn, Bebo, Yammer);
- video and photo sharing websites (for example Flickr, Youtube);
- blogs, including corporate blogs and personal blogs;
- blogs hosted by media outlets (for example 'comments' or 'your say' feature on smh.com.au);
- micro-blogging (for example Twitter);
- wikis and online collaborations (for example Wikipedia);
- · forums, discussion boards and groups (for example Google groups, Whirlpool);
- vod and podcasting;
- online multi-player gaming platforms (for example World of Warcraft, Second Life);
- instant messaging (including SMS); and
- geo-spatial tagging (Foursquare).

Social media also includes other emerging electronic/digital communication applications. It is important to remember that any website can become a "social media space" with the addition of functionality such as comments, likes and discussion areas.

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\* HISTORY — Reviewed July 2020 – Updated – Ordinary Council Meeting – Min No.

Adopted Ordinary Council Meeting 25 September 2018 – Min No. 20218

### 8.8. KERBSIDE GREENWASTE BIN CONTAMINATION

OBJECTIVES: This policy outlines the procedures for managing contaminated kerbside Greenwaste Collection Bins. To appropriately manage contaminated kerbside Greenwaste Collection bins.

### POLICY:

In conjunction with Tamworth Regional Council's community waste and recycling education program, this policy provides protocol for managing residents who present contaminated greenwaste for collection.

This policy outlines the appropriate action to be taken when a greenwaste collection bin is inspected and found to be contaminated.

#### DEFINITIONS

<u>Contamination</u>: The portion within a household greenwaste collection bin which is not deemed to be domestic greenwaste. Specifically a bin is considered contaminated if it contains any Item that is not identified as domestic greenwaste on the top of the greenwaste collection bin. Contamination includes general household waste, milled or processed timber, recyclable items (bottles/plastic/paper and cardboard), dirt/rocks and metal.

Kerbside Greenwaste Collection bin: 240L green lid mobile garbage bin-

Designated waste collection area: Parcels of land subject to a waste or recycling levy under section 496 of Local Government Act 1993. The designated area is the area as resolved by Council.

#### SCOPE

This policy applies to all kerbside Greenwaste collections within Tamworth Regional Council's designated waste collection area, and any kerbside greenwaste (green lid) collected under a public works arrangement.

This policy only applies to kerbside greenwaste collections from premises where a single service is associated with a single occupancy. Multiple occupations with a shared collection service are not covered by this policy.

### MONITORING AND BREACHES

Inspection of recycling bins may be conducted by both Council staff and by kerbside collection drivers on a random basis. A register of rejected recycling bins, including address, contamination type and where possible photos of bin contents, to be maintained by Transpacific Cleanaway. Details of any contamination event identified by Council staff are to be forwarded to Transpacific Cleanaway for inclusion into the register.

In the interests of avoiding further greenwaste collection bin contamination and penalising the infringing household, this policy outlines action to be taken by Council when contamination is found in a kerbside greenwaste collection bin within any three month period.

### First-infringement

The Contractor must not empty any mobile bin where it is evident upon visual inspection that it contains gross contamination.

Gross contamination includes high levels of material not meeting the definition of domestic greenwaste. This may include for example bags of household garbage visible at the top of the mobile bin.

If the Contractor finds contamination, not considered to be gross contamination, on visual inspection of a mobile bin, the Contractor may empty the mobile bin if deemed acceptable.

If the Contractor becomes aware of contamination or gross contamination within a mobile bin in the process of emptying its contents into the collection vehicle, the Contractor must keep details of the contamination event (date and address) to facilitate notification of the contamination issue with the offending customer.

The Contractor must notify the customer following any contamination event of the problem and clarify the definition of domestic greenwaste materials. The Contractor must notify the customer of the problem either by way of letter being placed in the letterbox of the premise or sticker attached to the mobile bin.

The Customer must be notified of the problem within two working days of the incident occurring.

### Second-infringement

The Contractor must not empty any mobile bin where it is evident upon visual inspection that it contains gross contamination.

Gross contamination includes high levels of material not meeting the definition of domestic greenwaste. This may include for example bags of household garbage visible at the top of the mobile big.

If the Contractor finds contamination, not considered to be gross contamination, on visual inspection of a mobile bin, the Contractor may empty the mobile bin if deemed acceptable.

If the Contractor becomes aware of contamination or gross contamination within a mobile bin in the process of emptying its contents into the collection vehicle, the Contractor must keep details of the contamination event (date and address) to facilitate notification of the contamination issue with the offending customer.

The Contractor must notify the customer following any contamination event of the problem and clarify the definition of domestic greenwaste material. The Contractor must notify the customer of the problem either by way of letter being placed in the letterbox of the premise or sticker attached to the mobile bin.

The Customer must be notified of the problem within two working days of the incident occurring.

### Third-infringement

The Contractor must not empty any mobile bin where it is evident upon visual inspection that it contains gross contamination.

Gross contamination includes high levels of material not meeting the definition of domestic greenwaste. This may include for example bags of household garbage visible at the top of the mobile big.

If the Contractor finds contamination, not considered to be gross contamination, on visual inspection of a mobile bin, the Contractor may empty the mobile bin if deemed acceptable.

If the Contractor becomes aware of contamination or gross contamination within a mobile bin in the process of emptying its contents into the collection vehicle, the Contractor must keep details of the contamination event (date and address) to facilitate notification of the contamination issue with the offending customer.

The Contractor must notify the customer following any contamination event of the problem and clarify the definition of domestic greenwaste material. The Contractor must notify the customer of the problem either by way of letter being placed in the letterbox of the premise or sticker attached to the mobile bin.

The customer must be notified of the problem within two working days of the incident occurring.

The Contractor must also notify Council of the situation and request that a letter is issued by Council advising of the pending removal of the kerbside greenwaste collection service.

Council will then issue a letter advising the customer of the pending removal of the kerbside greenwaste collection service should another contamination event occur at anytime during the following three month period.

### Fourth-Infringement

The Contractor must not empty any mobile bin where it is evident upon visual inspection that it contains gross-contamination.

Gross contamination includes high levels of material not meeting the definition of domestic greenwaste. This may include for example bags of household garbage visible at the top of the mobile bin.

If the Contractor finds contamination, not considered to be gross contamination, on visual inspection of a mobile bin, the Contractor may empty the mobile bin if deemed acceptable.

If the Contractor becomes aware of contamination or gross contamination within a mobile bin in the process of emptying its contents into the collection vehicle, the Contractor must keep details of the contamination event (date and address) to facilitate notification of the contamination issue with the offending customer.

The Contractor must notify Council of the situation and request that Council authorise the suspension of the kerbside greenwaste collection service to the offending customer as well as physical removal of the kerbside greenwaste collection mobile bin where practical.

Council will then issue a letter advising the customer of the removal of the kerbside greenwaste collection service and associated mobile bin. This letter will detail the reasons for the suspension of their kerbside greenwaste collection service as well as notify the customer of the nominated suspension period (three months) after which the kerbside collection recycling service will then be reinstated to the offending customers property.

#### General Notes:

The offending property will continue to be charged a greenwaste collection levy via the ordinary rates notice.

Council will continue to undertake community waste and recycling education including notices to households, items in the community newsletter, school education program and participation in waste and recycling campaigns.

Council Staff have and will continue to speak with and assist residents to improve their recycling habits. The removal of the greenwaste collection bin is a reluctant but necessary action to improve the integrity of the greenwaste processing system and achieve a higher quality mulch product and reduce the quantity of greenwaste going to landfill in accordance with the Draft Waste Management and Resource Recovery Strategy.

TAMWORTH REGIONAL COUNCIL GENERAL POLICY REGISTER - CORPORATE MANAGEMENT

#### 8.9. KERBSIDE RECYCLING BIN CONTAMINATION

OBJECTIVE: To appropriately mange contaminated kerbside recycling bins

**POLICY:** In conjunction with Tamworth Regional Council's community waste and recycling education program, this policy provides protocol for managing residents who present contaminated recycling for collection.

This policy outlines the appropriate action to be taken when a recycling bin is inspected and found to be contaminated.

#### DEFINITIONS

Contamination: The portion within a household recycling bin which is not deemed to be recyclable. Specifically a bin is considered contaminated if it contains any item that is not identified as recyclable on the top of the recycling bin. Contamination Includes food waste, green waste and dirty soiled items. Contamination includes dirty and soiled recyclable items.

Kerbside recycling bin: 240L Yellow Lid Mobile Garbage Bin.

Designated waste collection area: Parcels of land subject to a waste or recycling levy under section 496 of Local Government Act 1993. The designated area is the area as resolved by Council.

#### SCOPE

This policy applies to all kerbside recycling bin collections within Tamworth Regional Council's designated waste collection area, and any kerbside recycling bins (yellow-lid) collected under a public works arrangement.

This policy only applies to kerbside recycling collections from premises where a single service is associated with a single occupancy. Multiple occupations with a shared collection service are not covered by this policy.

In the interests of avoiding further recycling contamination and penalising the infringing household, this policy outlines action to be taken by Council when contamination is found in a kerbside recycling bin within any three month period.

#### MONITORING AND BREACHES

Inspection of recycling bins may be conducted by both Council staff and by kerbside collection drivers on a random basis. A register of rejected recycling bins, including address, contamination type and where possible photos of bin contents, to be maintained by Transpacific Cleanaway. Details of any contamination event identified by Council staff are to be forwarded to Transpacific Cleanaway for inclusion into the register.

In the interests of avoiding further greenwaste collection bin contamination and penalising the infringing household, this policy outlines action to be taken by Council when contamination is found in a kerbside greenwaste collection bin within any three month period.

#### First-infringement

The Contractor must not empty any mobile bin where it is evident upon visual inspection that it contains Gross-Contamination.

Gross contamination includes high levels of material not meeting the definition of recyclable. This may include for example bags of garbage visible at the top of the mobile bin.

If the Contractor finds contamination, not considered to be gross contamination, on visual inspection of a mobile bin, the Contractor may empty the mobile bin if deemed acceptable.

If the Contractor becomes aware of contamination or gross contamination within a mobile bin in the process of emptying its contents into the collection vehicle, the Contractor must keep details of

TAMWORTH REGIONAL COUNCIL GENERAL POLICY REGISTER - CORPORATE MANAGEMENT

the contamination event (date and address) to facilitate notification of the contamination issue with the offending customer.

The Contractor must notify the customer following any contamination event of the problem and clarify the acceptable recyclable materials. The Contractor must notify the customer of the problem either by way of letter being placed in the letterbox of the premise or sticker attached to the mobile big.

The Customer must be notified of the problem within two working days of the incident occurring.

#### Second infringement

The Contractor must not empty any mobile bin where it is evident upon visual inspection that it contains gross contamination.

Gross contamination includes high levels of material not meeting the definition of recyclable. This may include for example bags of garbage visible at the top of the mobile bin.

If the Contractor finds contamination, not considered to be gross contamination, on visual inspection of a mobile bin, the Contractor may empty the mobile bin if deemed acceptable.

If the Contractor becomes aware of contamination or gross contamination within a mobile bin in the process of emptying its contents into the collection vehicle, the Contractor must keep details of the contamination event (date and address) to facilitate notification of the contamination issue with the offending customer.

The Contractor must notify the customer following any contamination event of the problem and clarify the acceptable recyclable materials. The Contractor must notify the customer of the problem either by way of letter being placed in the letterbox of the premise or sticker attached to the mobile bin.

The Customer must be notified of the problem within two working days of the incident occurring.

#### Third-infringement

The Contractor must not empty any mobile bin where it is evident upon visual inspection that it contains cross contamination.

Gross contamination includes high levels of material not meeting the definition of recyclable. This may include for example bags of garbage visible at the top of the mobile bin.

If the Contractor finds contamination, not considered to be gross-contamination, on visual inspection of a mobile bin, the Contractor may empty the mobile bin if deemed acceptable.

If the Contractor becomes aware of contamination or gross contamination within a mobile bin in the process of emptying its contents into the collection vehicle, the Contractor must provide the customer with notification, specifying the problem and clarifying the acceptable recyclables.

The Contractor must notify the customer following any contamination event of the problem and clarify the acceptable recyclable materials. The Contractor must notify the customer of the problem either by way of letter being placed in the letterbox of the premise or sticker attached to the mobile bin.

The Customer must be notified of the problem within two working days of the incident occurring.

The Contractor must also notify Council of the situation and request that a letter is issued by Council advising of the pending removal of the kerbside recycling collection service.

Council will then issue a letter advising the customer of the pending removal of the kerbside recycling-collection service should another contamination event occur at anytime during the following three month period.

#### Fourth Infringement

TAMWORTH REGIONAL COUNCIL GENERAL POLICY REGISTER - CORPORATE MANAGEMENT

The Contractor-must not empty any mobile bin where it is evident upon visual inspection that it contains gross-contamination.

Gross contamination includes high levels of material not meeting the definition of recyclable. This may include for example bags of garbage visible at the top of the mobile bin.

If the Contractor finds contamination, not considered to be gross contamination, on visual inspection of a mobile bin, the Contractor may empty the mobile bin if deemed acceptable.

If the Contractor becomes aware of contamination or gross contamination within a mobile bin in the process of emptying its contents into the collection vehicle, the Contractor must keep details of the contamination event (date and address) to facilitate notification of the contamination issue with the offending customer.

The Contractor must notify Council of the of the situation and request that Council authorise the suspension of the kerbside recycling service to the offending customer as well as physical removal of the kerbside recycling mobile bin where practical.

Council will then issue a letter advising the customer of the removal of the kerbside recycling collection service and associated mobile bin. This letter will detail the reasons for the suspension of their kerbside collection recycling service as well as the suspension period (three months) after which the kerbside collection recycling service will then be reinstated.

#### General Notes

The offending property will continue to be charged a recycling levy via the ordinary rates notice. Council will continue to undertake community waste and recycling education including notices to households, items in the community newsletter, school education program and participation in waste and recycling campaigns.

Council staff have and will continue to speak with and assist residents to improve their recycling habits. The removal of the recycling bin is a reluctant but necessary action to improve the integrity of the comingled recycling system and achieve a contamination rate for the Tamworth Regional Council area in accordance with the Draft Waste Management and Resource Recovery Strategy.

#### 9. DEVELOPMENT

# 9.1 ELECTRONIC LODGEMENT POLICY - PLANNING/BUILDING & SUBDIVISION APPLICATIONS

#### OBJECTIVE:

To ensure the acceptance of electronic plans and documents for all planning, building and subdivision related applications is consistent across the Council.

#### POLICY

This Policy applies where Council requires electronic copies of plans and documents to be submitted with any relevant planning, building and subdivision applications and including applications which are lodged through Council's online services.

Prior to accepting plans and documents in an electronic format, Council officers must ensure the documents are submitted in accordance with the requirements as identified by this Policy.

#### Media Format

- electronic lodgement must be made using CD/DVD, USB or via Council's online development services;
- documents/plans must be supplied in PDF (recommended format is PDFA);
- format required for all construction certificate subdivision applications is to be in accordance with the latest version of Council's Engineering and Design Guidelines; and
- photographs/photomontages must be provided as 'jpeg' files.
  - NB: All physical media formats will be retained by Council.

# Lodgement Method

- uploaded via Council's online development services;
- delivered in person to any Council Customer Service Centre;
- mailed to Tamworth Regional Council, PO Box 555 Tamworth NSW 2340; and
- email to <a href="mailto:trc@tamworth.nsw.gov.au">trc@tamworth.nsw.gov.au</a> or via Council's electronic large file transfer service.

# Naming Conventions

All electronic documents submitted are to be clearly titled with the document or plan type.

# Scanning Fees

All electronic applications submitted without all necessary documents or using the incorrect file format will be charged scanning fees. Scanning Fees will be priced as per Council's adopted Fees and Charges Schedule.

# PROCEDURE FOR ALL APPLICATION TYPES:

## **Lodgement Essentials**

- Lodgement of electronic applications must include plans and documents listed on the relevant Application checklist and must include following documents:
  - fee quotation (where applicable);

- application form; 0
- Land Title/s (declaration required if copy of title is more that 60 days old) (where 0 applicable)
- all Amendments and additional information requested by Council is to be submitted in the same format; and
- label CD/DVD & USB with address and documentation included on the disc (eg.Non-copyable - 123 Smith Street - Certificate Applicant).

#### Plan/Document Requirements

- electronic documents/plans must be exact reproductions of any original hard copy \_\_\_\_\_ Formatted: Font color: Auto documents or plans (where a hard copy is submitted);
- each document type must be saved separately with pages merged as one file unless files exceed 5MB, where these should be separated logically and supplied as separate PDF files. For example, separate the Statement of Environmental Effects from the Acoustic Report;
- plans must be to scale and rotated to landscape;
- plans should be converted to PDF electronically rather than printed and scanned to ensure accuracy:
- draw plans to scale of 1:100 or 1:200 at A3 landscape size. If this is not possible, show the scale (e.g. 1:100) and separately state the original sheet size (e.g. A1);
- plans should clearly identify the street address and title of plan;
- all black and white plans are to be at a resolution of 400dpi; and
- coloured plans may be at a lower resolution.

## Naming Conventions

Stage of Lodgement	Example Naming Convention	
Original Lodgement	Architectural Plans	
Amended Plans Lodgement	Amended Plans Architectural Plans	
Section 96 Applications	Section 96 – Architectural Plans	

#### CONSTRUCTION Certificates (Subdivisions) - Additional Requirements

design drawings shall be submitted to Council for approval. Information required to be included in the design drawings is detailed in the latest version of Council's Engineering Design Guidelines. Information to be shown on Drawings; and

each of the supporting items or documents is listed in the checklist contained within
the current versions of Council's Engineering Design Guidelines. Checklists shall be
completed and submitted with the Drawings. Should any of the items required in any
checklist be outstanding or not to a standard acceptable to Council, the Drawings and
checklists shall be returned to the developer for amendment. Council shall only
commence review of the design drawings once it is satisfied that all the requirements
of the checklists have been met.

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\* HISTORY - Adopted Ordinary Council 27 September 2016 Min No. 272/16

#### 9.2. SANCTIONS FOR DEVELOPERS/CONSULTANTS INVOLVED IN DEVELOPMENT

OBJECTIVE: To detail penalties applicable to Developers and Consultants involved in the various aspects of development

#### POLICY:

Developers/Consultants involved in the following aspects of development within the Tamworth Regional Council area will be subject to penalties as detailed.

#### **Fast Track Determinations**

Refer - Tamworth Regional Development Control Plan 2010.

Council will accept applications certified by suitably qualified persons (such as planners, architect's draftsmen and surveyors) as being suitable for Fast Track Determination as detailed in Council's Development Control Plan.

Where plans are subsequently found to not meet the required standard the application will be removed from the fast track stream and the person who provided the certification may not be eligible to claim fast track determinations for a period of six months.

#### Plans at Development Application Stage

Refer – Tamworth Regional Council Engineering Design Guidelines for Subdivision and Developments.

Any engineering plans that are submitted as part of a subdivision construction certificate or any other plan requiring engineering approval must substantially comply with the requirements of Council's Engineering Design Guidelines for Subdivision and Developments, unless written approval has been received from Council and accompanies the plans.

The following sanctions shall apply in the event of non compliance with this requirement:

First Instance The applicant and any consultant engaged to prepare the plans will

receive a formal warning from Council.

Second Instance The Applicant or the consultant engaged to prepare the plans will be

required to pay Council's costs in engaging an appropriately qualified consultant to review the plans provided and all subsequent plans submitted to Council in relation to the this and future developments for a period of 6 months from the date of submission of the unsatisfactory

plans

Third Instance The Applicant or the consultant engaged to prepare the plans will be

required to pay Council's costs in engaging an appropriately qualified consultant to review the plans provided and all subsequent plans submitted to Council in relation to the this and future developments for a period of 12 months from the date of submission of the unsatisfactory

plans

Fourth Instance A report will be submitted to Council seeking Council's direction on any

further possible action.

#### Work as Executed Plans

Refer – Tamworth Regional Council Engineering Design Guidelines for Subdivisions and Developments

Work as Executed plans are required to be submitted at the completion of construction work as per requirements detailed in Council's Engineering Design Guidelines for Subdivisions and Developments.

The following penalties shall apply in the event of non compliance with this requirement:

First Instance The applicant and any consultant engaged to prepare the plans will

receive a formal warning from Council

Second Instance The Applicant or the consultant engaged to prepare the plans will be

required to pay Council's costs in engaging an appropriately qualified consultant to review the plans provided and all subsequent plans submitted to Council in relation to the this and future developments for a period of 6 months from the date of submission of the unsatisfactory

plans.

Third Instance The Applicant or the consultant engaged to prepare the plans will be required to pay Council's costs in engaging an appropriately qualified

consultant to review the plans provided and all subsequent plans submitted to Council in relation to the this and future developments for a period of 12 months from the date of submission of the unsatisfactory

plans

Fourth Instance A report will be submitted to Council seeking Council's direction on any

further possible action.

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HISTORY - Reviewed July 2020 - Updated - Ordinary Council Meeting - Min No.

Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 28 June 2011 Min No 175/11

#### 9.3. PAYMENT OF BOND IN LIEU OF CONSTRUCTIONS

**OBJECTIVE**: To clarify when and under what conditions Council staff will allow the payment of a bond in lieu of construction of infrastructure and the release of a subdivision or occupation certificate associated with a particular development and, if the Developer requests, for the issue to be referred to Council for a decision

**POLICY:** Prior to issue of a subdivision certificate, or an occupation certificate, construction works must be substantially complete unless Council has entered into an agreement to accept cash or security in the form of a bond for designated works.

#### Approval by Staff

Before Council staff will agree to the payment of a bond in lieu of construction the following key infrastructure is required to be substantially complete:

- roads and ancillary traffic facilities:
  - all internal roads pavements including initial seal and associated drainage infrastructure; and
  - all external arterial/connector road improvements, intersection upgrades etc. including initial seal and associated drainage infrastructure.
- drainage:
  - all internal drainage;
  - all downstream works to the legal point of discharge; and
  - all permanent stormwater quality treatment facilities.
- sewerage:
  - all internal sewerage facilities; and
  - all pumping stations, rising mains, odour control facilities and any external works necessary to deliver sewage to the designated discharge point.
- water supply:
  - o all internal water supply works; and
  - all connecting mains and any other external works necessary to ensure adequate water supply.
- electricity supply all works, unless the electricity provider has agreed to allow a bond in lieu of construction and proof of that agreement is provided to Council;
- telecommunications all works unless the telecommunications provider has agreed to allow a bond in lieu of construction and proof of that agreement is provided to Council; and
- gas reticulation all works, unless the gas provider has agreed to allow a bond in lieu
  of construction and proof of that agreement is provided to Council.

Infrastructure where a bond may be accepted in lieu of construction includes:

- final seal, linemarking and signage;
- concrete footpaths on road verges;
- landscaping;
- other minor structures; and
- minor defects or omissions, or exceptional circumstances involving key infrastructure.

For the purposes of this policy substantially complete is defined as when:

- 1. the subject works are complete except for minor defects:
  - which do not prevent the works from being reasonably capable of being used for their stated purpose; and
  - where it is determined there is reasonable grounds for not promptly rectifying; and c. the rectification of which will not prejudice the convenient use of the works;

- those tests which are required to be carried out and passed before the works reach practical completion have been carried out and passed; and
- documents and other information required which, it is considered, are essential for the use, operation and maintenance of the works have been supplied.

#### Referral to Counci

If staff refuse the request for the payment of a bond on the grounds that the proposal does not comply with the details provided above, the Developer can, at their discretion, seek to have the matter referred to Council for determination.

In the event the Developer requests referral to Council a report will be prepared and presented to a Council meeting within one month of the date the written request for referral is received.

#### Nature of Bond and Assessment of Amounts

If approved the bond amount payable will be 130% of the estimated cost of constructing the outstanding works. The estimated cost will be based on a detailed quotation provided by a suitably qualified and experienced contractor and be based on the approved design plans and associated construction specification. All valuations are to include GST and any other statutory costs.

The bond shall be in the form of cash or an unconditional, unlimited time bank guarantee lodged with Council.

#### Timeframe for completion

If a bond is accepted then construction of the subject work must be completed within an agreed time from the date of issue of the subdivision or occupancy certificate or Council will access the bond and undertake the construction work, unless an extension of time is agreed.

#### Council to undertake works

If Council decides to access the bond and complete works then if the final cost of the works is more than the bond amount Council will be responsible for the balance, however if the final cost of the works is less than the bond amount no refund will be provided.

History: Adopted as TRC policy at Ordinary Meeting 8 April 2014 Min No 16/14

# 9.4. APPROVALS ISSUED PURSUANT TO SECTION 68 OF THE LOCAL GOVERNMENT ACT 1993 FOR BATHROOMS IN SHEDS OR OUTBUILDINGS

OBJECTIVE: To confirm Council's position as the Water Supply Authority with regard to the issue of plumbing approvals under section 68 of the Local Government Act 1993 for bathrooms in sheds or outbuildings

DEFINITIONS: "Shed or outbuilding" means a building or other structure associated with a private-dwelling

#### INTRODUCTION

Council's inspectorial staff have observed an increase in the number of sheds and outbuildings converted to dwellings or adapted to contain habitable rooms such as living areas, entertaining spaces, "man caves", teenage retreats or similar without development consent.

To ensure that the minimum construction standards are achieved and that the use is permissible in the zone, it is necessary that the appropriate approvals are in place to facilitate these uses.

The Policy allows Council to restrict the fixtures installed within a shed or outbuilding, providing confidence that the plumbing approval does not facilitate a use for which a Development Application or Complying Development Certificate would be required.

#### POLICY:

- Council will not issue an approval pursuant to section 68 of the Local Government Act 1993 for plumbing work in a shed or outbuilding that contains;
  - more than one toilet; or
  - a-shower; or
  - a kitchen or kitchenette; or
  - a laundry.
- Approvals issued pursuant to section 68 of the Local Government Act 1993 for plumbing works in a shed or outbuilding is limited to:
  - one toilet; and
  - one hand basin or sink.
- A condition will be imposed on the approval for an application which seeks consent for any of the fixtures listed in 1 above, to state that such works do not form part of the approval and should not be in place at the time of Occupation Certificate.
- The exceptions are:
  - the temporary occupation of a shed or outbuilding has been approved during construction of a permanent dwelling; or
  - a swimming pool has been approved, or there is an existing swimming pool located on the land; or
  - the laundry is to be relocated from an existing dwelling to the shed or outbuilding, and the laundry in the dwelling is to be permanently removed.

- Where Council is satisfied that a swimming pool will be installed, but approval has not yet been obtained:
  - the approval will provide for installation of underfloor plumbing, but will prevent a shower from being installed until such time as the pool is in place; and
  - a condition will be imposed to prevent any Occupation Certificate for the shed or outbuilding from being issued if there is a shower present at the time of inspection.

#### 10. FINANCE

#### 10.1 DEBT RECOVERY

#### OBJECTIVE:

To establish a debt collection program for both property and non-property related debts, which ensures monies owed to council are collected in a timely, efficient and fair manner at minimal expense to both Council and individual debtors.

#### GENERAL:

For debt recovery purposes, debts owed to council are classified as:

- Rates and Annual Charges as levied per the Rates and Charges notice:
- Water and Wastewater Charges as levied per Water and Wastewater Charges notices;
- Other Property related debts as levied per debtor invoices;
- Other debts as levied per debtor invoices.

#### POLICY:

#### Rates and Annual Charges:

Levy and due dates

Rates and Annual Charges are levied in full in July for each financial year by the service of a Rates and Annual Charges notice for each property.

The total amount becomes due and payable by four-equal instalments, as determined by the Local Government Act 1993, with the following due dates; 31 August, 30 November, 28 February and 31 May.

Payment may be made in full by 31 August or by the quarterly instalment due dates.

Supplementary rate levies may also be required during the year. The due dates for these notices are based on the remaining instalment dates for the year.

Council will accept any alternative payment arrangement that suits ratepayers on the condition that:

- · the full amount is cleared within the financial year; and
- · normal interest charges apply per the statutory instalment due dates.

An Instalment Reminder Notice is sent for instalments 2 – 4 a month before each respective due date (unless rates have been paid in full).

No other reminder notices will be sent. Any unpaid instalments and accrued interest charges will appear as arrears on the next instalment Reminder Notice. Rate and Instalment Reminder notices will contain information to ensure ratepayers are aware of the recovery process.

# Water and Wastewater Charges:

Levy and due dates

Water and wastewater service and usage charges are raised by individual notices per specific billing periods.

All notices become due for payment within 28 days of the notice date.

No other reminder notices will be sent. Any unpaid notices and accrued interest charges will appear as arrears on the next notice. Notices will contain information to ensure ratepayers are aware of the recovery process.

#### Penalties and recovery

Rates and annual charges levied become due, legally recoverable and subject to interest charges according to the assigned statutory instalments. Interest is charged daily on amounts that become overdue and interest amounts raised become due and recoverable as they accrue.

Charges for water and wastewater services become due, legally recoverable and subject to interest charges by the notice due dates.

The recovery process for property related debts will be combined per property.

The recovery process will commence once the amount overdue on a property reaches either:

- \$1,000 regardless of the number of unpaid notices; or
- \$750 if at least two consecutive notices for one charge type are unpaid.

The amount overdue includes all statutory charges relating to a property being:

- Rates and Annual Charges;
- · Water and Wastewater charges;
- Interest charges

The process will commence with the issue of a Letter of Demand by council's Debt Recovery Agent. This will give 21 days to respond by either:

- Making payment of the overdue amount in full; or
- Making an arrangement that is acceptable to council.

Compliance with this demand will not incur any costs other than interest charges.

If no such response is made by the date provided, legal action will commence without further notice. All corresponding court and recovery agent fees will be on charged to the debtor.

If the debtor still fails to make a payment or satisfactory arrangement, the most appropriate course of recovery action will be taken through the legal system up to the inclusion of the property in a sale for unpaid rates process. In regard to overdue water usage charges, the use of water flow restrictors will be considered as a possible course of action.

The onus is on ratepayers to avoid any recovery action by making payments by due dates or contacting Council before due dates expire if an alternative payment arrangement is required. Council will not incur costs that cannot be recovered or threaten legal action that is not intended to be taken to pursue missed instalments.

To encourage ratepayers to avoid litigation, public awareness and transparency of this policy and process is to be actively promoted. Full details will be provided with all rate and instalment notices and on Council's website.

# Other Property Debts:

Levy and due dates

These are generally non-recurring transactions which are raised by invoice as required.

Due dates and payment methods may vary depending on the nature of the charge.

Penalties and recovery

As these are property debts the recovery of overdue amounts will be included with the process for rates and annual charges.

For properties that are exempt for rates and annual charges, the recovery process will be in accordance with other debts.

#### Other Debts:

Levy and due dates

These are sundry debtors that cannot be legally related to a property.

They are raised by individual invoices and due dates and payment methods may vary depending on the nature of the charge.

Penalties and recovery

Each invoice that becomes overdue will be recovered by:

- Issue of an Overdue Amount notice by council giving 21 days to pay;
- Issue of a Letter of Demand by Council's recovery agent giving 21 days to pay;
- Commencement of legal action without further notice if required.

#### Debt Recovery Agent:

Council will engage a debt recovery agent from time to time with relevant qualifications and capacity, to undertake legal action and administer payment arrangements on behalf of council to ensure recovery action is:

- cost neutral to Council;
- legally compliant; and
- administered efficiently, effectively and consistently.

It is not the intention of this policy to cause hardship to any ratepayer through Council's recovery procedures. At all times consideration will be given to clear the debt by way of mutually agreed arrangement of payments with a view to having the debt cleared prior to the end of the current financial year so the problem is not compounded.

All debts deemed to be uneconomical to recover or unrecoverable by the Director Corporate and Governance will be written off. All such write-offs will be reported to Council on a quarterly basis.

\* HISTORY - Reviewed July 2020 - Updated - Ordinary Council Meeting - Min No

Adopted Ordinary Council 27 September 2016 Min No: 272/16

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/81/2013 - Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Resolved - Strategy and Finance Committee 15/3/05 SF20/05.

EMT 8/3/05

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#### 10.2. INVESTMENT

#### OBJECTIVE:

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

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

Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.

Investments are expected to achieve a rate of return greater than that available on Council's corporate cheque account whilst ensuring compliance with Council's Risk Management Guidelines.

#### POLICY:

#### Legislative Requirements

All investments are to comply with the following:

- Local Government Act 1993;
- Local Government (Financial Management) Regulation 1999
- Local Government (General) Regulation 2005;
- Ministerial Investment Order;
- Local Government Code of Accounting Practice and Financial Reporting;
- Australian Accounting Standards; and
- Division of Local Government Circulars.

Refer to Schedule 1 for relevant extracts.

#### Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the Local Government Act 1993. The General Manager may in turn delegate the day-to-day management of Council's Investment to the Responsible Accounting Officer or senior staff, subject to regular reviews.

Officers' delegated authority to manage Council's investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role.

#### Prudent Person Standard

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

#### Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager.

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

#### Approved Investments

Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

#### Prohibited Investments

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

- derivative based instruments;
- principal only investments or securities that provide potentially nil or negative cash flow;
- stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind;
- mortgage of land in any State or Territory of the Commonwealth (restricted to first mortgages over land with a Loan to Value ratio of no greater than 60%); and
- a deposit with the Local Government Financial Services Pty Ltd.

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

#### Risk Management Guidelines

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

- preservation of Capital the requirement for preventing losses in an investment portfolio's total value (considering the time value of money);
- diversification setting limits to the amounts invested with a particular financial institution or government authority to reduce credit risk;
- credit risk the risk that a Council has invested in fails to pay the interest and or repay the principal of an investment;
- market risk the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices;
- liquidity risk the risk an investor is unable to redeem the investment at a fair price within a timely period; and
- maturity risk the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities.
- fiduciary responsibility when investing Council officers should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

All Council Investments are to comply with the following criteria:

- a) Overall Portfolio Limits; and
- b) Term to Maturity Framework.

#### a) Overall Portfolio Limits

The following credit framework limits the percentage of the portfolio exposed to any particular credit rating category as well as details maximum investment period.

S&P Long Term	S&P Short Term	Portfolio Limit	Counterparty Limit	Max Length Individual investment
AAA	A-1+	100%	100%	NA
AA+ to AA-	A-1+	100%	100%	5 years
A+ to A	A-1	100%	30%	3 years
A-	A-2	40%	20%	3 years
BBB+	A-2	30%	10%	3 years
NSW Treasury (TCorp)	Rating	Portfolio Limit		Max Length Individual investment
Limited to Office of Local Government endorsed TCorp investments	Unrated	100%	100%	NA

<sup>\*</sup> Limits the exposure to an individual institution

#### b) Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

Portfolio % <1 year	100% maximum 60% minimum	
Portfolio % > 1 year < 5 years	40%	

#### Investment Advisor

Should Council's investment portfolio extend beyond products unable to be acquired through an Australian ADI, or a OLG T-Corp approved investment Council will seek confirmation from its advisor that the investment will not contravene this investment policy.

The Council's investment advisor must be approved by Council or a delegated officer as per the delegation of authority outlined in this policy and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are

recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

#### Measurement

At any stage should Council's monthly investment report list any grandfathered investments such as Collateralised Debt Obligations (CDOs), the investment returns for the portfolio is to be reviewed annually by an independent financial advisor by assessing the market value of the portfolio. The market value is to be assessed at least once a month to coincide with monthly reporting if the reported value of these grandfathered products exceeds one million dollars.

#### Benchmarking

Due to the risk adverse nature of Council any investment not held in Council's Corporate Cheque account should be aiming to exceed the rate of return currently available on this aforementioned account.

#### Reporting and Reviewing of Investments

Documentary evidence must be held for each investment and details thereof maintained in an investment Register.

The documentary evidence must provide Council legal title to the investment.

Bank confirmations must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least monthly. A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

The monthly report must include a certificate as to whether or not the investments have been made in accordance with the Act, the regulations and council's investment policies.

# Variation to Policy

This Investment Policy will be reviewed at least once a year or as required in the event of legislative changes.

The General Manager or his delegated representative is authorised to approve variations to this policy if the investment is to Council's advantage and/or due to revised legislation.

Any investments made outside of this Policy are to be reported to Council.

#### Schedule 1

#### LOCAL GOVERNMENT ACT 1993 - SECT 625

#### How may councils invest?

#### 625 How may councils invest?

- 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.

Note: See Gazettes No 152 of 24.11.2000, p 12041; No 94 of 29.7.2005, p 3977 and No 97 of 15.8.2008, p 7638.

- (3) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.
- (4) The acquisition, in accordance with section 358, of a controlling interest in a corporation or an entity within the meaning of that section is not an investment for the purposes of this section.

#### **TRUSTEE ACT 1925**

#### - SECT 14A (2)

- A trustee must, in exercising a power of investment:
  - (a) if the trustee's profession, business or employment is or includes acting as a trustee or investing money on behalf of other persons, exercise the care, diligence and skill that a prudent person engaged in that profession, business or employment would exercise in managing the affairs of other persons, or
  - (b) if the trustee is not engaged in such a profession, business or employment, exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

# 14C Matters to which trustee is to have regard when exercising power of investment

- Without limiting the matters that a trustee may take into account when exercising a power of investment, a trustee must, so far as they are appropriate to the circumstances of the trust, if any, have regard to the following matters:
  - (a) the purposes of the trust and the needs and circumstances of the beneficiaries;
  - (b) the desirability of diversifying trust investments;
  - (c) the nature of, and the risk associated with, existing trust investments and other trust property;
  - (d) the need to maintain the real value of the capital or income of the trust;
  - (e) the risk of capital or income loss or depreciation
  - (f) the potential for capital appreciation,
  - (g) the likely income return and the timing of income return;
  - (h) the length of the term of the proposed investment;
  - (i) the probable duration of the trust;

- the liquidity and marketability of the proposed investment during, and on the determination of, the term of the proposed investment;
- (k) the aggregate value of the trust estate;
- the effect of the proposed investment in relation to the tax liability of the trust;
- (m) the likelihood of inflation affecting the value of the proposed investment or other trust property;
- the costs (including commissions, fees, charges and duties payable) of making the proposed investment; and
- (o) the results of a review of existing trust investments in accordance with section 14A (4).
- A trustee may, having regard to the size and nature of the trust, do either or both of the following:
  - (a) obtain and consider independent and impartial advice reasonably required for the investment of trust funds or the management of the investment from a person whom the trustee reasonably believes to be competent to give the advice; and
  - (b) pay out of trust funds the reasonable costs of obtaining the advice.

#### LOCAL GOVERNMENT ACT 1993 - INVESTMENT ORDER

I, the Hon, Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the Local Government Act 1993 and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest morey (on the basis that all investments must be denominated in Australian Dollars) in the following forms of

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth any State of the Commonwealth or a Territory;
- (b) any determines or securities issued by a council (within the minaring of the Local Government Act 1993 (NEW)):
- (c) Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit taking institution (as defined in the Banking Act 1958 (Cwth)), but excluding subordinated debt obligations:
- (d) any bill of exchange which has a maturity date of not more than 200 days, and if purchased for value confers on the holder in due course a right of secourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (iii) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

- Transitional Arrangements

  (i) Subject to paragraph (s) nothing in this Circler affects any investment made before the class of this Circler which was made in compliance with the provious Ministerial Orders, and such investments are taken to be in compliance with this Circler.
- (ii) Patagraph (i) only applies to those investments reade before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

An investment is not in a form of investment solfiled by this order unless it also complies with an investment policy of council adapted by a resolution of council.

All councils about by resolution adopt an investment policy that is consistent with this Order and any guidelines seased by the Chief Executive (Local Government). Department of Promier and Cational, from time to time.

This General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the case, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the coats (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this LT day of January 2011 Hon BARBARA PERRY MP Minister for Local Government

\* HISTORY -

Reviewed May 2020-- Updated -- Ordinary Council Meeting 26/05/2020 -- Min No 136/20 Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13 Ordinary Council 28 February 2012 Res No47/12 (31165/2012)

Ordinary Council 13 April 2011 Res No 92/11 (53232/2011)

Ordinary Council 13 July 2010 Res No 231/10 (102019/2010) Ord Council 16 Dec 08 Res No 339/08 (1953/2009)

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

#### 10.3. RATEPAYERS HARDSHIP POLICY

#### OBJECTIVE:

To establish guidelines for the General Manager and staff when dealing with ratepayers, suffering genuine financial hardship, with the payment of their ordinary rates and annual charges (excluding stormwater management charge). To fulfil the statutory requirements of the Local Government Act, 1993 with respect to the ability to grant provision and give special consideration to ratepayers subject to financial hardship.

#### POLICY:

Council requires all ratepayers to pay their rates in full by the due date(s). However, Council recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances. This policy establishes guidelines for assessment of a hardship application applying the principles of fairness, integrity, confidentiality and compliance with statutory requirements. It applies to all applications for waiving, alternative payment arrangements or writing off rates, fees, annual charges and interest accrued on such debts.

The General Manager has the delegated authority to assess applications due to hardship and payment arrangement plans from any customer after receiving a written request and in cases of genuine hardship each case is to be referred to Council for consideration in accordance with Councils adopted policy.

#### Hardship Assistance

Section 564 of the Act provides that Council may enter into a formal agreement with a ratepayer eligible for alternative periodical payments for due and payable rates.

A ratepayer may at any time make an arrangement to pay off their outstanding rates by regular payments, subject to the following guidelines:

- a) the amount and frequency of the payments under the arrangement are to be acceptable to Council:
- arrangements should, where possible, seek to have the outstanding rates cleared by the end of the financial year; and
- c) arrangements that go beyond one year must be approved by the Revenue Accountant.

Council may write off or reduce interest accrued on rates if the person complies with an agreement made with Council as to periodical payment of those rates. Interest on rates or charges will only be written off by Council as a result of a person complying with an arrangement or agreement who has also completed a financial hardship application, which is subsequently approved.

In accordance with Section 568 of the Local Government Act 1993, payments will be applied towards the payment of rates in the order in which they became due.

# Deferred Rates increase above CPI - Section 564

Deferral of Rates relief given under Section 564 will only be considered if the rates payable exceed 5% of the gross household income which may be determined by but is not limited to pensions/salaries; investment income; deemed income from assets; deemed rental from non-owner residents.

The amount of the relief under Section 564 will be the difference between the total rates payable on the property for the previous year with the allowable rate percentage increase applied for the current year (i.e. the rate pegging increase allowable under section 506 of the Act) and the total rates payable on the property.

If the ratepayer is eligible, Council will defer payment on the amount of the relief to the following year. This is subject to one quarter of the deferred amount being added to each

instalment due in the following rating year. Interest will not be charged on the deferred amount, unless it remains unpaid when the following rate instalment it was added to, becomes overdue.

#### Deferred Rates against the estate - Section 564

This option is offered in accordance with Section 564 of the Act. This option is only available to aged pensioners and self-funded retirees that satisfy the eligibility criteria to defer payment of part or all of their rates against their estate. Interest charges for approved applicants will be charged in accordance with 566 of the Act.

The criteria to be used to determine eligibility is as follows:

- the aged pensioner or self-funded retiree would suffer substantial financial hardship if required to pay rates when they fall due;
- the property must be categorised residential for rating purposes;
- the applicant must have owned the property for at least five years;
- · the applicant must occupy the property as their principal place of residency;
- the applicant must apply annually and their circumstances must remain unchanged from the previous year; and
- if circumstances change and the applicant no longer qualifies, Council will negotiate a repayment plan for accrued arrears.

# Writing off accrued interest and costs - Section 567

Accrued interest on rates or charges payable by a person may be written off under Section 567 of the Act 1993. if:

- The person was unable to pay the rates or charges when they became due for reasons beyond the person's control, or
- The person is unable to pay accrued interest for reasons beyond the person's control,
- Payment of the accrued interest would cause the person hardship.

Each individual case will be considered by Council and decided on its particular merits against the criteria of section 567. A Hardship Application Form Attachment A is required to be completed to assist in determination of financial hardship.

#### Pensioner Concession - Section 575

This requires the Council to provide specified reductions for eligible pensioners. Further, should an eligible pensioner fail to apply/be confirmed by DSS/DVA in any year, Council, upon application, will grant rebates pertaining to the current and previous year only.

Council may waive all interest charges for eligible pensioners that pay their rates by the 30th June each year. Subject to appropriate arrangements as to repayment of rates the Council will consider applications for a reduction of interest charges based on financial hardship. A Hardship Application Form Attachment A is required to be completed to assist in determination of financial hardship.

#### Extend pensioner concession to avoid hardship - Section 577

Section 577 of the Act, enables Council to make an order deeming certain persons who are jointly liable with an eligible pensioner(s) or solely liable, but who are not themselves eligible, to be eligible pensioners for the purpose of a mandatory reduction in rates and charges to avoid hardship.

# Hardship resulting from certain valuation changes - Section 601

Section 601 of the Act, provides that where any ratepayer who suffers substantial hardship as the consequence of the making and levying of a rate following a new valuation, may apply to Council for rate relief.

Application for hardship under Section 601 must be submitted within 6 months of the posting date of the rates notice in the first year of the General Revaluation for rating purposes.

Rate relief given under Section 601 will only be considered if the rates payable exceed 5% of the gross household income which may be determined by but is not limited to pensions/salaries; investment income; deemed income from assets; deemed rental from non-owner residents.

The amount of the relief under Section 601 will be the difference between the Ordinary Residential Rate payable on the property for the previous year with the allowable rate percentage increase applied for the current year (ie the rate pegging increase allowable under section 506 of the Act) and the Ordinary Residential Rates payable on the property in the rating year that General Revaluations are being used for the first time.

If the ratepayer is eligible, Council will defer payment on the amount of the relief to the following year. This is subject to one quarter of the deferred amount being added to each instalment due in the following rating year. Interest will not be charged on the deferred amount, unless it remains unpaid when the following rate instalment it was added to, becomes overdue.

#### Assessment Process

In cases of genuine hardship each case is to be referred to Council for consideration in accordance with Councils adopted policy.

Application for Hardship must be received in writing on the appropriate form as attached to this policy or available on Council's website (<a href="https://www.tamworth.nsw.gov.au">www.tamworth.nsw.gov.au</a>). Council may also request the ratepayer attend an interview to assist Council in the understanding of the issues causing hardship.

In determining eligibility Council will use the criteria used by Centrelink for granting of a pensioner concession, including the assets and income test. The following must apply for a person being considered for such relief:

- the applicant must be the owner/spouse or part owner of the property and be liable for the payment of rates on the property.
- the property for which the hardship application applies must be the principal place of residency of the applicant(s).
- c) the property for which the hardship application applies must be categorised as "Residential" or "Farmland" for rating purposes, provided that the property is used for residential purposes only and that the property has no more than a single dwelling house or residential unit erected upon it.
- the application for hardship must be accompanied with supporting documentation which may include but is not limited to:

- reasons why the person was unable to pay the rates and charges when they became due and payable;
- copy of recent bank statements for all accounts;
- details of income and expenditure;
- details of assets and investments;
- letter from a recognised financial counsellor, financial planner or community funded counselling/support service provider. The aim being to ensure appropriate financial support is available to all applicants suffering financial hardship.

#### Determination of Applications

Applications for rate relief under this policy, where the determination relates solely to an extension of time to pay or time payment options (including the waiver of interest charges where time payment schedules are adhered to) will be assessed on its merits and determined against:

- a) whether hardship exists, and if so;
- b) the scope of the rate relief to be given; and
- whether interest is to be written off.

This application will be assessed by the Financial Services Division and endorsed by the Revenue Accountant. Any ratepayer, who is dissatisfied with a determination by the Finance Department under this policy, may request that the Rates Relief Review Panel review the decision

The Rates Relief Review Panel includes the following Council Officers: General Manager, Director of Corporate and Governance Services and Financial Services Manager. If a request is made for the review of a decision by the Financial Services Division, an appropriate Financial Services staff member will convene a meeting of the panel. At that meeting, the panel will review the information presented to Council by the ratepayer, give consideration to the reasons why the Financial Services Division made the original determination and come to a majority decision on whether to grant rate relief or not. Once a decision is made by the Rates Relief Review Panel, a Financial Services staff member will formally notify the ratepayer of the outcome.

It should be noted that a confidential report outlining applications made for hardship and the result of the determination of those applications will be tabled quarterly at a Council meeting. If there are no hardship applications in any given quarter, then no report will be required to Council.

# Privacy and Confidentiality

Council Officers will conduct themselves with courtesy and respect when dealing with ratepayers and shall maintain the privacy and confidentiality of all ratepayers' personal circumstances. Personal information collected as a result of this policy will only be used for the purpose of assessing eligibility under the policy and will not be used for any other purpose, or disclosed to any other person, unless required by law to do so, or authorised to do so be the person to whom that personal information relates

# Roles and Responsibilities

The Revenue Accountant is responsible for the implementation of this policy

#### Communication

The policy will be posted on Council's web site for public access.

# Policy Review

This policy may be amended or revoked at any time and must be review on an annual basis to ensure continuing compliance with all relevant legislation and related regulations.

#### Definitions and Abbreviations

Act	Local Government Act 1993 (NSW)			
Regulations	Local Government (General) Regulations 2005 (NSW)			
Rate / Rates	Ordinary Rates and Annual Charges (excluding Stormwater Management Charge)			
Pensioner	An eligible pensioner as defined in clause 13 of the Local Government (General) Regulations 2005 (NSW)			
Rateable Person / Ratepayers	Includes the Crown in respect of rateable land owned by the Crown and			
	<ul> <li>a) an owner in case where the Act, provides that a rate is be pa to the council by the owner, and</li> </ul>			
	<ul> <li>a holder of a lease in any case where the Act, provides that a rate is to be paid to the council by the holder of the lease.</li> </ul>			
DSS	Department of Social Security/Centrelink			
DVA	Department of Veterans Affairs			
VG	Valuer General			

# Background/Legislative Requirements

Local Government Act 1993.

Local Government (General) Regulation 2005 (NSW).

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MISTORY — Adopted Ordinary Council 27 September 2016 Min No: 272/16
 Reviewed by DC&G October 2012 — Updated — Ordinary Council Meeting 15/01/2013 — Min No: 9/13
 Adopted as TRC Policy at Ordinary Meeting 14 February 2012 Min No 20/12

# 11 GOVERNANCE

# 11.1. Access to Information HHELD BY COUNCIL

OBJECTIVE: The objective of this policy is to describe principles regarding public access to information and to facilitate the processing of requests for such access.

# POLICY:

#### **PRINCIPLES**

Tamworth Regional Council is committed to the following principles regarding public access to documents and information:

- open and transparent government;
- consideration of the public interest in relation to access requests; and
- respect for the privacy of individuals.

#### ACCESS TO INFORMATION:

From 01/07/2010, the newCouncil will comply with the Government Information (Public Access) Act 2009 that will-replaced the Freedom of Information Act 1989 (NSW) and Chapter 4, Part 2 (Sections 12, 12A, 12B and 13) of the Local Government Act 1993 on 1 July 2010.

All information in relation to access to Council information under the Government Information (Public Access) Act 2009 can be found at:

https://www.tamworth.nsw.gov.au/about/get-in-touch/access-toinformation.http://www.tamworth.nsw.gov.au/Councit/Public-Access-to-Information/default.aspx

\* HISTORY --

Reviewed July 2020 - Updated - Ordinary Council Meeting - Min No

Adopted Ordinary Council 27 September 2016 Min No: 272/16,

#### 11.2. APOLOGIES - BY COUNCIL

#### OBJECTIVE:

To provide for circumstances where it would be appropriate for Council or an appropriate member of staff to give a prompt and genuine apology where a member of the public has been given wrong information, or provided with poor service or where the conduct of the Council or its staff falls within the domain of maladministration.

#### POLICY:

#### WHY APOLOGISE?

When things go wrong, many complainants demand no more than to be listened to, understood, respected and, where appropriate, provided with an explanation and apology. Where an apology is warranted it can have great impact if given immediately and in a sincere manner. Even in unclear situations, the act of apologising can be a potent way to appease an aggrieved person. Regardless of who is in the wrong, a prompt and sincere apology for any misunderstanding is likely to work wonders. It often will avoid the escalation of a dispute and the significant cost in time and resources that can be involved.

In the Second Reading speech to amendments to the Civil Liability Act 2002 (the Act) the Premier explained the benefits of an apology:

'Injured people often simply want an explanation and an apology for what happened to them. If these are not available, a conflict can ensue. This is, therefore, an important change that is likely to see far fewer cases ending up in court.'

(Hansard, Legislative Assembly 23/10/02)

#### ARE APOLOGIES AN ADMISSION OF LIABILITY?

In the past councils and their staff were often reluctant to give apologies as this could be taken as an admission of liability leaving them open to action through the courts from a person seeking compensation. However, amendments to the Civil Liability Act 2002, which came into force on 6 December 2002, mean that an apology does not constitute an admission of liability, and will not be relevant to the determination of fault or liability, in connection with civil liability of any kind. Furthermore, evidence of an apology is not admissible in a court hearing as evidence of fault or liability (other than the categories of civil liability excluded by s.3B of the Act).

The general effect of an apology on liability is set out in the Act in the following terms:

- (1) An apology made by or on behalf of a person in connection with any matter alleged to have been caused by the person:
  - does not constitute an express or implied admission of fault or liability by the person in connection with that matter, and
  - (b) is not relevant to the determination of fault or liability in connection with that matter
- (2) Evidence of an apology made by or on behalf of a person in connection with any matter alleged to have been caused by the person is not admissible in any civil proceedings as evidence of the fault or liability of the person in connection with that matter."

#### HOW SHOULD AN APOLOGY BE WORDED?

An apology is defined in the Act as 'an expression of sympathy or regret, or of a general sense of benevolence or compassion, in connection with any matter whether or not the apology admits or implies an admission of fault in connection with the matter'.

There are many different ways to make an apology. The most appropriate form and method of communication of an apology will depend on the circumstances of the particular case, the detriment suffered, and what is hoped to be achieved by giving the apology (for example restoration of reputation, acknowledgement of the wrong done, reconciliation, assurance that a problem has been addressed or will not recur).

In principle, the most effective apologies are given promptly and sincerely and incorporate the following elements:

- Scope a description of the relevant act or omission to which the apology applies;
- Detriment recognition that the affected person has suffered some detriment (which
  could include embarrassment, damage or loss) and acknowledgement of the types of
  detriment suffered (including both detriment immediately caused by the act or omission
  and any consequential detriments);
- Cause an explanation as to how the act or omission came about, see note 1;
- Responsibility an acceptance of fault, responsibility or accountability (which could include a statement as to whether the act or omission was discretionary or unintentional);
- Apology an expression of sorrow, sympathy or regret or of a general sense of benevolence or compassion; and
- Action taken or proposed the statement of the action taken or specific steps proposed to address the grievance or problem and to ensure it will not recur, see note 2.

#### Notes

- 1 Care should be exercised in relation to any statements as to how an act or omission occurred because, although the protection extends to the apology and information conveyed in the apology would not therefore be admissible, the apology may convey information that can be used to obtain information in an admissible form in other ways for use in court proceedings.
- In proceedings relating to liability for negligence, the subsequent taking of action that would (if taken earlier) have avoided a risk of harm does not of itself give rise to or affect liability in respect of the risk or constitute an admission of liability in connection with the risk.

In the limited circumstances (discussed overleaf) where the protections of the Act do not apply to an apology, it may still be appropriate to offer an expression of sympathy or regret.

### WHAT APOLOGIES ARE NOT PROTECTED BY THE ACT?

The protections under the Act do not apply to all civil proceedings. The types of civil liability that are not covered by the protection for apologies can be briefly summarised as liabilities for:

- an intentional violent act done with intent to cause injury or death (including sexual assault or misconduct);
- the contraction of a dust disease;
- c) personal injury allegedly caused by smoking or the use of tobacco products;
- d) economic loss, non-economic loss or psychological/psychiatric injury to an injured person and liability for the compensation of relatives of a deceased person that arises:
  - from a motor accident (or transport accident as defined in the Transport Administration Act 1988) to which the Motor Accidents Act 1988 applies; or
  - from a motor accident or public transport accident to which the Motor Accidents Compensation Act 1999 applies.

- damages payable by an employer for the injury of a worker or the death of a worker e) resulting from or caused by an injury; and
- compensation under the Workers Compensation Act 1987, the Workers Compensation f) (Bush Fire, Emergency and Rescue Services) Act 1987, the Workers' Compensation (Dust Diseases) Act 1942, the Victims Support and Rehabilitation Act 1996 or the Anti-Discrimination Act 1977 or for a benefit payable under the Sporting Injuries Insurance

An apology should not be made in any matter that falls (or is thought to fall) into any of the categories listed in s.3B until legal advice has been obtained. This approach is recommended because an apology provided in such a matter may act as an admission of liability and may therefore breach a contract of insurance held by the council. When legal advice is sought by a council in such circumstances, the council should clearly ask its legal adviser to consider whether a 'without prejudice' offer of an apology could still be made, as it may facilitate an agreement between the parties that settles the matter.

Where even an expression of sympathy or regret is considered too sensitive to issue, subject to legal advice, a statement could still be offered that:

- describes or explicitly acknowledges the grievance or alleged problem (but only in general terms without referring to causation or acknowledging liability); and
- states the action taken or the specific steps that are proposed to help address the grievance or alleged problem.

It should also be recognised that where an apology cannot be used in court to prove fault or liability on the part of the person or body who made the apology, on the other hand the giving of the apology does not absolve the person or body from any potential liability.

#### WHAT DOES THIS MEAN FOR COUNCILS?

The most common instances where it would be appropriate for Council or an appropriate member of staff to give a prompt and genuine apology will be where a member of the public has been given wrong information, or provided with poor service or where the conduct of Council or its staff falls within the domain of maladministration.

An apology may also be made in circumstances where a member of the public alleges that they were defamed. In such cases, however, an apology should not be made until legal advice has been obtained and considered as there are many technical issues that apply and the manner and expression of the apology can affect any potential future proceedings.

Although the range of exclusions from the operation of the apologies provisions of the Act appears at first glance to be extensive, in practice the exclusions have little relevance to the vast majority of the day-to-day interactions between councils or their staff and members of the public.

(Acknowledgement Information in Part 14 provided by NSW Ombudsman Council Fact Sheet No 5.)

\* HISTORY -

Adopted Ordinary Council 27 September 2016 Min No: 272/16

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Extracted from the Tarnworth City Council's Code of Conduct when the Tarnworth Regional Council's Code of Conduct was rewritten and adopted January 2005 based on the Model Code of Conduct.

#### 11.3. COMPETITIVE NEUTRALITY - COMPLAINTS MANAGEMENT POLICY

#### OBJECTIVE:

#### POLICY:

#### 1. Introduction

In April 1995, the Council of Australian Governments (COAG) ratified the National Competition Policy. The Policy is aimed at increasing consumer and business choice, reducing production and transportation costs in an effort to lowers prices for goods and services, and creating an overall business environment in which to improve Australia's international competitiveness.

One of the major components of the National Competition Policy are the principles contained in the Competition Principles Agreement. The Agreement is aimed at encouraging, efficient public sector (government) service provision by exposing public (government) business functions to competition, where appropriate. The Agreement provides a policy framework that facilitates the creation of competitive markets for public sector goods and services, where appropriate.

The Competition Principles Agreement requires the creation of an effective regime to deal with complaints that Council business activities are not competing in the market against private businesses on a "level playing field" and are operating with competitive advantage.

This document constitutes a formal mechanism established by Tamworth Regional Council for the handling and management of competitive neutrality complaints. By establishing clear guidelines and procedures for the handling and management of competitive neutrality complaints, the Council will be in stronger position to ensure:

- non regulatory service functions operate under similar competitive pressures to those experienced by the private sector; and
- services provided are relevant, cost effective and operationally efficient.

This document has a threefold purpose.

Firstly, it may be used by members of the public and the owners of businesses competing in the same market as Tamworth Regional Council to submit complaints to the Council alleging that the Council is operating with net competitive advantages as a result of the Council's ownership of a business activity or service.

Secondly, it will provide a formal mechanism for the investigation, determination and advice of the outcome of a complainant alleging that non regulatory service functions discharged or business activities operated by the Council are operating with competitive advantage over other private businesses.

Thirdly, it will serve to ensure that Council staff continuously monitor non regulatory services provided by the Council operate under the principles of Competitive Neutrality.

# 2. The Competitive Neutrality Principle

Competitive neutrality is one of the principles of National Competition Policy which is applied throughout Australia at all levels of Government, including Local Government. Competitive neutrality is based on the concept of a "level playing field" for competitors in a market, be they public or private sector competitors. Government business organisations, whether they be Commonwealth, State or Local Government, should operate without net competitive advantages over businesses as a result of their public ownership.

Where Tamworth Regional Council competes in the market place with other private businesses, the Council will do so on the basis that it does not utilise its public position to gain an unfair advantage over private businesses who may be in competition with the Council.

# 3. What is a Competitive Neutrality Complaint?

A complaint regarding competitive neutrality IS

- a complaint that Tamworth Regional Council has not met its requirements under the National Competition Policy Statement of Pricing and Costing for Council Businesses - a Guide to Competitive Neutrality and includes concern that the Council has not established an effective Competitive Neutrality Complaints Management System; and
- a complaint that Tamworth Regional Council has not abided by the spirit of competitive neutrality in the conduct of Council business activities.

A competitive neutrality complaint is NOT:

- a complaint regarding the level of service provided by a business activity such as water quality inadequate, a mobile garbage bin not collected or the condition of a road or footpath;
- a complaint regarding the cost of the service, unless it is that Tamworth Regional Council has not costed the service the service to take competitive neutrality into
- a complaint regarding the trade practices laws and their application to the Tamworth Regional Council.

#### 4. Council Business Activities Subject to Competitive Neutrality

Category 1 Business Activities

The following Tamworth Regional Council owned and operated activities have been categorised as Category 1 Businesses and are subject to competitive neutrality. Each business activity has an annual gross operating income over \$2M per year.

Tamworth Regional Airport

Tamworth Regional Council Water Supply

Tamworth Regional Council Wastewater Services

Tamworth Regional Council Waste Management Services

Council has adopted the following attributes in respect of Category 1 Business Activities:

- a Corporatisation Model;
- full cost attribution including:
  - tax equivalent regime payments;
  - debt guarantee fees, where the business benefits from Council's borrowing position by comparison with commercial rates; and
  - return on capital invested.
- · identified any subsidies paid to the business; and
- operate within the same regulatory framework as private businesses.

# 5. How to Lodge a Competitive Neutrality Complaint

A competitive neutrality complaint should be made in writing using a standard form available for that specific purpose from the Customer Service Centre at the Tamworth Regional Council Administrative Headquarters, Ray Walsh House, Peel Street, Tamworth

Complaints may also be made over the counter and by telephone. Council's Public Officer will provide advice and assistance with the preparation and submission of competitive neutrality complaints.

#### 5.1 Time Limite

Competitive neutrality complaints will be acknowledged within 7 days and responded to by Tamworth Regional Council within 30 days of the date of submission of the complaint.

If the competitive neutrality complaints requires detailed investigation, the complainant will be informed of progress at regular intervals.

#### 5.2. Remedies

Competitive neutrality complaints which establish that Tamworth Regional Council:

 has not met its requirements under the National Competition Policy Statement or Pricing and Costing for Council Businesses - a Guide to Competitive Neutrality:

#### OR

 has not abided by the spirit of competitive neutrality in the conduct of Council business activities.

will result in changes to the Council's business practice to ensure future and continued compliance with the principle of competitive neutrality.

#### 5.3. Alternatives

Any complainant dissatisfied with Tamworth Regional Council's determination of a competitive neutrality complaint may refer the complaint to either the:

- NSW Department of Local Government; or
- NSW Ombudsman; or
- NSW Independent Commission Against Corruption (ICAC); or
- Australian Competition and Consumer Commission (ACCC).

Alternatively, the competitive neutrality complaint may be referred direct to one of these agencies and Tamworth Regional Council bypassed.

## 6. Who will be dealing with the Competitive Neutrality Complaint

The Tamworth Regional Council Public Officer will diligently, fairly and honestly investigate all competitive neutrality complaints. The Public Officer will submit an investigation report to the Council's General Manager within 21 days of the competitive neutrality complaint being received. Where the complaint is justified, such report will contain recommendations for changes to the Council's business activities practice to ensure future and continued compliance with the principle of competitive neutrality.

A response to the competitive neutrality complaint will be provided by the General Manager within 30 days of the date of submission of the complaint.

The Public Officer performs a role which is independent and separated from the management and control of Council business activities.

#### Confidentiality

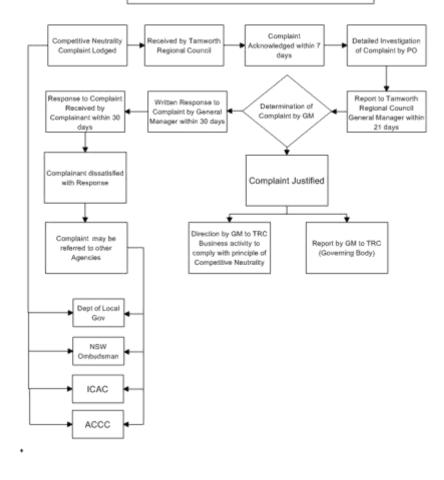
All competitive neutrality complaints received will be determined by the Council in the strictest confidence.

#### 8. Further Information

Further information or advice may be obtained by contacting the Tamworth Regional Council Public Officer between 8:00 am and 5:00 pm on telephone (02) 6767 5435. All enquiries or requests for further information will be maintained in the strictest confidence.

	ADDRESS:
	DATE:
The General Manager TAMWORTH REGIONAL COUNCIL PO Box 555 TAMWORTH NSW 2340	
Dear Sir	
I hereby submit a complaint that Tamworth Regional Cou and not observing the principle of competitive neutrality of Policy Principles Agreement.	
Council Business Activity:	
	(Identify Business Activity)
Nature of Competitive Neutrality Non Compliance:	(Identify Business Activity)
	Nature of Complaint) f what action Council will take to
Nature of Competitive Neutrality Non Compliance:  (State Would you investigate my complaint and advise me of implement the principle of competitive neutrality in the	Nature of Complaint) f what action Council will take to

# Tamworth Regional Council Complaints Management Policy Flow Chart



HISTORY - Adopted Ordinary Council 27 September 2016 Min No: 272/16
 Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13
 Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

## 11.4. FRAUD AND CORRUPTION PREVENTION POLICY

**OBJECTIVE**: The purpose of this policy is to outline the responsibilities of staff and the standard of ethical behaviour in regard to the prevention, detecting and investigation of fraud and corruption in Tamworth Regional Council.

**POLICY:** Fraud and Corruption has the potential to significantly impact Tamworth Regional Council's activities. This policy will assist in building a corruption resistance culture at Tamworth Regional Council by promoting ethical behaviour and encouraging accountability and transparency in Council processes and dealings with external parties.

This policy applies to all Tamworth Regional Council employees, Councillors and external parties including contractors, community representatives, volunteers and consultants. It is the aim of this policy to protect the physical assets, funds and resources of Tamworth Regional Council from providing personal benefit to employees, contractors, volunteers and third parties whilst creating an environment of public trust and security.

Tamworth Regional Council will not tolerate corrupt conduct by employees, Councillors, contractors, volunteers or external parties. Tamworth Regional Council through the Executive Management Team and Audit and Risk Committee will create a culture that is committed to:

- minimising the opportunities for corrupt conduct by employees, members of the public, Councillors, contractors and customers;
- creating awareness of this policy and encourage the reporting of possible risks;
- detecting, investigating and disciplining/prosecuting fraud and corruption;
- reporting corrupt conduct to appropriate authorities;
- developing and implementing a fraud and corruption risk assessment strategy to assist in the identification and management of corruption risks across Council;
- strengthening systems where fraud is detected, and implementing controls to mitigate the chance of repetition or further fraudulent activity; and
- encouraging confidence in Council's ability to manage fraudulent and corrupt behaviour.

The definition of Fraud by the NSW Audit Office is:

"a deliberate and premeditated turn of events which involves the use of deception to gain advantage from a position of trust and authority. The type of events include: acts of omission, theft, the making of false statements, evasion, manipulation of information and numerous other acts of deception".

Fraud and corruption can be committed by one person or in collusion with others. Such persons may be employees of Council, Councillors, volunteers, external companies, external individuals, contractors or consultants.

The Independent Commission Against Corruption Act 1988 (NSW) provides a definition of corruption which includes but is not limited to:

- any conduct of any person (whether or not a public official) that adversely affects, or 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;
- any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions;

- any conduct of a public official or former public official that constitutes or involves a breach of public trust; or
- 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.

#### Corrupt conduct examples include:

- misappropriation of Council funds;
- exerting influence in order to receive a benefit for oneself or others;
- using Council information to bribe or threaten individuals or businesses;
- taking of equipment or supplies (including stationery or portable electrical equipment) from Council:
- conspiring unfairly with others to determine a tender or development application;
- receiving benefits to process development applications that do not meet statutory, regulatory or Council requirements;
- enhancing ones financial position through the use of Council information;
- unauthorised private use of a Council motor vehicle or other assets of Council;
- using Council money for a private benefit;
- accepting gifts that contravene the Code of Conduct (with failure to disclose the gift);
- falsifving timesheets:
- running a private business during working hours or with Council resource;
- falsifying travel claims and/or reimbursements;
- · falsifying documents to obtain benefits that would otherwise not be provided; or
- election bribery, election funding offences and election fraud.

## Fraud and Corruption Prevention Responsibilities

## All Employees

Council employees are reminded of their obligation to comply with the Tamworth Regional Council Code of Conduct and conduct themselves in an ethical manner, especially concerning the use of Council assets and resources. Fraud and Corruption is most commonly detected by observation, investigation and reporting by fellow workers and therefore every employee should be aware of the risk and report suspicious activity. All Council Employees are responsible for promoting fraud prevention in areas of their control.

Council employees must not participate in wrongdoing including fraudulent and corrupt activities and are required to report any activity which may comprise fraudulent and/or corrupt conduct in accordance with the Council's Public Interest Disclosures Policy.

## Councillors

Councillors are elected representatives and comprise the governing body of Council. As Councillors are members of the Council's governing body, they are required to perform civic duties and fulfil a leadership role for the Community.

Councillors are required to report possible fraud and corruption related activities to the General Manager, Mayor, Disclosures Officer or relevant external agencies, promote Council's commitment to the prevention of fraud and corruption throughout the Community

and among Council employees, and to comply with the Tamworth Regional Council Code of Conduct by acting in an ethical manner.

#### General Manager

The General Manager is responsible for the efficient and effective operation of Council as an organisation, including fraud control. The General Manager is to play a prominent role in taking a proactive stance on preventing fraud and corruption within Council through the promotion of high standards of ethical behaviour which is expected across Council. In this way, as part of this leadership role, the General Manager is responsible for ensuring that Council's Code of Conduct and associated policies are extended to all Council employees and Councillors and promoting Tamworth Regional Council's commitment to preventing fraud and corruption to the local Community.

The General Manager has the responsibility to fully investigate allegations of wrongdoing and report to relevant external agencies any allegations of fraudulent or corrupt conduct that have been identified at Council. The General Manager also has a duty under s11 on the ICAC Act 1998 to report to ICAC any matter that is suspected to concern or may concern corrupt conduct and report criminal offences to the NSW Police.

#### Directors and Managers

Directors and Managers are to actively promote Council's Fraud and Corruption Prevention Policy and lead by example through demonstrating ethical decision making and by acting with honesty and integrity in dealing with others. It is the responsibility of all employees in supervisory and management positions to ensure that the decision making process is open and accountable. Directors and Managers have an integral role in the identification of fraud risks and the implementation of this Policy by providing input into fraud and corruption risk assessments. Fraudulent and corrupt behaviour develops in an environment where systems, standards and procedures are not clearly defined, supported or communicated. Directors and Managers are to promptly report instances of suspected or actual fraud.

Directors and Managers are to play a supervisory role in the implementation of the Fraud and Corruption Prevention Policy. This includes ensuring that employees within their area of responsibility receive fraud and corruption awareness training, regularly endorse Council's position of zero-tolerance of corrupt behaviour and reinforce the expectations of the Tamworth Regional Council Code of Conduct and Public Interest Disclosures Policy.

## Supervisors and Team Leaders

Supervisors and Team Leaders are responsible for the proactive promotion and dissemination of this policy and to demonstrate and teach the standards of ethical behaviour expected of employees as outlined in the Tamworth Regional Council Code of Conduct to employees in their area. Similarly, supervisors and team leaders are to regularly reinforce to employees their role in preventing and detecting fraud and corruption within the organisation and promote an environment of compliance with this policy and other Council policies. Supervisors and team leaders also have an important role in ensuring that the policy is operating effective and contributing to fraud and corruption risk assessments. Supervisors and Team Leaders are to promptly report instances of suspected or actual fraud.

## Audit and Risk Committee

Council's Audit and Risk Committee plays a pivotal role in the governance framework. It provides Council with independent oversight in the areas of risk, control, compliance and financial reporting. The Audit and Risk Committee consists of two Councillors and three independent members of the public and Council staff who have observer status.

Rights of the Employee

Council recognises that where an allegation of fraud may also involve criminal conduct, then, by law, the employee's right to silence shall be recognised. Council will also recognise the employee's right to due process, independent Union representative and legal advice.

Council will take seriously all reports of suspected fraud and conduct appropriate investigations. Council reserves the right to determine who will be informed of the allegations and when, subject to any legal obligations. Council may investigate an allegation without informing the individual(s) to whom the allegation relates and may also keep allegations confidential while other agencies are reviewing or investigating the matter. Where disciplinary action is being considered, the suspected officer will be given an opportunity to explain the events at an appropriate time.

## Fraud Prevention

In implementing this policy, Council has identified the fraud and corruption risks across the organisation. The identified areas of high risk of fraud and corruption within Council will assist in the development of management strategies in response to such risks.

Identified Fraud and Corruption Risks for Tamworth Regional Council include (but are not limited to):

- · Conflicts of Interest;
- bribes, including Gifts and Benefits;
- recruitment and selection;
- purchasing and tendering;
- Development Applications;
- cash handling;
- delegations;
- time recording;
- use of Council resources;
- stock control;
- obtaining personal benefit by provision of additional service; and
- information technology.

Actions that can be taken to minimise the risk of fraud can include:

- Governance a strong governance framework will ensure appropriate policies exist and knowledge of correct procedures in circumstances of conflicts of interest, gifts and benefits and delegations;
- Leadership the behaviour of leaders is seen as important in creating an ethical workplace;
- Risk Management identifying where the risks exist and to minimise them;
- Conduct Guidance by providing an effective guide to proper behaviour through the Code of Conduct;
- Staff Culture an effective internal reporting system is a valuable mechanism for detecting fraud and identifying suspicious behaviour;
- Segregation of Duties ensuring that multiple officers are involved in processing transactions to reduce the opportunity for fraud as well as error;
- Peer Review and selective checking by Management a review of work leads to the sharing of knowledge and discourages fraud;
- Computerised Reporting and Data Analysis by identifying high volume low amount transactions or unusual items can deter staff from fraudulent practices;

- Physical Access security needs to reflect the risk of theft such as cash, cheques and other high risk items; and
- Information Security information is also susceptible to fraud and needs to be secured.

## Procedures for reporting fraud and corruption

## Internal Reporting of fraud and corruption

Council will provide support to persons who report instances of fraud, corruption and wrongdoing in accordance with the Tamworth Regional Council Public Interest Disclosures Policy. A separate Council policy details the provisions and procedures covered by the Public Interest Disclosures Act 1994.

The Code of Conduct also establishes responsibility for staff to report breaches.

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\* HISTORY - Adopted Ordinary Council 27 September 2016 Min No: 272/16

Adopted as Tamworth Regional Council Policy at Ordinary Council Meeting Min No 349/13

# 11.5. GATHERING INFORMATION POLICY

OBJECTIVE: To document the required standard of Council's generated information and data needed to assist in defending a public liability or professional indemnity claim and ensure that it constitutes admissible evidence.

#### POLICY:

The policy titled 'Gathering Information Policy' has been prepared to ensure that Tarmworth Regional Council has systems in place to record its activities and additional systems to readily recover data when needed. Such systems would provide clear audit traits for the reconstruction of Council's response to a particular event or incident. Nowhere is the need for the collection and retrieval of accurate information more critical than in the defence of public liability and professional indemnity claims. In the event of cases being litigated, Council's objective is to substantiate that it acted in a manner which was not in breach of its duty of care. Therefore, Tarmworth Regional Council has prepared a set of procedures based on current best practice to assist with this. Council staff will to the best of their ability implement and adhere to these procedures.

HISTORY — Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 16/01/2013 – Min No: 9/13
 Adopted as TRC Policy at Ordinary Meeting Strategy and Finance Committee 10 July 2007 Min No SF137/07

## 41.6.11.5. GIFTS AND BENEFITS - COUNCILLORS AND STAFF

## OBJECTIVE:

To ensure the reputation for integrity and professionalism of Council officials (Councillors and Council Staff) is achieved and maintained through community confidence that Council officials are not influenced by gifts, benefits or bribes.

#### POLICY:

#### The Obligation

Council officials and staff should not accept or seek any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence the Council official:

- (a) to act in a particular way (including making a particular decision);
- (b) to fail to act in a particular circumstance; or
- (c) to otherwise deviate from the proper exercise of their Council official duties.

## Gifts and Benefits

Gifts or benefits include, but are not limited to, free (or less than market value) accommodation, entertainment (e.g., tickets to major sporting events, concerts, etc), hospitality (e.g., meals, alcohol, invitations to use a corporate box at a major event or travel).

#### Gifts and Benefits Register

Council officials are required to record gifts and benefits received where it cannot reasonably be refused or returned, including token gifts or benefits, as follows:

- in annual disclosure of interest written returns within three months after 30 June in any year pursuant to Section 449(3) of the Local Government Act 1993; and/or
- (ii) the Gifts and Benefits Register established for the purpose.

## Gifts or Benefits Guidelines

## Gifts or benefits

You must not:

- seek or accept a bribe or other improper inducement; or
- by virtue of your position acquire a personal profit or advantage which has a monetary value, other than one of a token value.

You must not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence you to:

- · act in a particular way (including making a particular decision);
- · fail to act in a particular circumstance; or
- otherwise deviate from the proper exercise of your official duties.

You may accept gifts or benefits of a nominal or token value that do not create a sense of obligation on your part.

#### Token gifts and benefits

Generally speaking, token gifts and benefits are of a value of less than \$50 and may include:

- 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);
- 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:
- free meals, of a modest nature, and/or beverages provided to Council officials who formally represent their Council at work related events such as training, education sessions, workshops;
- refreshments, of a modest nature, provided at conferences where you are a speaker;
- ties, scarves, coasters, tie pins, diaries, chocolates, flowers and small amounts of beverages; and
- invitations to appropriate out of hours "cocktail parties" or social functions organised by groups, such as, Council committees and community organisations.

#### Gifts of value

You must never accept an offer of money, regardless of the amount.

In general, you must not accept gifts and benefits that have more than a nominal or token value. These include tickets to major sporting events, corporate hospitality at a corporate facility at a sporting venue, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel and free training excursions.

If you receive a gift of more than token value in circumstances where it cannot reasonably be refused or returned, you should accept the gift and disclose this promptly to your supervisor, the Mayor or the General Manager. The supervisor, Mayor or General Manager will ensure that any gifts received are recorded in the Tamworth Regional Council Gifts and Benefits Register.

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.

You must also 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.

Councillors and designated persons must by law disclose a description of any gift or gifts totalling a value exceeding \$500 made by the same person during a period of 12 months or less. (Required to be included in the disclosure of interests' returns – section 449)

## Improper and undue influence

You must not take advantage of your position to improperly influence other Council officials in the performance of their public or professional duties to secure a private benefit for yourself or for somebody else.

You must not take advantage (or seek to take advantage) of your status or position with, or functions performed for, Council in order to obtain unauthorised or unfair benefit for yourself or for any other person or body.

Note: The Gifts and Benefits Register is maintained by the Governance Division

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HISTORY – Updated at Ordinary Meesing 28 May 2019 – Min No: 170/19
 Adopted Ordinary Council 27 September 2016 Min No: 272/16

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 8/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Draft to EMT 14 March 2005

# 11.7.11.6. PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO

OBJECTIVE: The objectives of this Policy are to; ensure compliance with the provisions of Section 252 of the Local Government Act 1993, by adopting a Policy concerning the payment of expenses incurred, or to be incurred by, and the provision of facilities to the Mayor, the Deputy Mayor and Councillors in relation to the performance of the functions of chief of the councillors.

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 Councillors. The Policy also ensures that the expenses allowed and the facilities provided to assist Councillors carry out their civic duties, are fair and reasonable.

- enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties;
- enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties;
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors;
- ensure facilities and expenses provided to Councillors meet community expectations;
- support a diversity of representation;
- fulfil Council's statutory responsibilities.

#### POLICY:

## Policy Summary Making and Adoption of Policy:

In accordance with Section 252 of the Act, Tamworth Regional Council must, within five months after the end of each year, adopt a Policy for the Payment of Expenses and Provision of Facilities to Councillors.

Council will not pay any expenses incurred or to be incurred by, or provide any facilities to the Mayor, the Deputy Mayor or a Councillor other than in accordance with this Policy.

In accordance with Section 253 of the Act, Council must give public notice of its intention to adopt or amend a Policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.

Before adopting or amending the Policy, Council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft Policy or amendment. Council will not give public notice of a proposed amendment to its Policy for the Payment of Expenses or Provision of Facilities if Council is of the opinion that the proposed amendment is not substantial.

This Policy may only be adopted or amended in a Council Meeting which is not closed to the public.

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.

It ensures accountability and transparency, and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the Local Government Act 1993 (the Act) and Local Government (General) Regulation 2005 (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

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The Policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Erequency
General travel expenses	\$4,000 per Councillor	Per year
Interstate, overseas and long distance intrastate travel expenses	Included in the Conferences and Seminars amount and	Per year
Accommodation and meals	As per the Accommodation and Meals Staff Policy.	Per meal/night
Professional development	\$3,000 per Councillor	Per year
Conferences and seminars	\$63,500 total for all Councillors	Per year
ICT expenses	\$1,440 per Councillor	Per year
Carer expenses	\$3,000 per Councillor	Per year
Access to facilities in a Councillor common room	Provided to all councillors	Not relevant
Council vehicle and fuel card	Provided to the Mayor	Not relevant
Reserved parking space at Council offices	Provided to the Mayor	Not relevant
Furnished office	Provided to the Mayor	Not relevant
Number of exclusive staff supporting Mayor and Councillors	Provided to the Mayor and Councillors	Not relevant

Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this Policy.

Expenses and facilities provided by this Policy are in addition to fees paid to Councillors. The minimum and maximum fees a Council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

## Principles:

Council commits to the following principles:

- Proper conduct: councillors and staff acting lawfully and honestly, exercising careand diligence in carrying out their functions
- Reasonable expenses: providing for councillors to be reimbursed for expenses reasonably incurred as part of their role as councillor

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 Participation and access: enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor

- Equity: there must be equitable access to expenses and facilities for all councillors
- Appropriate use of resources: providing clear direction on the appropriate use of council resources in accordance with legal requirements and community expectations
- Accountability and transparency: clearly stating and reporting on the expenses and facilities provided to councillors.

## Private or Political Benefit:

Councillors must not obtain private or political benefit from any expense or facility providedunder this policy.

Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council Meeting will run later than expected.

Such incidental private use does not require a compensatory payment back to Council.

Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse Council.

Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:

- production of election material;
- use of Council resources and equipment for campaigning;
- use of official Council letterhead, publications, websites or services for political benefit;
   and
- fundraising activities of political parties or individuals, including political fundraising events.

## Reporting Requirements:

In accordance with Section 253 of the Act 1993, within 28 days after adopting a Policy or making an amendment to a Policy for which public notice has been given. Council will forward a copy of its Policy to the Chief Executive — Office of Local Government together with details of all submissions received, a statement setting out, for each submission, the Council's response to the submission and the reasons for the Council's response, and a copy of the public notice given.

Council must comply with abovementioned requirements when proposing to adopt a Policy each year, even if the Council adopts a Policy that is the same as its existing Policy.

- Section 428 of the Local Government Act 1993 requires Council to include the following in its Annual Report:
  - the Council's Policy on the provision of facilities, for, and the payment of expenses to, Mayors and Councillors;
  - the total amount of money expended during the year on providing those facilities and paying those expenses; and
  - any additional information as required by the Local Government (General) Regulation-2005.

Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations. Formatted: Font: 11 pt

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Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council Meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

## Legislative ProvisionsRelated Legislation, Guidance and Policies:

Sections 248, 248A, 249, 250, 251, 252, 253, 254 and 254A of Part 2 Division 5 of the Local Government Act, 1993 and clause 403 of the Local Government (General) Regulation 2005 provide for the fees, expenses and facilities that may be paid or provided to the Mayor, Deputy and Councillors of Tamworth Regional Council.

#### Relevant legislation and guidance:

- Local Government Act 1993, Sections 252 and 253
- Local Government (General) Regulation 2005, Clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

#### Related Council policies:

Code of Conduct

## Approval, Payment and Reimbursement Arrangements;

Expenses should only be incurred by Councillors in accordance with the provisions of this. Policy. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.

Up to the maximum limits specified in this Policy, approval for the following may be sought after the expense is incurred:

- local travel relating to the conduct of official business;
- carer costs;
- JCT expenditure.

Final approval for payments made under this Policy will be granted by the General Manager or their delegate.

# Direct Payment

Council may approve and directly pay expenses. Requests for direct payment must besubmitted to the Manager Governance for assessment against this Policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

## Reimbursement

All claims for reimbursement of expenses incurred must be made on the prescribed form. supported by appropriate receipts and/or tax invoices and be submitted to the Manager Governance.

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#### Advance Payment

Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development. The maximum value of a cash advance is \$100 per day of the conference, seminar or professional development to a maximum of \$500.

Requests for advance payment must be submitted to the Manager Governance for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.

Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:

- a full reconciliation of all expenses including appropriate receipts and/or tax invoices
- reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

#### Notification

If a claim is approved, Council will reimburse the Councillor through accounts payable.

If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

#### Reimbursement to Council

If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this Policy:

- Council will invoice the Councillor for the expense; and
- the Councillor will reimburse Council for that expense within 14 days of the invoice date.

If the Councillor cannot reimburse Council within 14 days of the invoice date, they are tosubmit a written explanation to the General Manager. The General Manager may elect to
deduct the amount from the Councillor's allowance.

## Timeframe for reimbursement

Unless otherwise specified in this Policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Approval arrangements for Councillor discretionary trips, attendance of Councillors at conferences, seminars, forums, workshops, professional development programs and/or other significant expenses and facilities under this Policy and for insurance purposes must be authorised by way of a formal resolution of an Ordinary Meeting of the Council.

Where approval at a Council Meeting is not possible, or appropriate, then approval must be given jointly by the Mayor and the General Manager. If the Mayor requires approval, it must be given jointly by the Deputy Mayor or another Councillor and the General Manager.

Where a Councillor is representing Council at an official engagement or function within the Tamworth Regional Council Local Government Area by arrangement with, and the approval of the Mayor, due to the inability of the Mayor to attend, Council will be responsible for the cost of the Councillor's attendance.

## Disputes:

If a Councillor disputes a determination under this Policy, the councillor should discuss the matter with the General Manager.

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If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a Council Meeting seeking to have the dispute resolved.

#### Return or Retention of Facilities:

All unexpended facilities or equipment supplied under this Policy are to be relinquishedimmediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.

Should a Councillor desire to keep any equipment allocated by Council, then this Policy enables the Councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.

The prices for all equipment purchased by Councillors will be recorded in Council's annual report.

#### Publication

This Policy will be published on Council's website in the General Policy Register.

#### Auditing:

The operation of this Policy, including claims made under the Policy, will be included in Council's audit program.

#### Breaches:

Suspected breaches of this Policy are to be reported to the General Manager.

Alleged breaches of this Policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

#### Part 2 PAYMENT OF EXPENSES:

## GENERAL EXPENSESPROVISIONS

All expenses provided under this policy will be for a purpose specific to the functions ofholding civic office. Allowances for general expenses are not permitted under this policy.

Expenses not explicitly addressed in this policy will not be paid or reimbursed.

## SPECIFIC EXPENSES

## Payment of Expenses Generally General Travel Arrangements and Expenses:

All travel by Councillors should be undertaken using the most direct route and the mostpracticable and economical mode of transport.

Each Councillor may be reimbursed up to a total of \$4,000 per year except the Mayor who is provided a Council Motor Vehicle, for travel expenses incurred while undertaking official business within the Council area.

Councillors will be reimbursed travel expenses to attend the following:

- Council Meetings;
- Council Committee Meetings;
- Working Group Meetings where the Councillor is the nominated Delegate;
- Section 355 Committee Meetings;
- External Organisations/Committee Meeting where the Councillor is the nominated Delegate;

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- Workshops convened by Council:
- Public Meetings convened by Council;
- Training Programs relating to the role of the Council;
- Inspections within the area of the Council, undertaken according to a resolution of Council; and
- To attend a formal function or meeting where a formal invitation to attend arises only
  as a result of their position as a Councillor, provided;
  - a) travel by Councillors within the Tamworth Regional Council LGA must be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations; and
- reimbursement is subject to a formal claim being lodged not later than three months\*
   after the expense was incurred.

Council will be responsible for the expenses of Councillors to attend meetings, official engagements and functions where the Councillor has been authorised by the Council or is deputising for the Mayor within the Tamworth Regional Council LGA. Expenses relating to a Councillor spouse, partner or accompanying person, who may accompany a Councillor, will be the responsibility of the Councillor.

Councillors will be provided with a "Cab Charge" facility as a means of transport to and from functions and meetings within the Tamworth Regional Council LGA, not being Council and Committee Meetings, where the Councillor has been authorised to attend by either the Mayor or the Council.

All travel and travel expenses as listed above will be incurred against the individual Councillors Travel vote to a maximum amount of \$4,000 per financial year. The kilometre rate payable to Councillors who travel in their own vehicle shall be the rate payable under the Local Government State Award.

Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate+ contained in the Local Government (State) Award.

Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

## Interstate, Overseas and Intrastate Travel Expenses:

In accordance with Section 4, Council will scrutinise the value and need for Councillors toundertake overseas travel. Councils should avoid interstate, overseas and long distance
intrastate trips unless direct and tangible benefits can be established for Council and the
local community. This includes travel to sister and friendship cities.

Total interstate, overseas and long distance intrastate travel expenses for all Councillors will be capped and included in the Conferences and Seminars maximum. This amount will be set aside in Council's annual budget. Travel includes reimbursement:

- for public transport fares;
- 2. for the use of a private vehicle or hire car;
- for parking costs for Council and other meetings;
- for tolls;
- by Cabcharge card or equivalent; and

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for documented ride-share programs, such as Uber, where tax invoices can be issued.

Councillors seeking approval for any interstate and intrastate travel must submit a case to, and obtain the approval of, the General Manager prior to travel.

Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council Meeting prior to travel.

#### The case should include:

- objectives to be achieved in travel, including an explanation of how the travel aligns\*
  with current council priorities and business, the community benefits which will accrue
  as a result, and its relevance to the exercise of the Councillor's civic duties;
- who is to take part in the travel;
- duration and itinerary of travel; and
- a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.

For interstate and intrastate journeys by air of less than three hours, the class of air travel is to be economy class.

For interstate journeys by air of more than three hours, the class of air travel may be premium economy.

For international travel, the class of air travel is to be premium economy if available. 
Otherwise, the class of travel is to be economy. After returning from Council approved overseas travel, the Councillor or Councillors involved are required to submit a detailed written report to the Council on the outcomes and benefits achieved for the Council and the Community from the overseas travel.

Bookings for approved air travel are to be made through the General Manager's office.

For air travel that is reimbursed as Council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

## Travel Expenses Not Paid by Council:

Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

## Accommodation and Meals:

Councillors living 50kms from the Council Meeting or Committee Meeting venue will be provided with, if required, accommodation at Council's expense for the night of the Council or Committee Meeting to be approved by the General Manager.

Council will reimburse costs for accommodation and meals while councillors are undertaking prior approved travel or professional development outside the Regional area.

The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in the Staff Accommodation and Travel Policy.

The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of the previous clause.

## Refreshments for Council Related Meetings:

Appropriate refreshments will be available for Council Meetings, Council Committee
Meetings, Councilior Briefings, approved meetings and engagements, and Official Council
functions as approved by the General Manager.

As an indicative guide for the standard of refreshments to be provided at Council related meetings, the General Manager must be mindful of Part B Monetary Rates of the NSW

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Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

## Professional Development:

Council will set aside \$3,000 per Councillor annually in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.

In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.

Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.

Approval for professional development activities is subject to a prior written request to the General Manager outlining the:

- details of the proposed professional development;
- relevance to council priorities and business; and
- relevance to the exercise of the Councillor's civic duties.

In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in clause above, as well as the cost of the professional development in relation to the Councillor's remaining budget.

#### Conferences and seminars

Council is committed to ensuring its Councillors are up to date with contemporary issues+ facing Council and the community, and local government in NSW.

Council will set aside a total amount of \$45,500 annually in its budget to facilitate Councillor attendance at conferences and seminars, industry working parties and community non-Council functions and events. Authorisation of the attendance of Councillors will be by way of a resolution of the Council. Authorisation and the payment of the expenses involved will only be provided by Council where the conference, workshop or industry working party is directly related to the Councillor's civic functions and responsibilities and/or the Local Government Sector.

This allocation is for all Councillors. The General Manager will ensure that access toexpenses relating to conferences and seminars is distributed equitably.

Council must consider factors including the:

- relevance of the topics and presenters to current council priorities and business and the exercise of the councillor's civic duties; and
- cost of the conference or seminar in relation to the total remaining budget.

Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to the Accommodation and Meals section of this Policy.

Local Government Conference NSW and National General Assembly

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Councillors will be allocated the sum of \$18,000 annually to specifically provide for attendance of Councillors at the Local Government Association Conference NSW or the National General Assembly in Canberra. Authorisation of the attendance of Councillors will be by way of a resolution of Council.

## Information and Communications Technology (ICT) Expenses:

Councillors will be provided with an iPad or Laptop inclusive of an allowance of three gigabytes of download per month with an iPad/Laptop compatible printer. An iTunes card will be supplied to any new Councillors who do not have a personal iTunes account.

Council will provide or reimburse Councillors for expenses associated with appropriate ICT devices and services up to a limit of \$1,440 per annum for each Councillor. This may include mobile phones and tablets, mobile phone and tablet services and data, and home internet costs.

Reimbursements will be made only for communications devices and services used for Councillors to undertake their civic duties, such as:

- receiving and reading council business papers;
- relevant phone calls and correspondence; and
- diary and appointment management.

Councillors may seek reimbursement for applications on their mobile electronic communication device \*
that are directly related to their duties as a councillor, within the maximum limit.

#### Special requirement and carer expenses:

Council encourages wide participation and interest in civic office. It will seek to ensure.

Council premises and associated facilities are accessible, including provision for sight or hearing impaired Councillors and those with other disabilities.

Transportation provisions outlined in this Policy will also assist Councillors who may be unable to drive a vehicle.

In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.

Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$3,000 per annum for attendance at official business, plus reasonable travel from the principal place of residence.

Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.

In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

## INSURANCES

In accordance with Section 382 of the Local Government Act, Council is insured againstpublic liability and professional indemnity claims. Councillors are included as a named insured on this Policy.

Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.

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Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.

Appropriate travel insurances will be provided for any Councillors travelling on approved interstate and overseas travel on Council business.

#### LEGAL ASSISTANCE

Council may, if requested, indemnify or reimburse the reasonable legal expenses of:

- a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the Councillor;
- a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor; and
- a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.

In the case of a Code of Conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the Conduct Reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.

Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.

Council will not meet the legal costs:

- of legal proceedings initiated by a Councillor under any circumstances;
- of a Councillor seeking advice in respect of possible defamation, or in seeking a nonlitigious remedy for possible defamation; or
- for legal proceedings that do not involve a Councillor performing their role as a Councillor.

Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council Meeting prior to costs being incurred.

## 1. General Expense Allowance

This Policy does not include any general expense clause and provides for payment of, or actual reimbursement of expenses incurred by Councillors in the carrying out of their civic duties, nor does it include payment of any general allowances unrelated to actual expenses.

Claims for reimbursement of expenses must be lodged not later than three months after the expense is incurred.

## 2. Monetary Limits for Expenses

Expenses and other benefits provided to Councillors under this Policy identify specific monetary limits and/or rates for the payment of expenses and other benefits to Councillors.

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Monetary limits and/or rates are based on what is considered to be a reasonable level of provision. All monetary limits are exclusive of GST.

Identification of specific monetary limits and/or rates for the payment of expenses and other benefits provided to Councillors under this Policy is to ensure accountability and transparency; and allow members of the public to be aware of the cost of providing services to Councillors in the carrying out of their civic duties.

Monetary limits may only be waived by a resolution of Council in exceptional circumstances. Any waiver of a monetary limit will apply to a particular event or circumstance and will not constitute an amendment to this Policy.

#### 2 Private Repoli

Private use of Council facilities and resources by a Councillor to obtain a private benefit is not permitted. A Councillor acting in good faith in the performance of their civic duties is able to obtain no more than incidental private use of Council facilities and resources. Where more than incidental use occurs, the Councillor will be required to reimburse the Council the actual costs of the private benefit obtained.

In situations where private use by a Councillor of Council facilities and resources occurs, the General Manager will determine a suitable rate for reconciliation and reimbursement by the Councillor to the Council of the private benefit obtained.

Councillors must not obtain a private benefit from the provision of Council equipment and facilities, nor from travel bonuses such as "frequent flyer" schemes or any other such loyalty programs while on Council business. However, it is acknowledged that from time to time, the incidental use of Council equipment and facilities may occur. Such incidental private use is not subject to a compensatory payment back to the Council.

## 4. Use of Council Resources for Political Purposes

A Councillor's re-election to Council or election to other bodies, the fundraising activities of political parties, including political fundraising events are considered to be personal interests. Official Council material such as letterhead, publications, websites as well as Council services and forums must not be used for re-election purposes or any personal interests. Council facilities, equipment and services must not be used to produce election material or for any other political purposes.

Situations in which the appearance or perception may be given that Council material, facilities and resources are being used for such purposes must be avoided.

# 5. Gifts and Benefits

In circumstances where it is appropriate for Councillors to give a gift or benefit, for example, on a Council business related trip or when a Councillor is receiving visitors, such gifts and benefits must be of token value only.

## 6. Participation, Equity and Access

Council's Payment of Expenses and Provision of Facilities to Councillors Policy is designed to be non-discriminatory, equitable and encourage the election to Council of people from diverse backgrounds representative of the demographics of the Tamworth Regional Council Community and Local Government Area. Council's Policy is sufficiently flexible to allow Councillors to represent the community in different ways and takes account, as much as is possible, the individual differences of Councillors who make up the elected body politic of Tamworth Regional Council.

## Approval and Dispute Resolution

In the event of a dispute arising concerning the payment of expenses and provision of facilities to Councillors, any such dispute will be referred to a Meeting of Council for determination. The General Manager will provide a report to Council outlining the terms of the dispute for determination by Council.

## Reimbursement of Expenses

Council will reimburse Councillors' reasonable out of pocket or incidental expenses associated with attending Council approved conferences, seminars, forums, workshops and professional development programs upon the presentation of official receipts and the completion of a claim form within three months of the expenses being incurred. Upon submission of the claim which must include appropriate receipts and tax invoices, the claim will be verified to be in accordance with this Policy and the Councillor reimbursed.

#### 9. Payment in Advance

Councillors may submit a claim for an advance payment in anticipation of expenses to be incurred in attendance at Council approved conferences, seminars, forums, workshops and professional development programs. Advance payment claims will be verified to ensure compliance with this Policy and approved for payment.

In circumstances where an advance payment is made to a Councillor, the Councillor must fully reconcile all expenses incurred against the advance payment within 30 days of the date of the advance and submit the reconciliation to the General Manager for verification and approval in accordance with this Policy.

#### SPECIFIC EXPENSES FOR THE MAYOR AND COUNCILLORS

# Councillor Induction, Professional Development, Conferences, Workshops and Community Non-Council Functions and Events

Councillors will be allocated the sum of \$4,500 annually to specifically provide for attendance of Councillors at inductions, training seminars, conferences, workshops, professional development programs, industry working parties and community non Council functions and events. Authorisation of the attendance of Councillors will be by way of a resolution of the Council. Authorisation and the payment of the expenses involved will only be provided by Councill where the conference, workshop or industry working party is directly related to the Councillor's civic functions and responsibilities and/or the Local Government Sector.

Councillors shall at the conclusion of their attendance at the seminar, conference or training provide a written report to Council on the aspects of the seminar, conference or training. This report should be submitted to Council within one month of their attendance. Attendance at the Local Government NSW Annual Conference or National General Assembly will not require a report to Council.

No payment will be approved for the attendance by a Councillor at any political fundraising event, for any donation to a political party or candidate's electoral fund, or for some other private benefit.

Amounts remaining unexpended as at 30 June each year, for the attendance of Councillors at Conferences and Workshops; and Community Non-Council Functions and Events will expire and will not be carried over or available for expenditure by a Councillor in the next financial year.

## Local Government Conference NSW and National General Assembly

Councillors will be allocated the sum of \$2,000 annually to specifically provide for attendance of Councillors at the Local Government Association Conference NSW or the National General Assembly in Canberra. Authorisation of the attendance of Councillors will be by way of a resolution of the Council.

#### Additional Allowance for Mayor

The Mayor will be provided with an additional sum of \$5,000 for attendance at Conferences, Industry Forums, Meetings with State and Federal Members of Parliament and other events where the Mayor is expected to attend.

# Travel Arrangements and Expenses within Tamworth Regional Council Local Government Area (LGA)

Councillors living 50kms from the Council Meeting or Committee Meeting venue will be provided with, if required, accommodation at Council's expense for the night of the Council or Committee Meeting.

## Travel Outside Tamworth Regional Council LGA

Council will be responsible for the payment of travel and transport expenses incurred by Councillors to attend State Government sponsored ad hoc committees, official engagements and functions where the attendance of the Councillor has been authorised by the Council.

Travel by Councillors outside the Tamworth Regional Council LGA must be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations. All travel expenses will be incurred against the individual Councillors Induction, Professional Development, Conferences, Workshops and Community Non-Council Functions and Events vote.

Council will provide a Council motor vehicle where required.

Councillors will be provided with a "Cab Charge" facility to provide a connecting transport service from the principal means of transport when attending conferences; seminars; professional development programs; elected member courses; Local Government and Shires. Associations Industry Working Groups; State Government sponsored ad hoc committees; engagements; and functions where the Councillor has been authorised to attend by the Council or is representing the Mayor outside the Tamworth Regional Council LGA.

#### Interstate Travel

Council will be responsible for the payment of interstate travel and transport expenses incurred by Councillors directly associated with the carrying out of the Councillor's civic duties where the attendance of the Councillor has been authorised by the Council.

Interstate travel by Councillors must be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations. All interstate travel expenses will be incurred against the individual Councillors Induction, Professional Development, Conferences, Workshops and Community Non-Council Functions and Events vote.

Council will provide a Council motor vehicle where required.

## Overseas Trave

Council will be responsible for the payment of overseas travel expenses incurred by Councillors directly associated with the carrying out of the Councillor's civic duties where authorised by the Council.

Where Councillors, while representing the Council (including visits sponsored by other organisations) propose to travel overseas, the proposals should be considered at an Open Council Meeting through a report from the Mayor, General Manager or responsible Director/Manager prior to any travel being undertaken.

All proposals should indicate:

- who is planned to take part in the travel;
- proposed itinerary and expected duration;
- objectives for undertaking the travel, including an explanation of what benefits will accrue from the exercise with an approximate budget; and
- detailed costs, including a statement of any amounts expected to be reimbursed by the participants.

Economy class flights will be provided for all overseas travel. Flights organised by Council and paid for in accordance with policy, cannot accrue Frequent Flyer points. Overseas travel by Councillors must be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

Council will not permit or allow the retrospective reimbursement of overseas travel expenses unless prior authorisation of the travel has been given by the Council. All overseas travel expenses will be incurred against the individual Councillors Induction, Professional Development, Conferences, Workshops and Community Non-Council Functions and Events vote.

After returning from Council approved overseas travel, the Councillor or Councillors involved are required to submit a detailed written report to the Council on the outcomes and benefits achieved for the Council and the Community from the overseas travel.

#### Annual Operational Plan Reference

If details are known prior to the preparation of the Annual Operational Plan proposals for overseas travel by Councillors, Council staff or other persons while representing the Council (including visits sponsored by other organisations) should be documented in that Plan. The Plan must be widely circulated in the Community. Community input about the proposed visit can therefore be considered as part of the Annual Operational Plan and Budget finalisation process.

#### Proposals should indicate:

- the names and titles of the Councillors, Council staff or other persons while representing the Council (including visits sponsored by other organisations) and staff members who are planning to take part in the overseas travel, including the destinations, expected duration and the reasons for the proposed travel;
- the objectives for undertaking the overseas trip, including an explanation of what community benefits may/will accrue from the exercise, together with an approximate budget.

## Sponsorship

If the visit is to be sponsored by private enterprise or other Government organisations, ICAC guidelines and reporting structures should be followed and this should form part of the community reporting process.

## Overseas Travel at Short Notice

Where exceptional cases arise and travel has to be undertaken at short notice, the above proposals should be put to Council, in Open Council, for confirmation. The outcomes, costs and attendances should be included in the first Annual Report issued subsequent to the travel taking place.

## Record in Annual Report

Council is required under Section 428 of the Local Government Act 1993 and Section 217 of the Local Government (General) Regulation 2005 to report on overseas visits undertaken in any year by Councillors, staff or other persons representing Council. These details are

included, after the visit, in Council's Annual Report produced each year and will include details of the cost to Council for the travel, who took part in the travel, the length of the trip and how the objectives were met and what quantifiable benefits will flow to the Community.

#### Accommodation-Costs

Council will be responsible for the accommodation costs of Councillors when attending Council approved conferences, seminars, forums, workshops and professional development programs outside the Tamworth Regional Council LGA. Accommodation must be appropriate, practicable, and economic and be generally equivalent to no more than the cost of a 4-star accommodation rating or standard.

Accommodation expenses relating to a Councillor spouse, partner or accompanying person who may accompany a Councillor will be the responsibility of the Councillor.

#### Telephone and Internet Expenses

Mobile/smartphones and landlines and internet provided to the home, shall be the councillors responsibility (type, plan etc) in the councillors name and Council will pay a reimbursement allowance of \$120.00 per month.

#### Computer/iPad

Councillors will be provided with an iPad inclusive of an allowance of three gigabytes of download per month with an iPad compatible printer. An iTunes card will be supplied to any new Councillors who do not have a personal iTunes account.

Councillors who reside outside the Telstra 3G network will be provided with a laptop.

## Insurance Expenses and Obligations

Section 382 of the Act requires Council to make arrangements for adequate insurance against public liability and professional indemnity.

For matters arising out of Councillors' performance of their civic duties, Councillors will be subject to the following insurances:

- Public Liability.
- Professional Indemnity.
- Personal Accident and Injury.
- Use of private motor vehicles whilst engaged in Council business.
- Property Insurance for loss or damage for personal property if travelling overseas.

## Legal Expenses and Obligations

Providing the outcome of the legal proceedings is substantially favourable to the Councillor, reasonable legal costs will be available to a Councillor for:

- defending an action arising from the performance in good faith of a function under the Local Government Act 1993 (section 731 refers);
- defending an action in defamation provided the statements complained of, were made in good faith, in the course of exercising a function under the Act; or
- proceedings before an investigative or review body or hearing into a Councillor's conduct provided the subject of the proceedings arises from the performance in good faith of a function under the Act.

Investigative or review body or hearing into a Councillor's conduct include:

(i) Local Government Pecuniary Interest and Disciplinary Tribunal;

- (ii) Independent Commission Against Corruption;
- (iii) Office of the NSW Ombudsman;
- (iv) Office of Local Government, Department of Premier and Cabinet:
- (v) NSW Police Force;
- (vi) Director of Public Prosecutions;
- (vii) Council's Code of Conduct Review Committee or Code of Conduct Reviewer.

In the case of a conduct complaint made against a Councillor, legal costs will only be available where a matter has been referred by the General Manager to a Code of Conduct Reviewer or a Code of Conduct Review Committee to make formal enquiries into the matter in accordance with the procedures of the Council's Code of Conduct.

In the case of pecuniary interest or misbehaviour matter, legal costs will only be made available to a Councillor where a formal investigation has been commenced by the Division of Local Government.

Council will not meet the legal costs of:

- any legal proceedings initiated by a Councillor under any circumstances;
- a Councillor seeking advice in respect of possible defamation, or in seeking a nonlitigious remedy-for-possible defamation; and
- a Councillor for legal proceedings that do not involve a councillor-performing their role as a Councillor.

The Mayor in conjunction with the General Manager will determine by approval or refusal applications by Councillors for the payment or reimbursement of legal expenses incurred in accordance with this Policy.

In the event of the Councillor seeking payment or reimbursement of legal expenses in accordance with this Policy, being the Mayor, the Deputy Mayor in conjunction with the General Manager, will determine the application.

If the Mayor and General Manager, or the Deputy Mayor and the General Manager as the case may be, are not able to determine an application by a Councillor for payment or reimbursement of legal expenses in accordance with this Policy, the application will be referred to a full a Meeting of the Council for determination.

## **FACILITIES**

# GENERAL FACILITIES FOR ALL COUNCILLORS

## Expenses for Spouse, Partners and Accompanying Persons

Council will meet the reasonable costs of a Councillor's spouse, partner or accompanyingperson for attendance at official Council functions that are of a formal and ceremonial nature
held or occurring within the Tamworth Regional Council Local Government Area. Such
functions would be those that a Councillor's spouse, partner or accompanying person would
be reasonably expected to attend. Examples include Australia Day Award ceremonies,
citizenship ceremonies, civic receptions and charitable functions and events for charities
formally supported by the Council.

All approved expenses for Councillor's spouse, partner or accompanying persons will be incurred against the individual Councillors Induction, Professional Development, Conferences, Workshops and Community Non-Council Functions and Events vote.

Travel expenses, any additional accommodation expenses and the cost of any Local Government Association Annual Conference or National General Assembly spouse, partner, accompanying-persons program or tours will be the responsibility of individual Councillors.

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The payment of expenses for the spouse, partner or accompanying person of a Councillor who may accompany a Councillor at any official engagement, event, function, conference other than the Local Government Association Annual Conference, seminar, forum, workshop and professional development program directly associated with performance of the civic duties of the Councillor held or occurring outside the Tamworth Regional Council Local Government area will be the responsibility of individual Councillors.

#### Section 355 Committees

Councillors elected or appointed to section 355 Committees and who wish to attend the Annual Conference directly associated with the function exercised by the Committee may do so from the Councillor Induction, Professional Development, Conferences, Workshops and Community Non-Council Functions and Events vote. Expenses relating to a Councillor spouse, partner or accompanying person who may accompany a Councillor will be the responsibility of the Councillor.

#### Part 3 PROVISION OF FACILITIES

#### GENERAL PROVISIONS

## **Provision of Facilities Generally**

#### **Facilities**

Council will provide the following facilities to councillors to assist them to effectivelydischarge their civic duties:

- a Councillor common room appropriately furnished to include telephone, photocopier, printer, desks, computer terminals, pigeon holes and appropriate refreshments.
- access to shared car parking spaces while attending Council offices on official business;
- personal protective equipment for use during site visits; and
- a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or Deputy Mayor.

Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through a specified officer in the Executive Services or other specified staff member.

The provision of facilities will be of a standard deemed by the general manager as appropriate for the purpose.

All Councillors will be supplied with two Tamworth Regional Council dress ties or scarves and, upon request, a corporate sports coat with the Tamworth Regional Council Corporate Logo provided.

## Stationery

Council will provide, upon request, stationery to Councillors to be used in the carrying out of their civic duties.

## Postage

Council will provide the following stationery to Councillors each year:

- letterhead template, to be used only for correspondence associated with civic duties;
- business cards;

Council will provide Councillors with postage facilities where the communication being posted is directly related to the carrying out of the Councillor's civic duties.

Secretarial Services Administrative Support

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Council will provide administrative support to Councillors to assist them with their civic duties\*
only. Administrative support may be provided by staff in Executive Services as arranged by
the General Manager or their delegate.

As per Section 4, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

Council will provide a secretarial service to all Councillors directly relating to the carrying out of a Councillor's civic duties.

## ADDITIONAL FACILITIES FOR THE MAYOR

Council will provide to the Mayor a maintained vehicle to a similar standard of other Councilvehicles, with a fuel card. The vehicle will be supplied for use on business, professional development and attendance at the Mayor's office.

The Mayor must keep a log book setting to fulfil FBT requirements. The vehicle must not be used for any travel for private benefit. The Mayoral allowance will be reduced to cover the cost of any private travel where use is unavoidable and must be recorded, calculated on a per kilometre basis by the rate set by the Local Government (State) Award.

A parking space at Council's offices will be reserved for the Mayor's Council-issued vehicle for use on official business, professional development and attendance at the Mayor's Office.

Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.

In performing his or her civic duties, the Mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the General Manager.

The number of exclusive staff provided to support the Mayor and Councillors will not exceed three full time equivalents.

As per Section 4, staff in the Mayor's Office are expected to work on official business only,

and not for matters of personal or political interest, including campaigning.

The Mayor will be provided with a Mayoral Robe and Chain to carry out the civic and ceremonial duties of the Office of Mayor.

## Training

Council will conduct professional development and training programs from time to time for Councillors as are appropriate for the effective and efficient carrying out of a Councillor's civic duties. Professional development and training programs will be conducted by either Council staff or external service providers where required.

Resource Centre and Office Accommodation

The Councillor's Room will be available to Councillors as a Resource Centre to meet with residents and use telephone and computer facilities in the carrying out of the Councillor's civic duties. The following resources will be provided to enable Councillors to undertake individual research:

- Local Government Act 1993 and related legislation;
- Environmental Planning and Assessment Act 1979;
- Tamworth Regional Council Code of Conduct;
- ICAC and Ombudsman Reports;

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- Tamworth Local Environmental Plans:
- Copies of current consultancy reports and studies;
- Industry management journals, publications and selected readings;
- Industry Law Reports and Legal Precedents;
- Car Parking.

## Mayoral Office

The Mayor will be provided with furnished Mayoral Office to carry out the civic duties of the Office of Mayor.

#### Mayoral-Motor-Vehicle

A fully serviced and maintained prestige motor vehicle will be provided solely for the use of the Mayor to carry out the civic and ceremonial duties of the Office of Mayor.

#### Mayoral Robes and Chains of Office

The Mayor will be provided with a Mayoral Robe and Chain to carry out the civic and ceremonial duties of the Office of Mayor.

#### Part 5 OTHER MATTERS

## **Acquisition and Returning of Facilities by Councillors**

Councillors must return all Council property, equipment and other facilities allocated or provided to them under this Policy to the General Manager within 14 days after the completion of their term of office, extended leave of absence or at the cessation of their civic duties.

Councillors may submit offers to purchase Council property, equipment and other facilities allocated or provided to them under this Policy at the cessation of their civic duties. If the items are available for sale, the purchase will be at an agreed fair market price or written down value.

## Status of Policy

This Policy represents the current Policy of Tamworth Regional Council for the Payment of Expenses and Provision of Facilities for Mayor and Councillors to be adopted on Tuesday 28 October 2014 pursuant to Section 252 of the Local Government Act 1993.

* History:	Reviewed July 2020 - Updated - Ordinary Council Meeting - Min No.  Adopted Ordinary Council 27 September 2016 Min No. 272/16		
	Adopted	Ordinary Council 11 November 2014 Res No 352/14	
	Adopted	Ordinary Council 13 November 2012 Res No 325/13 (161791/2012)	
	Reviewed by DC&G	October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Mie No: 9/13	
	Adopted	Ordinary Council 11 October 2011 Res No 319/11 (146951/2011)	
	Amended	Ordinary Council 26 July 2011 Res No 213/11 (103585/2011)	
	Adopted	Ordinary Council 14 September 2010 Res No 329/10 (139707/2010)	
	Amended	Ordinary Council 8 June 2010 Res No 190/10 (87842/2010)and 22 June 2010 Res No 210/10 (94241/2010)	
	Adopted	Ordinary Council 15 December 2009 Res No 346/09 Record No 179351/2009	
	Amended	Ordinary Council 10 November 2009 Res No 276/09	

 Amended
 Ordinary Council 25 June 2009 Res No 137/09 (85101/2009)

 Amended
 Ordinary Council 16 Dec 2008 Res No 332/208 (1650/2009)

 Adopted
 Ordinary Council 26 June 2008 Min No 130/08 refer 79457/2008

 Adopted
 Ordinary Council 11 December 2007 Min No 481/07

# 44.8.11.7. Provision of Information to Councillors and Interactions Between Councillors and Staff

#### AIMS:

## This policy will:

- provide clear communication channels to ensure the speedy provision of accurate information;
- · provide appropriate sanctions for non-compliance; and
- be reviewed periodically to monitor its effectiveness and compliance.

#### OBJECTIVE:

The objectives of this policy are to:

- provide a documented process on how <u>C</u>councillors can access Council records;
- ensure <u>C</u>councillors have access to all documents necessary for them to exercise their statutory role as a member of the governing body of the Council;
- ensure that <u>C</u>councillors receive advice to help them in the performance of their civic duty in an orderly and regulated manner;
- provide direction on <u>C</u>eouncillors' rights of access to <u>C</u>eouncil buildings; and
- provide a clear and consistent framework for the reporting of, and appropriate application of sanctions for, breaches of this policy.

## POLICY:

#### Obligations of Councillors

Each council is a body politic. The Councillors or administrator/s are the governing body of Council. Under Section 223 of the Local Government Act 1993, the role of the governing body of Council includes the development and endorsement of the strategic plans, programs, strategies and policies of Council, including those relating to workforce policy, and to keep the performance of Council under review.

Councillors or administrators must not:

- a) direct Council staff other than by giving appropriate direction to the General Manager\*
  by way of Council or Committee resolution, or by the Mayor or Administrator exercising
  their functions under Section 226 of the Local Government Act 1993;
- in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of Council or a delegate of Council in the exercise of the functions of the staff member or delegate;
- c) contact a member of the staff of Council on council-related business unless in accordance with this policy and Council staff that have been authorised by Council and the General Manager; and
- contact or issue instructions to any of Council's contractors, including Council's legal advisers, unless by the Mayor or Administrator exercising their functions under Section 226 of the Local Government Act 1993.

Despite above, Councillors may contact Council's external auditor or the Chair of Council's+
Audit, Risk and Improvement Committee to provide information reasonably necessary for the
external auditor or the Audit, Risk and Improvement Committee to effectively perform their
functions.

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#### Formatted: Font: Bold, Font color: Obligations of Staff Under Section 335 of the Local Government Act 1993, the role of the General Manager+ Formatted: Normal, No bullets or numbering, Tab stops: 0 cm, Left includes conducting the day-to-day management of Council in accordance with the strategic plans, programs, strategies and policies of Council, implementing without undue delay, lawful decisions of Council and ensuring that the Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions. Members of staff of Council must: give their attention to the business of Council while on duty; Formatted: Normal, No bullets or numbering, Tab stops: 0 cm, Left + 1 ensure that their work is carried out ethically, efficiently, economically and effectively; on, Left Formatted: Normal, Indent: Left: 0 cm, Hanging: 1 cm, No bullets or numbering, Tab steps: 0 cm, Left carry out reasonable and lawful directions given by any person having authority to givesuch directions; give effect to the lawful decisions, policies and procedures of Council, whether or not the staff member agrees with or approves of them; and ensure that any participation in political activities outside the service of Council does not interfere with the performance of their official duties, Formatted: Font: Bold, Font color:

Council has determined that the following interactions are inappropriate:

Inappropriate Interactions

- Councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than <u>matters relating to broader workforce policy)</u>, grievances, workplace investigations and disciplinary matters issues;
- Council staff approaching Councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters-issues;
- Council staff refusing to give information that is available to other Councillors to a particular Councillor;
- Councillors who have lodgeds an development application with Council, discussing the matter with Council staff in staff-only areas of Council;
- Councillors approaching members of local planning panels or discussing any
  application that is either before the panel or that will come before the panel at some
  future time, except during a panel meeting where the application forms part of the
  agenda and the Councillor has a right to be heard by the panel at the meeting;
- Councillors being overbearing or threatening to Council staff;
- Council staff being overbearing or threatening to Councillors;
- Councillors making personal attacks on Council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions of the Code of Conduct in public forums including social media;
- Councillors directing or pressuring Council staff in the performance of their work, or recommendations they should make:
- Council staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the Community;
- Council staff meeting with applicants or objectors alone AND outside office hours to discuss <u>planning</u> applications or proposals; <u>and</u>
- Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless

permitted to do so by Council's General Manager or, in the case of the Mayor, exercising their power under Section 226 of the Act; and

Councillors entering general staff only areas with the exception of the intention to visit
the office of the General Manager, Directors, Division Managers and other staff
nominated by the General Manager and as advised to Councillors.

#### 2. Statutory Provisions of Councillors and Staff

Chapters 9 and 11 of the Local Government Act set out the statutory roles and duties of Councillors and the General Manager. The introduction to Chapter 9 states that "each council is a statutory corporation. The Councillors are the governing body of the corporation and they have the responsibility of directing and controlling the affairs of the council in accordance with this Act." Chapter 9 includes the following provisions.

#### 2.1. The Governing Body (s.222)

The elected representatives, called "councillors", comprise the governing body of the Council.

## 2.2. The Role of the Governing Body (s.223)

- (1) The role of the governing body is as follows:
  - (a) to direct and control the affairs of the council in accordance with this Act,
  - (b) to provide effective civic leadership to the local community,
  - (c) to ensure as far as possible the financial sustainability of the council,
  - (d) to ensure as far as possible that the council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and polices of the council;
  - to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council,
  - (f) to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the council's resources to implement the strategic plans (including the community strategic plan) of the council and for the benefit of the local area.
  - (g) to keep under review the performance of the council, including service delivery.
  - to make decisions necessary for the proper exercise of the council's regulatory functions;
  - to determine the process for appointment of the general manager by the council and to monitor the general manager's performance.
  - to determine the senior staff positions within the organisation structure of the council.
  - (k) to consult regularly with community organisations and other key stakeholders and keep them informed of the council's decisions and activities.
  - to be responsible for ensuring that the council acts honestly, efficiently and appropriately.
- (2) The governing body is to consult with the general manager in directing and controlling the affairs of the council.

# 2.3. The Role of the Mayor (s.226)

## The role of the mayor is as follows:

- (a) to be the leader of the council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness.
- to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- (e) to preside at meetings of the council,
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act.
- (g) to ensure the timely-development and adoption of the strategic plans, programs and policies of the council,
- to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- to promote partnerships between the council and key stakeholders.
- to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (I) to carry out the civic and ceremonial functions of the mayoral office.
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level.
- in consultation with the councillors, to lead performance appraisals of the general manager.
- (o) to exercise any other functions of the council that the council determines.

## 2.4. The Role of a Councillor (s.232)

- (1) The role of a councillor is as follows:
  - (a) to be an active and contributing member of the governing body,
  - to make considered and well informed decisions as a member of the governing body,
  - (c) to participate in the development of the integrated planning and reporting framework.
  - (d) to represent the collective interests of residents, ratepayers and the local community,
  - to facilitate communication between the local community and the governing body.
  - (f) to uphold and represent accurately the policies and decisions of the governing body.
  - (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.
- (2) A councillor is accountable to the local community for the performance of the council.

#### 2.5. The Functions of General Manager (s.335)

The general manager of a council has the following functions:

- to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- (b) to implement, without undue delay, lawful decisions of the council.
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council.
- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council.
- (e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report.
- (f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions.
- (g) to exercise any of the functions of the council that are delegated by the council to the general manager.
- to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council.
- (i) to direct and dismiss staff,
- to implement the council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.

# 3.4. Access to Council Records by Councillors

### 3.1. Statutory Provisions

The Local Government Act 1993 requires that Councillors as a group direct and control the council affairs, allocate resources, determine policy and monitor its performance. As individuals, Councillors also communicate council policy and decisions to the community, exercise community leadership and represent the views of residents to Council.

Councillors have a right to access council information that is reasonably necessary for exercising the functions of the civic office. The Government Information Public Access Act 2009 replaced section 12 of the Local Government Act 1993 and the Freedom of Information Act 1989 from 1 July 2010. The information made available in Council's Information Guide is open access information for public access including Councillors. Public access information is listed below:

# Documents - Open Access Information

# Documents Held by Council

Council holds documents (hard copy and/or electronic form) that relate to a number of different issues concerning Tamworth Regional Council. Prior to November 2003 Council had a paper filing system with material being held in physical files. Since then Council's files have been maintained in electronic format, physical files being dispensed with except for development/building/construction applications. These documents are grouped into four categories:

- 1. Electronic Documents;
- "Physical Files";
- Policy Documents; and
- General Documents

Council's Electronic Documents and Physical Files are not available on the website; however this information may be made available either by informal release or via an Access Application; (GIPA Act Section 7 – 9) unless there is an overriding public interest against disclosure of the information, in accordance with the provisions of the GIPA Act Section 14.

#### Policy Documents

Council has a register of policy documents which is maintained by Council's Right to Information Officer and is available on Council's website.

#### General Documents

The following list of general documents held by Council has been divided into four sections as outlined in the Government Information (Public Access) Act:

- Information about Council:
- Plans and Policies
- 3. Information about Development Applications; and
- Approvals, Orders and other Documents.

The Government Information (Public Access) Act requires that these documents held by Council, are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

# These documents are

- 1 Information about Council
  - The model code prescribed under section 440 (1) of the LGA;
  - Councils adopted Code of Conduct;
  - Code of Meeting Practice;
  - Annual Report;
  - Annual Financial Reports;
  - Auditor's Report;
  - Management-Plan;
  - EEO Management Plan;
  - Policy concerning the Payment of Expenses Incurred by, and the Provision of Facilities to, Councillors;
  - Annual Reports of Bodies Exercising Functions Delegated by Council;
  - Any Codes referred to in the LGA;
  - . Returns of the Interests of Councillors, Designated Persons and Delegates:
  - Agendas and Business Papers for any meeting of Council or any Committee of Council;

- Minutes of any meeting of Council or any Committee of Council;
- Departmental Representative Reports presented at a meeting of Council;
- Land Register;
- Register of Investments;
- Register of Delegations;
- Register of Graffiti removal works;
- Register of current Declarations of Disclosures of Political donations; and
- Register of Voting on Planning Matters.
- Plans and Policies
  - · Local Policies adopted by Council concerning approvals and orders;
  - Plans of Management for Community Land; and
  - Environmental Planning Instruments, Development Control Plans and Contribution Plans.
- 3 Information about Development Applications

Development Applications and any associated documents received in relations to a proposed development:

- Home Warranty Insurance documents;
- Construction Certificates;
- Occupation Certificates;
- Structural Certification Documents;
- Town Planner Reports;
- Submissions received on Development Applications;
- Heritage Consultant Reports;
- Tree Inspections Consultant Reports;
- Acoustic Consultant Reports;
- Land Contamination Consultant Reports;
- Records of decisions on Development Applications including decisions on appeals; and
- Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information.
- 4 Approvals, Orders and Other Documents
  - Applications for approvals under part 7 of the LGA;
  - Applications for approvals under any other Act and any associated documents received;
  - Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals;

- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA;
- Orders given under the Authority of any other Act;
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979;
- Plans of land proposed to be compulsorily acquired by Council;
- Compulsory Acquisition Notices; and
- Leases and Licenses for use of Public Land classified as Community Land.

The Local Government (Meetings) Regulation, provides a procedure for councillors to obtain access to council documents, without limiting any common law right of access. Clause 41 provides:

The General Manager may allow or refuse to allow any councillor to inspect any record of the council that the councillor requests to see.

If the General Manager refuses to allow a councillor to inspect any such record, the councillor may, at a meeting of the Council, move for the production of the document. However, the councillor must give notice of intention to move the motion.

If the council passes a motion for the production of a Council record, the council must ensure that the record:

- is produced immediately and laid on the table for inspection by the councillors;
- (b) is made available for inspection by any councillor on reasonable notice to the General Manager during the Council's ordinary office hours on any day that is within one month after the passing of the motion.

#### 3.2. Procedures

Access to a council file, record or other document can only be provided according to this policy to ensure that access is obtained in ways that are legal and appropriate. This policy does not limit or restrict statutory or common law rights of access.

Councillors can request the General Manager, the public officer or a person nominated by the General Manager to provide access to a particular Council record.

Councillors who have a personal (as distinct from civic) interest in a document of Council has the same rights of access as any other person.

Councillors are entitled to access all council files, records or other documents where that document is identified in the Publication Guide or to a matter currently before the Council.

The General Manager shall not unreasonably decide that a document is not relevant to the performance of the councillor's civic duty and deny access to a Council document.

The General Manager must state their reasons for the decision if they refuse access.

Councillors can request access to other documents of the Council either by a Notice of Motion to <a href="Cthe-council or a Freedom of InformationGIPA">Cthe-council or a Freedom of InformationGIPA</a> application.

The General Manager, public officer or a person identified by the General Manager shall keep a record of all requests by Councillors for access to information (other than those listed in the Publication Guide, the Government Information (Public Access) Act 2009 or by a Notice of Motion at a Council Mmeeting). These requests must be reported regularly to the Council.

Councillors, if not satisfied, with the response to there request for information have the right of review. Councillors who have been refused access to information are entitled to lodge a request under the GIPA Act. The GIPA Act provides three options to have a decision reviewed; internal review; an external review by the Information Commissioner; or external review by the Administrative Decisions Tribunal.

#### 4.5. INTERACTION BETWEEN COUNCILLORS AND COUNCIL STAFF

#### 4.1. During Meetings

The interaction between Councillors and staff at Council meetings and Committee Meetings is regulated by:

- s.360 of the Local Government Act 1993;
- s249 of the Local Government (General) Regulation 2005;
- · Council's Code of Conduct; and
- Council's Code of Meeting Practice.

Section 360 of the Local Government Act enables Council to make regulations in regard to the conduct of Meetings, adopt Codes of Meeting Practice and states the Meetings must be conducted in accordance with the Code of Meeting Practice.

S249 of the Local Government (General) Regulation details how, in Council Meetings, Councillors can ask questions of other Councillors by going through the Chairperson. The regulation also details the process Councillors must follow if they wish to ask a question of Council staff, by going through the General Manager.

#### 4.2. Outside of Meetings

The General Regulation (S249(2)) makes provision for a Councillor to obtain information at a Council Meeting, or by a Question on Notice at a Council Meeting.

The General Manager is responsible to the Council for performance and direction of all staff and day to day management of Council. Therefore, it is appropriate that all requests for information and approaches to staff outside the forum of a Council or Committee Meeting, be directed to the General Manager or Directors in the first instance.

Only the General Manager, Directors, and Division Managers as advised to Councillors can provide advice to Councillors.

It is within the discretion of the General Manager to require Councillors to make an appointment with a senior officer, to put a request in writing, or to put it on notice to the Council to obtain detailed or otherwise time consuming information. The General Manager must indicate in writing, the reasons for refusing a request.

For all but straightforward advice on administrative matters, Councillors should put their requests for information or advice in writing to be answered by the General Manager or the appropriate senior officer. These written requests than form part of Council records and can be filed appropriately.

A senior officer has the discretion to refer any request for information to the General Manager. The senior officer must indicate to the Councillor their reasons for the referral.

If a Councillor is concerned about any refusal to provide information they should firstly raise the matter with the General Manager (or the Mayor if it was the General Manager who refused to provide the advice). If the Councillor is still dissatisfied they should request the information by way of a Question on Notice to the Council.

Councillors must not attempt to direct staff as to the performance of their work. Staff must report all such attempts immediately to their director or the General Manager.

Councillors must not request staff to undertake work for the Councillor or any other person.

A Councillor, member of staff or delegate must not take advantage of their official position to improperly influence other Councillors, member of staff or delegates in the performance of their public or professional duties for the purpose of securing private benefit for themselves or for some other person.

### 5.6. ACCESS TO COUNCIL OFFICES

As elected members of the Council, Councillors are entitled to have access to the Council Chamber, Function Room, Mayor's Office and public areas of the Council's buildings.

Councillors who are not in pursuit of their civic duties have the same rights of access to Council buildings and premises as any other member of the public.

Councillors are not permitted to enter general staff only areas with the exception of where access to the office of the General Manager, Directors and Division Managers as advised to Councillors:

Where a Councillor wishes to meet with the General Manager or senior staff, an appointment should be made wherever possible.

Where immediate access is required to the General Manager, Directors and Division Managers, a Councillor should inform staff at the public reception area of their wish to meet with a member of staff and wait at that location until the arrival of the member of staff required.

#### 6.7. BREACHES OF THIS POLICY 6.4.7.1. Reporting

All occasions of a Councillor or staff member not complying with this Policy should be immediately reported to the General Manager.

Where the report relates to the conduct of a Councillor, the General Manager shall immediately report the matter to the Mayor and to the next Council Mmeeting.

Where the report relates to the conduct of staff, the General Manager shall deal with the matter according to the terms of employment of the staff member. Proven breaches should also be dealt with accordingly, that is, by counselling, disciplinary action or dismissal.

Where a Councillor believes that the General Manager has failed to comply with the Policy, the Councillor shall immediately report to the Mayor who will report the matter to the Council.

Before a report to Council by the General Manager (or the Mayor), the General Manager (or the Mayor) should undertake the preliminary inquiries to establish the facts. The preliminary investigations may take any form the Mayor and General Manager considers appropriate, but must involve discussions with the staff member and eCouncillor involved. Natural justice principles need to be satisfied in dealing with an alleged breach.

The Council, or a Committee of all Councillors established for the purpose, must decide whether a matter reported to it under this Policy, reveals a breach. Council may take any steps provided for in this policy that it considers reasonable in the circumstances.

\* HISTORY -- Reviewed July 2020 -- Updated -- Ordinary Council Meeting -- Min No
Adopted Ordinary Council 27 September 2016 Min No: 272/16
Reviewed by DC&G October 2012 -- Updated -- Ordinary Council Meeting 15/01/2013 -- Min No: 9/13
Provision of Information to and Interaction between Councillors and Staff policy reviewed to include information about the Government Information Public Access Act. December 2010
Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

# 14.9.11.8. TRAVEL - OVERSEAS VISITS

#### OBJECTIVE:

To provide a policy in regard to Overseas visits undertaken during the year by Councillors, Council staff or other persons while representing the Council (including visits sponsored by other organisations).

The purpose of the policy is that plans for any such travel should be transparent to the community and have an identifiable benefit to the local area through Council activity.

#### POLICY:

### OPEN COUNCIL DECISION

Where Councillors, Council staff or other persons while representing Council (including visits sponsored by other organisations) propose to travel overseas, the proposals should be considered at an Open Council Meeting through a report from the Mayor, General Manager or responsible Director.

### MANAGEMENT-ANNUAL OPERATIONAL PLAN REFERENCE

If details are known prior to the preparation of the Draft Annual Operational Plan proposals for overseas travel by Councillors, Council staff or other persons while representing Council (including visits sponsored by other organisations) on Council business should be documented in that Plan. The Plan must be widely circulated in the community. Community input about the proposed visit can therefore be considered as part of the Annual Operational Plan Review and Budget finalisation process.

Proposals should indicate:

- (i) the names and titles of the Councillors, Council staff or other persons while representing the Council (including visits sponsored by other organisations) and staff members who are planning to take part in the overseas travel, including the destinations and the reasons for the proposed travel; and
- the objectives for undertaking the overseas trip, including an explanation of what community benefits may/will accrue from the exercise, together with an approximate budget.

### SPONSORSHIP

If the visit is to be sponsored by private enterprise, ICAC guidelines and reporting structures should be followed and this should form part of the community reporting process.

# OVERSEAS TRAVEL AT SHORT NOTICE

Where exceptional cases arise and travel has to be undertaken at short notice, the above proposals should be put to Council, in Open Council, for confirmation. The outcomes, costs and attendances should be included in the first Annual Report issued subsequent to the travel taking place.

# RECORD IN ANNUAL REPORT

A detailed report should be provided in Council's Annual Report for the year in which the visit took place, outlining how the objectives were met and what quantifiable benefits may/will flow to the community. (S217 - Local Government (General) Regulation 2005).

HISTORY -

Reviewed July 2020 - Updated - Ordinary Council Meeting - Min No

Adopted Ordinary Council 27 September 2016 Min No: 272/16

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

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### 11.10.11.9. OVERSIGHT AND LIAISON WITH GENERAL MANAGER POLICY

#### OBJECTIVE:

This policy details the framework for the day to day oversight and liaison with the General Manager in accordance with the Guidelines for the Appointment and Oversight of General Managers.

#### POLICY:

#### 1. ELIGIBILITY

This policy applies to the General Manager of Tarrworth Regional Council

#### 2. DEFINITIONS

Guidelines refers to the Division of Local Government, Department of Premier and Cabinet – Guidelines for the Appointment and Oversight of General Managers – July 2011, Council is referred to in the Guidelines as the governing body of Tamworth Regional Council.

#### 3. PROVISIONS

The Council has delegated to the Mayor, the responsibility of the day-to-day oversight of and liaison with the General Manager. The Mayor will liaise with the General Manager on a daily basis in accordance with the requirements of the Local Government Act 1993, and in keeping with the provisions of the Provision of Information to Councillors and Interaction Between Councillors and Staff Policy, Delegations of Authority and the Code of Conduct.

The Mayor is responsible for:

a) Approving the General Manager's application for leave:

The General Manager is entitled to leave in accordance with the conditions set out in the General Manager's Contract of Employment. Applications for any paid or unpaid leave will be submitted to the Mayor for approval.

b) Approving Expenses Incurred by the General Manager:

The General Manager is required to comply with the conditions contained in the General Manager's Contract of Employment.

The General Manager will also comply with the provisions of Council Staff Policies relating to the allocation of credit cards, fuel cards, travel vouchers and other purchasing cards, petty cash and business related travel.

The General Manager will present expense statements to the Mayor for approval as required.

Attendance at conferences is to be approved in advance by the Mayor.

# Managing Complaints about the General Manager

The Mayor will be responsible for managing complaints received about the General Manager, in accordance with the Code of Conduct, the Complaints Policy and the Public Interest Disclosures Policy.

# 4. RESPONSIBILITY/ACCOUNTABILITY

The General Manager is responsible complying with the provisions of this policy and providing appropriate documentation in support of applications and expense claims.

The Mayor is responsible for approving applications from the General Manager under this policy, in accordance with the framework established in other related policies and guidelines.

# 5. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the:

- Contract of Employment General Manager;
- Division of Local Government, Department of Premier and Cabinet Guidelines for the Appointment and Oversight of General Managers – July 2011;
- Code of Conduct;

- Delegations of Authority Register;
- Complaints Policy;
- Public Interest Disclosures Policy;
- Operational Policy Register; and
- Staff Policy Register.

\* MISTORY -- Adopted Ordinary Council 27 September 2016 Min No: 272/16

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 14 February 2012 Min No: 19/12

# 11.11.10. PROVISION OF MEETING FACILITIES TO VISITING PARLIAMENTARIANS

OBJECTIVE:

The objective of this policy is to provide State and Federal members of parliament with facilities at Ray Walsh House to hold meetings while conducting business in the region.

#### POLICY:

Meeting facilities at Ray Walsh House shall be made available on request to State and Federal members of parliament to host meetings while conducting business in the region. The Committee Room, Level 4, Ray Walsh House will be the preferred meeting room, with the Function Room or Councillors Room to be made available should the Committee Room have a prior booking.

Facilities provided for meetings will include water, tea and coffee free of charge. Catering can be arranged on request with the cost billed to the visiting parliamentarian.

Council facilities within Ray Walsh House will be provided at no cost to visiting Parliamentarians for the purpose of business meetings, however, they are not to be used for political fundraising or political campaigning. This does not preclude the hiring of other Council facilities for political events which may include political fundraising or political campaigning.

\* HISTORY -- Adopted as TRC Policy at Ordinary Meeting 23 April 2013 - Min No 123/13

73810/2013

# 11.12.11.11. POLICY FOR AWARDING FREEMAN OF THE CITY OR KEY TO THE CITY OF TAMWORTH

OBJECTIVE: The objective of this policy is to outline the process for bestowing the award of Freeman of the City of Tamworth or Key to the City of Tamworth.

#### POLICY:

### Criteria for Nomination

Freeman of the City

- 1. the nominee must be a resident of the Tamworth Regional Council area;
- the nominee must be a group or individual with a significant, worthy or notable profile at state, national or international level;
- the title should be awarded in acknowledgement of a high level of achievement or heroic service.
   This may be in sport, the arts, academia, professionally or in humanitarian or community work; and
- presentation of Freeman to the City is an acknowledgement of the individual or group's contribution to our Region, State, Australia or world affairs.

Key to the City

- the nominee is not a resident of the Tamworth Regional Council area, however, the nominee or the nominee's achievements should have close ties with Tamworth and its community;
- the nominee must be a group or individual with a significant, worthy or notable profile at state, national or international level;
- the key should be presented in acknowledgement of a high level of achievement or heroic service.
   This may be in sport, the arts, academia, professionally or in humanitarian or community work; and
- presentation of the Key to the City is an acknowledgement of the individual or group's contribution to our Region, State, Australia or world affairs.

#### Process for Nomination

Nominations should be addressed in writing to the General Manager.

# Ceremony for Bestowing Award(s)

The title of Freeman of the City or the giving of the Key to the City shall take place at a small civic ceremony conducted at an appropriate Council venue. The award(s) shall be presented by the Mayor and invitations will include Local Members of Parliament, Councillors, family and friends of the recipient, key persons related to the recipients achievements, and others as appropriate.

\* HISTORY -- Adopted Ordinary Council 27 September 2016 Min No: 272/16
Adopted as TRC Policy at Ordinary Meeting May 2013 - Min No 159/13
80680/2013

#### 11.13. PROTOCOLS FOR VISITING DIGNITARIES AND OFFICIAL FUNCTIONS

OBJECTIVE: To provide guidelines to be considered when planning official functions, visits and

#### POLICY

Protocol encompasses certain formalities, basic etiquette and behaviours that are necessary and useful, particularly when dealing with dignitaries and VIPs. The appropriate application of protocol when hosting dignitaries and official functions may impact the success of the event and Council's reputation, and helps to maintain and enhance relationships.

This policy offers protocol guidelines to assist in the hosting of dignitaries and official functions and is not exhaustive. For further information on protocol matters not included in this policy contact the NSW Department of Premier and Cabinet — Protocol and Special Events Division.

#### General Considerations

#### ORGANISING COUNCIL FUNCTIONS

When planning an official Council function it is important that you consider the following:

- the host
- the purpose of the function;
- the desired outcome:
- the budget:
- · limitations that exist or have been imposed; and
- staffing requirements and duties.

These points identify the scope of the function and assist the planning process by providing clear guidelines for the event. Other matters to consider include catering, proceedings, entertainment, security, and media. A basic Function Planning Checklist is included, refer ATTACHMENT 1.

If an outdoor event is planned, a wet weather contingency plan should be also be prepared.

Confirming the venue, date, time, hospitality arrangements and standard of dress, will be necessary to enable the organiser to prepare and send out invitations.

### Host

When an invitation to an official Council function is personally addressed, the host is usually the Mayor. For broader invitations, e.g. to the community as a whole, the host is Tanworth Regional Council.

### GUEST-LIST

The involvement of the Premier, Ministers or elected representatives must be given special consideration with briefings submitted through the appropriate Ministerial Office. You should ensure advance notice is given to all parties and detail their role at the function.

For government functions, care must be taken to ensure all relevant persons are invited to attend. In particular, consideration should be given to inviting all Councillors, Ministers and Members of Parliament involved in relevant issues or from surrounding areas which might be affected.

### DATE AND TIME

The availability of special guests or key contributors, the availability of a special or required venue and the availability of the host, should be assessed prior to setting the date for a function.

Anyone with a critical role to play at the function should receive a detailed briefing through the appropriate office prior to the event. For MP's contact with the relevant Personal Secretary responsible for appointments should also be made to assist with the selection of a suitable date and time. Whether Parliament is sitting may also be a consideration. The earlier the date and time for the function can be confirmed, the earlier detailed planning can commence.

### MENU AND BEVERAGES

Specific malters to consider when selecting the menu include the appropriateness and cost, given the nature or purpose of the function and its attendees, of serving alcohol. Dietary requirements for special guests should also be accertained and cultural or religious considerations to be taken into account, especially regarding the serving of alcohol or the serving of pork or beef. Usually, the nature, purpose, attendees, time and venue of the function will clearly indicate the preferred menu and drinks option.

#### AFTER THE FUNCTION

Following an official function it may be appropriate to send a Letter of Thanks or Congratulations to an individual or group who played a special part in the event. Letters of this nature should be signed by the Mayor. An example of this would be a Letter of Thanks to a school choir for singing the national anthem at a Citizenship Ceremony.

#### Invitations

It is important that invitations provide guests with all the details they require to attend the event. Care must be taken to ensure that invitations are thoroughly proofed and that details are correct.

Invitations should include the following information:

- nature of the function -- for example, the opening of a new building;
- · location -- including venue name, meeting room (if applicable), and street address;
- date of the function;
- time of the function. The invitation may also stipulate other timing requirements for example, that
  guests are required to be seated by a particular time (e.g. 12:45pm for 1:00pm);
- standard of dress. For a day function, the standard of dress needs to be specified only if there are
  special requirements, e.g. uniform. For an evening-function the standard of dress should always
  be specified. The wearing of decorations should also be specified when appropriate; and
- RSVP details including the date, contact person, telephone number and email address.

Examples of standard invitations are included below, refer ATTACHMENT 2.

#### Cultural Issues

# **GENERAL CULTURAL ISSUES**

Cultural issues can impact on the success of a function, therefore, it is important to identify cultural issues to avoid the potential for embarrassment or incident. Matters such as greating, seating and eating customs are of greatest importance and cultural issues may also provide constraints on where the function may be held, who should be invited, who should speak, when the function should be held, and what food and drinks should be served. For example, if guests are followers of the Muslim or a number of other religions, an awareness and acknowledgment of dietary and other cultural customs will prevent embarrassment. In such cases, even offering alcohol may give offence. A number of Asian countries bow the head in greeting as a sign of respect, the response to which is a bow that is lower than that offered.

You can avoid potentially embarrassing your client and their guests by identifying and advising of the appropriate cultural protocols to be applied. If confronted with a cultural issue, the organiser should undertake relevant research and prepare for cultural differences.

To ensure cultural issues are addressed, the organiser must firstly consider all details of the function, particularly the guest list, and determine if there will be specific cultural issues involved. The organiser should then seek advice on those issues from local key stakeholders or other bodies such as consular representatives. Department of Immigration and Multicultural Affairs, or the agency responsible for Aboriginal and Torree Strait Islander Partnerships. You should also undertake research in publications or websites on the issues. Care should be taken to ensure the sources are authoritative and the information is not outdated. A list of useful websites is available, refer ATTACHMENT 3.

# INDIGENOUS CULTURAL ISSUES/WELCOME TO COUNTRY

Indigenous cultural matters should always be given due consideration. Matters include indigenous representation, appropriate acknowledgment of the Traditional Owners where an event is taking place,

and affording the opportunity for a Welcome to Country, if appropriate. The Welcome to Country, also known as the Traditional Welcome, allows the Traditional Owners to give their blessing for the event to take place on their land. Refer to Council's Welcome to Country and Acknowledgement of Country Policy.

Speakers acknowledging the Traditional Owners can use a general acknowledgement such as: "I would like to respectfully acknowledge the Traditional Owners of the land on which this event is taking place and the elders past and present." It may be possible to actually name the traditional owners but this should only be done after consultation with the nearest office of Aboriginal and Torres Strait Islander Partnerships.

NSW Department of Premier and Cabinet - Protocol and Special Events Division can be contacted for assistance in relation to general cultural issues.

#### Order of Proceedings/Speakers

A significant tool for the organiser is the Order of Proceedings which is a running sheet for the function. It is recommended that a detailed order of proceedings be prepared for all events. The Order of Proceedings should identify who will be responsible for each detailed task during the course of the function.

The order of speakers at most functions is:

- introduction by the Master of Ceremonies:
- 2. welcome by the host;
- the host as part of their welcome, or alternatively the Master of Ceremonies, introduces the principal speaker or guest of honour;
- 4. main speech or action by principal speaker or guest-of-honour; and
- conclusion by Master of Ceremonies including any other administrative arrangements such as an invitation to guests on behalf of the host to join them in refreshments, or to move to another area.

As a general rule of protocol, the principal speaker or guest-of-honour should speak last. This affords the principal speaker or guest-of-honour the opportunity of making any comment on speeches previously made. It also avoids the potentially embarrassing situation of the person speaking last having very little to-say or do. This situation can be avoided by careful selection of the order of the speakers and guidance to all the speakers including their role in the official proceedings.

### Order of Precedence

An Order of Precedence is used to draft acknowledgements and make seating arrangements. All levels of government have their own Order of Precedence, as do many organisations. The Order of Precedence for the host of the function would normally be the order used. The NSW Order of Precedence is included, refer ATTACHMENT 4, which is a good guide for government agencies and most organisations.

However, conflict between Orders of Precedence can cause concern. For example, conflict may arise at a building opening where the State and Commonwealth Governments have each contributed to the cost of the building and will be sending representatives to attend the opening. At the opening, the Orders of Precedence may clash. An outcome might be that precedence be given to the representative of the government which gave the most money towards the construction of the building. For further information contact the NSW Department of Premier and Cabinet — Protocol and Special Events Division to assist with claffication.

### National Anthems

The National Anthem should be used wherever possible at major functions involving other nations. The guest-of-honour's National Anthem is played first, followed by the Australian National Anthem. There are no specific circumstances in which the National Anthem is not allowed to be played providing its seems appropriate and facilities are available to play the Anthem.

Anthems are normally played at the beginning of the formal proceedings, after all of the official guests have assembled. Typically, this will be after the official party has arrived at the function, or immediately prior to the commencement of formal activities such as presentations and sporting contests.

There is also a Royal Anthem and a Vice Regal Salute. The Royal Anthem is God Save the Queen and it is played when the Queen and/or the Heir to the Throne is present. The Vice Regal Salute is the first four and last four bars of the National Anthem and is played when the Governor-General or Governor is present.

### Opening of a Building/Unveiling a Plaque/Ribbon Cutting

Building openings, plaque unveilings and ribbon cuttings often involve government representatives. There are no special requirements in relation to the conduct of these occasions and they should be planned in the same way as any other event.

An issue that may require further consideration, however, is the wording for the commemoration plaque for a building. Wording for the plaque should reflect the occasion and record the event as well as person/persons actually performing the unveiling. Brevity is important as is ensuring correct names, titles and honorifics.

In relation to "unveiling", it should be noted that National or State flags should not be used as the curtain or cover.

There may be issues about the selection of the particular official who will have the honour of physically undertaking the unveiling or ribbon cutting and coordination of publicity or media arrangements. These issues should be addressed as part of the function planning.

Council has a pair of ceremonial scissors for ribbon cutting events. Contact Corporate and Governance Division for further information.

#### **Presenting Awards and Certificates**

There are no special requirements in relation to the conduct of award and certificate presentations and these events should be planned in the same way as any other event. Primary considerations in planning for these ceremonies are ensuring the accuracy of the details on the awards or certificates, particularly the title and name of the recipient, maintaining secrecy in relation to the identification of the award recipient, if necessary, and the format and seating arrangements for the function particularly if there are a large number of award recipients.

Details of who will present the award, when and how, would be recorded in the detailed Order of Proceedings. Some presentations will include the reading of an award or certificate citation prior to the recipient accepting it. This role is normally prefermed by the Master of Ceremonies.

Media attendance or other publicity for the presentation may also need to be arranged, in conjunction with Ministerial Offices where required.

### Wreath Laying

Government representatives are, as a matter of custom, invited to participate in a number of major wreath laying ceremonies. These ceremonies include ANZAC Day and Remembrance Day.

In wreath laying ceremonies, the host organisation is responsible for determining the order of the wreath laying.

Tamworth Regional Council arranges wreaths for its Councillors attending ANZAC Day events within Tamworth Region. At other events the host organisation is usually responsible for organising the making of the wreaths, which are provided to the government representative for the ceremony. This should be confirmed prior to the event to avoid potential embarrassment.

### **Hosting Visiting Dignitaries**

Hosting dignitaries and/or international visitors is a complex task and often involves far more than simply organising one event. Several days of planned activities may be required including arranging high-level meetings, receptions and other official functions, and less formal events such as visiting tourist attractions and tours. Successful visits are an important means of maintaining and increasing mutual bonds with potential economic and outbural benefits.

One of the first considerations when planning an Official Visit should be to establish the purpose of the visit and identify key areas of interest. This usually requires background research into key members of the visiting party, country of origin and what trade, cultural or relationships exist. Consideration should also be given to who should be consulted in developing a visit program.

Accommodation, airport transfers, transport, security, greating and farewelling, and who will accompany the dignitaries all require careful consideration. Scheduling/coordinating appropriate meetings and visits are also an important part of the planning process. It is important to plan visits well in advance, identifying any possible problems that may impact on the visit and what contingencies may be needed.

#### FUNDING

Funding arrangements should be clearly established at the outset for any official hospitality to be provided. The level of visit determines the style and financial responsibility for accommodation and travel arrangements. A budget for these costs should be established early in the planning process. Any special cultural, dietary and language translating and interpreting requirements also need to be identified.

#### ACCOMMODATION AND TRAVE

Accommodation and air travel requirements within NSW should be ascertained. Appropriate bookings can then be made taking into consideration the number of people in the party including support officers and accompanying officials. The class of travel and standard of room will be dictated by the type of visit.

#### AIRPORT ARRIVAL AND DEPARTURES

All flights and times should be checked with airlines and, together with transfer times, built into the program. Appropriate greetings and farewells, including location and official representation should be put in place. The movement and handling of tuggage is also a critical consideration for airport arrivals and departures.

#### TRANSPORT

Transport to and from accommodation, event venues, meetings and airports/train stations should be arranged. Consideration must be given to the appropriateness of the vehicle as well as travel times, routes, and distances.

### SECURITY

Major visits with security requirements should be discussed with the relevant Ministerial Office (if for a government representative), and if required, should be discussed with NSW Department of Premier and Cabinet — Protocol and Special Events Division to determine the level of security required and the appropriate authorities to notify.

### PUBLICITY AND MEDIA COVERAGE

Publicity and media coverage should always be at the discretion of the visiting party with approval from the relevant Ministerial Office if appropriate. Media and publicity opportunities can usually be built into key events or visits during the program, although prior agreement with all parties should be reached. Media should be arranged through Council's Corporate Communications Officer who should be advised of events that will require media coverage with sufficient time to arrange media releases/invitations.

If the Premier or a Minister is involved, appropriate Ministerial media advisers should be advised. In such instances the media advisers will ascertain the suitability of publicity and issue the appropriate media advice and releases. There may also be a requirement for photographs to record the visit.

### Interpreters

It may be necessary to arrange interpreters to assist with translations for visiting delegations. In many cases an official delegation will have an interpreter included as a part of the travelling party, however, in high level delegations their purpose is to translate primarily for the delegation leader. A separate professionally accredited interpreter or interpreters may be required to assist with general communication.

TIS National provides free interpreting services to non-English speaking Australian citizens and permanent residents. Pre-booking is required for TIS on-site services through a booking form process. For a booking-form phone 131 450 or visit the Department of Immigration's website.

The National Accreditation Authority for Translators and Interpreters Ltd (NAATI) maintains a directory of accredited interpreters and translators as well as other relevant information regarding professional interpreting services. You can visit the NAATI website, <a href="https://www.naati.com.au">www.naati.com.au</a>, or telephone 1300 557 470.

#### Gifte

Many visiting dignitaries will present gifts to acknowledge the occasion and as a courtesy. On most occasions there is a reciprocal gift presentation. Gift exchanges should take place between senior officials and key dignitaries of similar seniority.

The appropriateness of gifts, including cultural significance, should be taken into consideration. For example, in some cultures sharp instruments are viewed as bad-luck and the colour white is used in situations of mourning. The suitability of gifts may depend on the nationality of the recipient and, just as importantly, what the recipient may have been given previously. Details should be kept of the date of presentation, gift/s presented, presenter and recipient. This will ensure there is no duplication on subsequent presentations and that the value of the gift is appropriate and comparable to the gifts previously given (and by whom they were given).

#### Flag Protocols

There are a number of protocols and points to remember in relation to flying flags. Primarily, flags should be flown or displayed in a dignified manner and should not be used as a curtain to unveil a monument or plaque, or used as table or seat covers or allowed to fall to or lie upon the ground. Flags should not be flown at night unless properly lit and no more than one flag should be flown from the one halvard flag pole).

National flags of sovereign nations should be flown on separate staffs and at the same height and should be of the same size. The Australian National Flag should be hoisted first and lowered last, and is always flown in a position of precedence.

Flags are flown at half-mast position as a sign of mourning. Half masting should be undertaken by first taking the flag to the top of the mast and lowering to the half-mast position, which is when the top of the flag is approximately one third the distance down from the top of the mast. The flag should be raised to the top of the mast again before lowering it for the day.

A tattered or dilapidated flag should not be flown and should be destroyed in private.

There are clear protocols for flags flown on Government buildings. The protocol changes depending on the number of flag-poles, their configuration and relative heights, and the nature of the other flags to be flown. Further information on flag protocols is available on the Australian Government honours website <a href="http://www.itsanhonour.gov.au/symbols/flag.cfm//precedence.">http://www.itsanhonour.gov.au/symbols/flag.cfm//precedence.</a>

### Use of Postnominals

Postnominals are the letters that may be used after a person's name to signify that the person is a recipient of an award or honour and it is important that the correct postnominal is used on items like invitations, name tags and place cards. A person who has received a number of awards and is entitled to use postnominals will always list the highest award first. Further information on postnominals and the order of precedence for postnominals is available on the Australian Government honours website <a href="http://www.itsanbonour.gov.au/honours/awards/wearing.cfm/#Order.">http://www.itsanbonour.gov.au/honours/awards/wearing.cfm/#Order.</a>

### Forms of Address

Protocol dictates certain acceptable forms of address for people based on their position or status within the community. A table including basic forms of address for those positions most relevant to functions hosted by Local Government is included at ATTACHMENT 5. This list is by no means comprehensive and when extending an invitation to a dignitary not included on the list below the correct form of address should be investigated.

# Standard Seating Plans

Seating plans are generally required for formal occasions where guests are to be seated. Plans may also be required for less formal occasions where there is an official table at which dignitaries will be seated for the function, such as a presentation ceremony where the presenters and the official party will

be seated on a dais or platform in front of an audience. Seats for official guests should be reserved at functions where there is also general seating.

Care must be taken to observe correct protocol when planning these seating arrangements. This protocol can become complicated when arranging seating for many dignitaries across a range of governments or countries, and when spouses accompany those officials.

If a Minister's adviser is to be seated at the official table, they should be placed at the end of the table, unless it is specifically requested that they be close to the Minister. The advisers accompanying a visiting dignitary should be seated according to their rank. To avoid potential offence, the dignitary's advisers should not be seated at the end of the table.

Basic seating plans are included, refer ATTACHMENT 6. NSW Department of Premier and Cabinet – Protocol and Special Events Division should be contacted if further assistance is required.

### Name Tags/Place Cards

Care should be taken when preparing name tags and place cards to ensure that the tag reflects the correct title, name (especially spelling), postnominals and organisation of the invitee.

Positions are rarely used on tags. All name tags should be clearly visible as lapel badges. Consideration should also be given to preparing name tags in a different colour for guests of honour to assist other guests in recognising them. Name tags should also be made for the departmental officers who are attending the event as host representatives. Host name tags should clearly show title, name and department. Spare blank name tags and a suitable marking pen must be available should a substitute guest arrive or a name tag require afteration.

Attachment 1 - Function Planning Checklist
The following should be considered when planning an event:
• Budget
Type of function
style
date
time
- venue
dress standard
Staffing resources
• Host
Guest list
- whether partners should be invited
• Catering
caterer
- style of food and service
- cultural/religious dietary requirements
vegetarian options
<ul> <li>refreshments including the need and appropriateness to serve alcohol</li> </ul>
- Fringe Benefit Tax (FBT) implications
Function-proceedings
nun-sheet/Order of Proceedings
speeches/speech notes
- Order of Precedence
- Master of Ceremonies
toasts
exchange of gifts
- entertainment
Room-set-up
<ul> <li>special furniture requirements (lectern, small table, water and glasses)</li> </ul>
<ul> <li>audio visual equipment (microphones, data projector)</li> </ul>
<ul> <li>decorations (floral arrangements etc) and signage</li> </ul>
Security
<ul> <li>inform-police of function (if high-level dignitaries are attending)</li> </ul>
- liaise with venue security
• Interpreters
<ul> <li>is an interpreter required and what skill level is needed</li> </ul>
Photographic/media coverage
does a photographer need to be booked/hired
266

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	uirements

Invitation

----wording

- RSVP details and date

approval process required before issuing

Nametags/place-cards/seating-plans

# Attachment 2 - Examples of Standard Invitation

Invitation 1 (Mayor is Host of event, personal invitation)



The Mayor, Cr Col Murray

on behalf of Tamworth Regional Council

extends an invitation to

[Name]-OR a representative of [Business Name] (e.g. the Chamber of Commerce)

for a [function description] in honour of [Guest of Honour] (if applicable)

[Venue]

[Date]

[Time]

RSVP: [Date]

Contact: [Contact Name]

Phone: [Contact phone number]

Email: [Contact-email]

Dress: [Dress standard] (if evening event OR special dress required)

Tamworth Regional Council invitation)

Tamworth Regional Council invites you to attend

[function description]
in honour of [Guest of Honour] (if applicable)

[Venue]

[Date]

[Time]

RSVP:[Date]

Contact: [Contact Name]

Phone: [Contact phone number]

Email: [Contact email]

Dress: [Dress standard] (if evening event OR special dress required)

#### Attachment 3 - Useful Websites Organisation Useful for Department of Premier and Cabinet — Protocol and Special Events Division http://www.events.nsw.gov.au/about-us/ Further protocol information Sourcing Interpreters www.naati.com.au The - National Accreditation Authority Translators Interpreters and Ltd (NAATI) NSW Reconciliation Council Indigenous Cultural Matters http://www.newreconciliation.org.au/Resources/protocols Australian Honours and Awards Flag-protocols http://www.itsanhonour.gov.au/symbols/flag.cfm#precedence Australian Honours and Awards Use postnominals http://www.itsanhonour.gov.au/honours/awards/wearing.cfm#Order

#### Attachment 4 - NSW Order of Precedence

#### THE TABLE OF PRECEDENCE NSW

The table of precedence presents the formal and ceremonial status of members of Parliament, Government and the Judiciary, Each state has a table of precedence.

- 1 The Governor-General
- 2. The Governor or Lieutenant-Governor administering the Government
- 3 The Premier
- 4 The Prime Minister
- 5 The Lieutenant-Governor if not administering the Government
- 6 The Chief Justice
- 7 (a) Foreign Ambassadors and High Commissioners (b) Foreign Ministers and Envoys
- 8 State Executive Councillors
- 9 The Anglican and Roman Catholic Archbishops of Sydney (according to date of appointment)
- 10 The President of the Legislative Council
- 11 The Speaker of the Legislative Assembly
- 12 (a) Former Governors-General according to the date of leaving office
  - (b)Former Governors of New South Wales according to the date of leaving office
  - (c) Former Premiers of New South Wales according to the date of leaving office
  - (d) Former Prime Ministers according to the date of leaving office
- 13 The President of the Senate and the Speaker of the House of Representatives of the Commonwealth of Australia according to the date of appointment
- 14 The Chief Justice of Australia
- 15 Leader of the State Opposition
- 16 Federal Executive Councillors
- 17 Justices of the High Court of Australia
- 18 Judges of the Supreme Court and Judges with supreme court status in order of appointment
- 19 The Chief Judges of Federal Courts of Australia and the President of the Australian
- 20 Conciliation and Arbitration Commission according to date of seniority
- 21 Privy Councillors
- 22 The Lord Mayor of Sydney
- 23 The Director-General of the Premier's Department
- 24 Members of the Legislative Council
- 25 Members of the Legislative Assembly
- 26 Members of the Parliament of the Commonwealth
- 27 Other Judges of Federal Courts and Deputy Presidents of the Australian Conciliation and Arbitration Commission according to the respective dates of first appointment to one of those offices
- 28 Senior Officers in New South Wales of the Naval, Military and Air Forces according to seniority
- 29 Heads of Religious communities according the date of assuming office in New South Wales
- 30 Chief-Executive-Officers of New-South-Wales Government-Departments and Authorities

31 (a) Heads of Consular Missions according to their seniority in the Consular Corps in New South Wales

(b) Trade Commissioners

- 32 Recipients of Australian and British decorations and honours taking precedence over Officers of the Order of Australia, all according to the precedence of those awards
- 33 Judges of the District Court and Judges with District Court status
- 34 Ex-Ministers of the State and persons authorised to retain the prefix "Honourable"

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# Attachment 5 - Forms of Address

Phur - Partner

- Mr. Mrs, Ms, Sir, Lady, etc

The Governor-General His/Her-Excellency (Talle) (First rame) [Surranne), [PN), Governor-General of the Commonwealth of Australia	Governor-General's partner HistHer-Excellency (Title) (First name) [Surname], [PN), Government-House, Canberra ACT-2600	Governor His/Her Excellency [Title] [First name] [Surname], [PN], Governor of [State]	Governor's partner [Tale] (Sumame), (PA)	Premier The Hon. [First name] [Surrame] MP [Premier of Chappenhad]
Your Excellency	Your—Excellency—or Dear [Title] [Surrame]	Your Excellency	Dear-(Title) (Swname), pawj	Dear Premier or Premier or Dear [Title] [Sumame]
Letter to the Official Secretary or Governor General	Letter to the Official Secretary or [Title] [Surname]	Letter to the Official Secretary or to His/Her Excellency	Letter—to—the—Official Secretary—or—[Title] [Surname]	The Hon. [Initial]. [Surname] MP, Premier of [State] and [Ptnr Title] [Ptnr Surname]
His.Her. Excellency-or. The Governor-General	His/Her Excellency or [Title][Surname]	His/Her-Excellency or The Governor of (State)	[Title] {Sumanne}	The Premier or The Hon.  [Title] [Initial]. [Surname] Premier of [State]  MP.
Highler Excellency The Governor-General of the Commonwealth of Australia		Your Excellency	[Tille] [Sumame]	urable
First and last meeting each day "Your Excellency" otherwise "Sir" or "Ma'am"	First-and-last-meeting-each day "Your Excellency" otherwise "SirTor "Matem"	First and last meeting each day	{Txie} {Sumeme}	Premier or [Tille] [Surname]
	Your Excellency Letter_to_the_Official Higher_Excellency_or_The Governor-General Governor-General Commonwealth_of otherway  General Governor-General Commonwealth_of otherway  Australia	Your-Excellency  Page 17-life   Commonwealth   His/Her Excellency or The Governor-General   His/Her Excellency or The Governor-General   Governor-General   Governor-General   Governor-General of the day    Commonwealth of cherk   Commonwealth   C	Your_Excellency   Letter_to_the_Official   Highter_Excellency or The   Governor-General   Governor-General   Governor-General   Governor-General   Governor-General   Governor-General   Governor-General   Governor-General   Commonwealth of otherw   Commonwealth of the otherw   Common	Your Excellency       Letter to the Official Governor General       Highler Excellency or The Governor General Governor-General of the day Governor-General of the day Commonwealth of the Official Passet [Title] [Surname]       Highler Excellency or Commonwealth of Commonwealth of Otherw       Highler Excellency or Highler Excellency or Highler Excellency or The Commonwealth of Otherw       First a Governor of [State]         Your Excellency       Letter to the Official Excellency or The Exc

TAMMORTH REGIONAL COUNCIL GENERAL POLICY REGISTER -- GOVERNANCE

Envelope	Salutation	hydalion	Place Card	How referred to	How addressed
Prime Minister The Hon, The Prime Minister of Australia	Dear Prime Minister	The-Honourable-finitial)- [Surname] MP. Prime Minister of Australia-and [Plan Title] [Plan Surname]	The Prime Minister	The Honourable (First name) [Surname] MP, Prime Minister of Australia	Prime—Minister—or—[Title] [Surname]
Leader of the Opposition	Dear fTitle} {Sumame}	The Honourable-flivibially [Surname] MP, Leader of the Opposition	The—Hon,—[Fitte]—[Initial]. [Surname] MP	The Honousable-finitially. (Surname) MP, Leader of the Opposition	[Tille] [Sumame]
Members of Parliament [Title] Initial, [Surname] MP	Dear [Title] [Surname]	(Fitte) finitial). (Sumame) MP. The Honourable (Initial). (Sumame)	[Title] [Initial] [Surname] MP	(Tale) (Inalel) (Sumame) MP, or the Member for	(Take) (Sumeme)
MayoriMayoress	Dear Mr MayoriMadam Mayoress	[Title] - [Initial]. [Surname], Mayor of	fTitle]_[initial][Surname]. Mayor-of	[Title] [Initial]. [Surname]. MayoriMayoress of	Mr MayoriMadam Mayoress or [Title] [Surname]
Citizene with honours or decorations [Title] [Initial]. [Surname]. OAM	Dear [Tale] [Surname]		[Hite]_[Initial]_[Surname]; [Hite][Surname] OAM	[Title] [Surnarie]	[Tale]-[Surname]

TAMWORTH REGIONAL COUNCIL GENERAL POLICY REGISTER -- GOVERNANCE

TAMWORTH REGIONAL COUNCIL GENERAL POLICY REGISTER

Attachment 6 - Basic Seating Plans Round Table Seating

- The seating arrangement at the official table shows the guest of honour seated to the right-hand side of the host with the guest of honour's spouse sitting to the host's left and the host's spouse sitting next to the guest of honour.
- 2 Table 2 shows an alternative seating arrangement which could be used for the official table with the host and the guest of honour sitting together, and their respective spouses sitting together.
- 3 Table 3 shows a seating plan for a table of 40.
- 4 The official table should be close to the stage/lectern.

Version 1.1

Implemented by Council [Date]

octangular seating		

<sup>\*</sup> History: Adopted Ordinary Council 12 November 2013 – Minute No 350/13

TAMWORTH REGIONAL COUNCIL GENERAL POLICY REGISTER

#### 11.14.11.12. RELATED PARTY DISCLOSURES

OBJECTIVE: 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.

#### POLICY:

#### DEFINITIONS

AASB 124 means the Australian Accounting Standards Board - Related Party Disclosures Standard.

Act means the Local Government Act 1993.

#### Close members of the family 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;
  - that person's children and spouse or domestic partner;
  - o children of that person's spouse or domestic partner; and
  - dependants of that person or that person's spouse or domestic partner.

Entity can include companies, trusts, joint ventures, partnerships, incorporated association or unincorporated group or body and non-profit associations such as sporting clubs.

#### Key Management Personnel (KMP)

The AASB defines a KMP as "those persons having authority and responsibility, either directly or indirectly, for planning, directing and controlling the activities of the entity 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, post employment 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.

Version 1.1

Implemented by Council (Date)

# Possible (Possibly) Close members of the family of a person

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;
- dependants 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.

# Related Party

The Australian Accounting Standards Board has defined a related party as:

- A person or entity that is related to the entity that is preparing its financial statements;
- A person or a close member of that person's family is related to a reporting entity if that person:
  - Has control or joint control of the reporting entity;
  - Has significant influence over the reporting entity; or
  - Is a member of the key management personnel of the reporting entity.

#### Related Party Transaction

A transfer of resources, services or obligations between a 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

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.

# BACKGROUND/LEGISLATIVE REQUIREMENTS

The Australian Accounting Standards Board (AASB) determined in AASB 124 that from 1 July 2016 related party disclosures will apply to government entities, including local governments (Councils).

AASB 124 provides that Council must disclose the following information in its financial statements for each financial year period:

- disclosure of any related party relationship:
  - must disclose in its Annual Financial Statements its relationship with any related parties or subsidiaries (where applicable), whether or not there have been transactions within the relevant reporting period;
- Key Management Personnel (KMP) Compensation Disclosures;
  - must disclose in its Annual Financial Statements details for each of the categories of KMP compensation, as stated in the definitions of this Policy, in total.

### POLICY, PROTOCOL OR PROCEDURE 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; and
- was the transaction likely to influence decisions of users of the Annual Financial Statements.

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, are required to declare full details of any Related Parties and Related Party Transactions. Such information will be retained and reported, where necessary, in Council's Annual Financial Statements.

Key Management Personnel

For Council purposes KMP include:

- the Mayor;
- Councillors:
- the General Manager;
- Directors; and
- Any staff member who is part of the Executive Management Team.

# Related Parties

For the purposes of this policy, related parties of Council are:

- entities related to Council;
- KMP of Council;
- close family members of KMP;
- possible close family members of KMP's; and
- 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.

### Related Party Transactions

Related Party Transactions are required to be disclosed, regardless of whether a price is charged. Such transactions may include:

- purchase or sale of goods (finished or unfinished);
- · purchase or sale of property and other assets;
- · rendering or receiving services;
- leases;
- 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.

#### Disclasure

AASB 124 provides that Council must disclose all material and significant Related Party Transactions in its Annual financial statements by aggregate or general description and include the following detail:

- · the nature of the related party relationship; and
- relevant information about the transactions including:
  - the amount of the transaction;
  - the amount of outstanding balances, including commitments;
  - their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in the settlement;
  - details of any guarantee given or received;
  - o provision for doubtful debts related to the amount of outstanding balances; and
  - the expense recognised during the period in respect of bad or doubtful debts due from related parties.

All transactions involving Related Parties will be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are Ordinary Citizen Transactions, and to determine the significance of each of the transactions.

Generally, transactions with amounts receivable from and payable to KMP or their related parties which:

- occur within normal employee, customer or supplier relationships and at arm's length; and
- · are not material or significant;

shall be excluded from detailed disclosures, they will be disclosed in the financial statements by general description. Disclosures that Related Party Transactions were made on terms equivalent to an arm's length transaction can only be made if such terms can be substantiated.

AASB requirements in this regard are available at ATTACHMENT 1.

### Procedures

The method for identifying the close family members and associated entities of KMP will be by KMP selfassessment. KMP have an ongoing responsibility to advise Council immediately of any Related Party Transactions. The preferred method of reporting is for KMP to provide details of Related Parties and Related Party Transactions, utilising the Reporting Templates (ATTACHMENT 2), to the Manager Governance or Manager Finance.

Information provided will be reviewed in accordance with the Councils operational requirements and held on a centralised register held within Governance division.

Should a KMP have any uncertainty as to whether a transaction may constitute a related party transaction they should contact the Manager Governance for clarification.

#### 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 only where required for compliance or legal reasons.

#### Review

A review of KMP's and their related parties will be completed on adoption of this policy and then at intervals not exceeding twelve months.

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

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

### Training Andand Communication

This policy will be provided to KMP in the initial awareness raising and data collection and as part of Councillor inductions. It will also be regularly communicated to KMP at an annual review.

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

#### Attachments

ATTACHMENT 1 -- AASB 124 Reporting Requirements.

ATTACHMENT 2 - Reporting Template for Related Party Disclosure.\*

Version 1.1

HISTORY - Adopted and Implemented by Council 11 April 2017 - Minute No. 93/17

# Attachment 1 - Reporting Requirements

Reference	Requirement
AASB124.17	The entity discloses key management personnel compensation in total and for each of the following categories:
	a. short-term employee benefits;
	b. post-employment benefits;
	c. other long-term benefits; and
	d. termination benefits.
	Key management personnel (KMP) are not named – disclosure on an aggregate basis only.
	Short-term employee benefits include non-monetary benefits.
AASB124.18	If there have been transactions between related parties, the entity discloses the nature of the relationship with the related party, as well as sufficient information about the transactions and outstanding balances, including commitments, necessary for users to understand the potential effect of the relationship on the financial statements.
	Types of Transactions:
	<ul> <li>a. purchases or sales of goods (finished or unfinished);</li> </ul>
	<ul> <li>b. purchases or sales of property and other assets;</li> </ul>
	c. rendering or receiving of services;
	d. leases;
	e. transfers of research and development;
	f. transfers under licence agreements;
	<ul> <li>g. transfers under finance arrangements (including loans and equity contributions in cash or in kind);</li> </ul>
	h. provision of guarantees or collateral;
	<ul> <li>commitments to do something if a particular event occurs or does not occur in the future, including executory contracts1 (recognised and unrecognised); and</li> </ul>
	<ol> <li>settlement of liabilities on behalf of the related party.</li> </ol>
	The following information, at a minimum, is disclosed:
	the amount of the transactions;
	<ul> <li>the amount of outstanding balances, including commitments, and terms and conditions (i.e. secured or unsecured) and the nature of consideration to be provided in settlement; and details of guarantees given or received;</li> </ul>
	<ul> <li>provisions for doubtful debts related to the amount of outstanding balances;</li> <li>and</li> </ul>
	<ul> <li>the expense recognised during the period relating to bad or doubtful debts due from related parties.</li> </ul>

Reference	Requirement				
AASB124.19	The entity separately discloses all the information required by Paragraph 18 at the following levels:				
	a. subsidiaries;				
	b. associates;				
	<ul> <li>c. joint ventures in which the entity is a joint venturer;</li> </ul>				
	<ul> <li>d. key management personnel of the entity or its parent; and</li> </ul>				
	e. other related parties.				
AASB124.24	The entity discloses items of a similar nature in aggregate, except when separate disclosure is necessary for an understanding of the effects of related party transactions on the financial statements of the entity.				



	Private and	Confidential
Declaration by	Key Management I	Personnel (KMP) on Related Parties
Name of Key Manager	nent Person:	
Position of Key Manag	ement Person:	
		ies that are controlled/jointly controlled by controlled by close family members
(Please refer to definition provided in the Related F		osures Policy and consider the additional guidance tion Sheet for KMP)
Name of per	son or entity	Relationship
declare that that the controlled, or jointly declaration after readi	above list includes a controlled, by myself ng the Council's Rela 'close family members'	e),
Declared at:		(insert place)
on the		(insert date)
Signature of KMP:		

11.15.11.13. PAYMENT TO INDEPENDENT MEMBERS OF THE AUDIT, AND RISK AND IMPROVEMENT COMMITTEE

**OBJECTIVE:** The purpose of this policy is to clearly define the payments to Independent Members on the Audit and Risk Committee.

POLICY: As of <u>1 July23 February</u> 2015<u>20</u>, the payment for Independent Members of the Audit and Risk Committee will be:

\$1,621000.00 per member per meeting; and

30% additional payment to the Chair per meeting.

The fees paid to Independent Members will increase annually by the percentage allocated to Councillors by the Independent Pricing and Regulatory Tribunal. This will take effect on the 1 July each year commencing on 1 July 204621.

# Travel Expenses

Council will pay appropriate accommodation and, meals and travel costs associated with attending Audit, and Risk and Improvement Committee Meetings to be booked by Council. Car travel to/from Tamworth will be reimbursed by kilometre at the rate contained in the Local Government (State) Award and where requested, air travel to/from Tamworth Where possible, travel and accommodation will be booked by Council.

<sup>\*</sup> HISTORY - Reviewed July 2020 - Updated - Ordinary Council Meeting - Min No.
Adopted Ordinary Council 26 April 2017 Min No: 107/17

#### 12 INSURANCE

#### 12.1. DEVELOPER AND CONTRACTOR PUBLIC LIABILITY INSURANCE REQUIREMENTS

#### OBJECTIVE:

To set minimum levels of Public Liability Insurance Cover in accordance with Section 382(1) of the Local Government act 1993 which will provide adequate indemnity to Council for works undertaken by Developers and Contractors in a public place under the Council's control, or a public place which will be under Council's control at a future date or in respect of infrastructure that will be handed over to Council as public infrastructure upon completion.

#### POLICY:

That in all cases, as a condition of the approval of a Development Application, the Developer shall be required to provide Council with proof that the Developer has obtained a minimum of \$20 Million Public Liability cover which indemnifies Council against any claim made against the Developer.

That in all cases, as a condition in any contract for works carried out for Council or on Council's behalf, a Contractor shall be required to provide Council with proof that the Contractor has obtained a minimum of \$20 Million Public Liability cover which indemnifies Council against any claim arising from the contract.

Adopted Ordinary Council 27 September 2016 Min No: 272/16

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Changes made to wording 18/8/10 by Director Corporate and Governance

Amended Ord Council 16 Dec 08 Res No 319/08 (1390/2009) Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy SMT 17/11/97, P&R 19/11/97 Council 25/11/97 Min No 454.

<sup>\*</sup> HISTORY -

# 12.2. PUBLIC LIABILITY AND PROFESSIONAL INDEMNITY MINIMUM COVER

#### OBJECTIVE:

To comply with the provisions Section 382 (1) of the Local Government Act, 1993, and ensure that Council sets minimum amounts of cover in dollar terms in all cases when entering into agreements or contracts.

#### POLICY:

That, in all cases, as a condition of lease or contract, Council requires a minimum cover for public liability of \$20 million dollars and professional indemnity of \$2 million dollars (unless otherwise specified in the contract). This policy is subject to review by Council on an annual basis.

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\* HISTORY -

Adopted Ordinary Council 27 September 2016 Min No: 272/18

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Amended Ord Council 16 Dec 08 Res No 319/08 (1390/2009)

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy

Reviewed: P&R 17/5/00 DCS Report No 2000/11 CR203 Ord Meet 23 May 2000 Min No 128

First submitted to Council (direct) 25/7/95 Refer DCS Report No 95/47 (Reports from Departments)

#### 13 LICENSING

#### 13.1. TAMWORTH REGIONAL COUNCIL LIQUOR LICENSING POLICY

#### OBJECTIVE:

To provide a means by which Council can respond to Liquor Licence notifications, Community Impact Statements (CIS) and complaints against licensed premises (in accordance with the Liquor Act 2007 which took effect on and from 1 July 2008).

#### POLICY:

Applications for a new licence or revision to an existing licence

Applications requiring a Category A Community Impact Statement (as outlined in the NSW Liquor Regulation 2008 Part 3 Division 2 Clause 10 revised 12 December 2008)

- (i) The General Manager or delegate has the authority to make recommendations to licensees and prospective licensees, within 30 days of Tamworth Regional Council receiving written notification of a licence application; or
- (ii) General Manager or delegate has the authority to refer the application to the Tamworth Regional Licensed Premises Reference Group, to make recommendations to licensees and prospective licensees, within 30 days of Tamworth Regional Council receiving written notification of a licence application.
- (iii) Recommendations made to licensees and prospective licensees may include:
  - Hours during which alcohol is sold;
  - Compliance with TRC's Policy relating to Alcohol Free Zones and Consumption of Alcohol at Approved Outdoor Dining Facilities in Tamworth CBD Alcohol Free Zones;
  - · Hours of operation in relation to the Council DA approval;
  - Other recommendations as deemed necessary.
- (iv) Council will be notified by Liquor and Gaming NSW when an application has been lodged (with a CIS if required).

The General Manager or delegate has authority to respond directly to Liquor and Gaming NSW within 30 days where:

- Council's recommendations for the CIS have not been addressed; or
- Other issues have arisen since the initial notification was made to Council.

Applications requiring a Category B Community Impact Statement (as outlined in the NSW Liquor Regulation 2008 Part 3 Division 2 Clause 10 revised 12 December 2008)

- Applications for a Category B CIS will be referred to the Tamworth Regional Licensed Premises Reference Group consisting of:
  - Councillor representatives on the Crime Prevention Working Group and other Councillors nominated to be on the Tamworth Regional Licensed Premises Reference Group;
  - General Manager or Director Planning and Compliance;
  - Manager Regulatory Services or delegate;

- Hunter New England Local Health District; and
- NSW Police Oxley Police District.
- (ii) The Tamworth Regional Licensed Premises Reference Group has authority to make recommendations to licensees and prospective licensees, within 30 days of Tamworth Regional Council receiving written notification of a licence application.
- (iii) Recommendations made to licensees and prospective licensees may include:
  - Hours during which alcohol is sold;
  - Compliance with TRC's Policy relating to Alcohol Free Zones and Consumption of Alcohol at Approved Outdoor Dining Facilities in Tamworth CBD Alcohol Free Zones:
  - Hours of operation in relation to the Council DA approval: and
  - Other recommendations as deemed necessary.
- (iv) Council will be notified by Liquor and Gaming NSW when an application has been lodged (with a CIS if required).

The Tamworth Regional Council Licensed Premises Reference Group has authority to respond directly to Liquor and Gaming NSW within 30 days where:

- Council's recommendations for the CIS have not been addressed; or
- Other issues have arisen since the initial notification was made to Council.

#### Complaints Concerning Licensed Premises

- All complaints made to Council relating to licensed premises must be in writing or lodged on the appropriate complaint form.
- (ii) The General Manager or delegated Council officer has the authority to respond to the complaint and take appropriate action:
  - refer the complaint to the Oxley Police District;
  - instigate other actions as deemed necessary.

#### POLICY GUIDELINES:

A new Liquor Act 2007 was passed by the NSW Parliament on 5 December 2007, and took effect on 1 July 2008. The new Liquor Act regulates all liquor sales – including sales in registered clubs.

Liquor Licences now fall into six categories:

- a) a hotel licence;
- b) a club licence;
- a packaged liquor licence;
- d) an on-premises licence (restaurants, motels, theatres, public halls etc);
- e) a limited licence (liquor sales for consumption at a function or multiple functions); or
- f) a producer/ wholesaler licence (wine producers, brewers, distillers and wholesalers).

#### Community Impact Statement (CIS)

Not all licence applications require the preparation of a CIS, however many potential applicants for a new liquor licence or a licence-related authorisation will be required to prepare a CIS. Further detail on applications requiring the preparation of a CIS is provided in

the table; Tamworth Regional Council guidelines when responding to licence applications requiring a Community Impact Statement (included at the end of these policy guidelines).

The CIS summarises consultation between the applicant and the local community about any issues and concerns with the proposed application. A CIS received by Liquor and Gaming NSW will be placed on public display on the Liquor and Gaming NSW website before an application is determined.

The CIS allows the Independent Liquor and Gaming Authority to be aware of the impact that granting an application will have on the local community. It does this by ensuring the potential applicant consults with the local community before deciding to go ahead with making an application.

Where a CIS is required, the Authority cannot grant a licence authorisation, or approval, unless it is satisfied that the overall social impact will not be detrimental to the well-being of the local or broader community.

There are two Category classifications for a CIS, Category A or Category B. The key difference between a Category A and Category B CIS is in relation to the stakeholders required to be notified. A wider range of stakeholders must be consulted when preparing a Category B CIS.

#### Category A CIS

Category A CIS is required if the relevant application is an application for:

- a) a packaged liquor licence limited to the sale or supply of alcohol by taking orders over the telephone, fax, mail order or through a website;
- the removal of the above licence to other premises;
- an extended trading authorisation for an on-premises licence if the authorisation will allow the sale of liquor on a Sunday between 5am and 10am or between 10pm and midnight (not including sales to the residents of the licensed premises and their quests):
- a primary service authorisation under section 24(3) of the Liquor Act eg. where a restaurant wants to sell liquor without meals; and
- any other application for which the Authority requires a Category A CIS on a case-bycase basis – such as where the Authority considers there may be potential for community impact associated with a new licensed premises or a change to an existing premises. Applicants will be notified by the Authority if this is required.

For a Category A CIS, the relevant stakeholders to be consulted are:

- a) Local Government;
- b) Police
- Such other stakeholders as are determined by the Authority Applicants for a Category A CIS do not need to serve local residents with a notice but must display the notice on the (proposed) premises.

Applications for a temporary extension of trading authorisation for licensed premises, for example, during the annual Country Music Festival, will be treated by Council as a Category A CIS Application.

#### Category B CIS

Category B CIS is required if the relevant application is an application:

a) a hotel licence:

- b) a club licence;
- a packaged liquor licence (other than a licence limited to the sale or supply of liquor by taking orders over the telephone, facsimile, mail order or through an internet site);
- an on-premises licence for a public entertainment venue other than a cinema or a theatre;
- e) an extended trading authorisation for each of the above licences;
- an application to remove each of the above licences to other premises;
- an extended trading authorisation for an On-premises licence if the authorisation will allow the sale of liquor at any time between midnight and 5am;
- an extended trading authorisation for a Producer/wholesaler licence if the authorisation will allow the sale of liquor by retail between midnight and 5am (not including sales to the residents of the licensed premises and their guests); and
- any other application for which the Authority requires a Category B CIS on a case-bycase basis – such as where the Authority considers there may be potential for community impact associated with a new licensed premises or a change to an existing premises. Applicants will be notified by the Authority if this is required:

For a Category B CIS, the relevant stakeholders to be consulted are:

- a) Local Government;
- b) Police:
- c) Department of Health;
- d) Department of Community Services;
- e) Roads and Maritime Service;
- f) recognised leaders or representatives of the local Aboriginal community (if any) in the area:
- g) the occupier of any neighbouring premises, meaning, any building situated on land that is within 100 metres of the boundary of the premises to which the application relates, or any building situated on land adjoining the boundary of the land on which the premises to which the application relates are or will be situated (or, that would be land adjoining that boundary if it were not for a road separating the land). For high-rise buildings, notification needs only be given to the building or strata manager or by displaying notification in the building's lobby or foyer; and
- such other stakeholders as are determined by the Authority.

# Application procedure

Applicants for a liquor licence are required to comply with the following procedures:

#### Pre-liquor licence application stage

Where a CIS is required, new applicants must consult with the local community and gather information in preparation of a CIS.

Council must be informed when:

- A proponent intends to prepare a Community Impact Statement (CIS) prior to lodging an application for a liquor licence; and
- A proponent lodges a liquor licence with the Authority.

Council may respond within 30 days to any application outlining any concerns that exist. The applicant has the opportunity to address these concerns at this stage. If the concerns remain unresolved they must be included by the applicant in the CIS.

#### · At the liquor licence application stage

When an application is lodged with the Authority it will be displayed on the Authority website. Tamworth Regional Council may make further submissions concerning the application within 30 days of the application being placed on display.

Where required, the applicant may apply for development approval from the Council's Department of Environmental Planning and Economic Development while lodging a licence application with the Licensing Authority. Development approval is a separate process to the preparation of a CIS by an applicant. Approval from Council does not over-ride state legislation under the Liquor Act 2007.

#### · When a licence is operating

Tamworth Regional Council may make submissions concerning an existing licence and the operation of a licence.

Council can make submissions to the Independent Liquor and Gaming Authority (Authority) on matters concerning:

- issues that could lead to conditions being imposed on a licence;
- complaints to the Authority that the quiet and good order of the neighbourhood is unduly disturbed by the operation of a licensed venue;
- disciplinary complaints to the Authority about the operation of a licensed venue e.g. Place of Public Entertainment (POPE) requirements are not met;
- submissions to the Authority on a proposed late hour entry declaration;
- submissions to the Authority on a proposal to declare a restricted alcohol area;
   and
- other matters relevant to the operation of a licensed premises as deemed necessary.

Applications for a temporary extension of trading authorisation for licensed premises, for example, during the annual Country Music Festival, will be treated by Council as a Category A CIS Application.

Approval from Tamworth Regional Council does not over-ride state legislation under the Liquor Act 2007.

# TAMWORTH REGIONAL COUNCIL GUIDELINES WHEN RESPONDING TO LICENCE APPLICATIONS REQUIRING A COMMUNITY IMPACT STATEMENT

Tamworth Regional Council's response to new licence applications or applications for the revision of existing licences, for inclusion in Community Impact Statements (CIS) under the Liquor Act 2007 and Liquor Regulation 2008, will be guided by, but not restricted to the following guidelines:

# Liquor Licence applications which do not require the preparation of a Community Impact Statement

On-premises licence for a restaurant only intending to sell liquor with a meal.

Producer/Wholesaler eg brewer, distiller winemaker or wholesaler.

Limited licences for functions held by non-profit organisations, as well as special events and trade fairs.

Trade on other premises – an existing licence selling liquor where catering services are provided or in the case of a commercial tour operator selling to people participating in the tour.

Takeaway sales on premises held by a non-profit organisation, selling liquor locally produced to promote local tourism.

Residents bar - where hotel guests are served in a designated area outside normal trading

#### Liquor Licence applications requiring a Category A Community Impact Statement

Category of Licence	Suggested Licence Hours	Other Conditions Required		
Packaged Liquor Licence	Not applicable	Must have TRC DA approval. Other conditions as deemed		
Limited to the sale or supply of alcohol by taking orders over the telephone, fax, mail order or through a website		necessary.		
The removal of the above licence to other premises	Not applicable	Must have current TRC DA approval.  Other conditions as deemed necessary.		
Extended Trading Authorisation: On-	These applications will be assessed on their merits.	Must have current TRC DA approval.		
An extended trading authorisation for an on- premises licence (on-	TRC preferred trading hours are:	Staff must hold current RSA certificates.  Must comply with TRC's		

Category of Licence	Suggested Licence Hours	Other Conditions Required	
premises licences apply to a variety of purposes including accommodation venues, restaurants, catering services, vessels, tourism businesses, tertiary institutions, and public entertainment venues), if the authorisation will allow the sale of liquor on a Sunday between 5:00am and 10:00am or between 10:00pm and midnight.	Monday – Saturday 10:00am to midnight Sunday 10:00am to 10:00pm	Policy relating to Alcohol Free Zones and Consumption of Alcohol at Approved Outdoor Dining Facilities in the Tamworth local government area.  Other conditions as deemed necessary.  Consideration will be given to any complaints which have been recorded against premises or the precinct concerned.	
Primary Service Authorisation: Drink-On Licence  A primary service authorisation under section 24(3) of the Liquor Act 2007 – eg. where a restaurant wants to sell liquor without meals;  (no CIS is required where liquor is served only with a meal, however preferred licence hours are the same)	TRC preferred trading hours are:  Monday – Saturday 10.00am to midnight  Sunday 10.00am to 10.00pm  These applications will be assessed in detail based on their merits.	Must have current TRC DA approval.  Staff must hold current RSA certificates.  Must comply with TRC's Policy relating to Alcohol Free Zones and Consumption of Alcohol at Approved Outdoor Dining Facilities in the Tamworth local government area.  Other conditions as deemed necessary.  Consideration will be given to any complaints which have been recorded against premises or the precinct concerned.	

# Liquor Licence applications requiring a Category B Community Impact Statement

Category of Licence	Suggested Licence Hours	Other Conditions Required
Applications for new licences or variation of existing licences	Hotels and newly licensed registered clubs are subject to the standard trading period 5am to midnight Monday to Saturday, and 10am to	Must have current TRC DA approval.  Staff must hold current RSA certificates.  Must comply with TRC's Policy relating to Alcohol Free

Category of Licence	Suggested Licence Hours	Other Conditions Required
	10pm on Sunday.  These applications will be assessed in detail based on their merits.	Zones and Consumption of Alcohol at Approved Outdoor Dining Facilities in the Tamworth local government area.
		Consideration will be given to any complaints which have been recorded against premises or the precinct concerned.
		Other conditions as deemed necessary.
Packaged Liquor Licence Packaged liquor licences apply to liquor stores selling take away liquor only.	Standard liquor store trading hours are 5am to midnight Monday to Saturday, and 10am to 10pm on Sunday TRC preferred hours are 10am to 10pm on all days	Must have current TRC DA approval.  Staff must hold current RSA certificates.  Must comply with TRC's Policy relating to Alcohol Free Zones and Consumption of Alcohol at Approved Outdoor Dining Facilities in the Tamworth local government area.  Consideration will be given to any complaints which have been recorded against premises or the precinct concerned.  Other conditions as deemed necessary.
On-Premises for Public Entertainment Venue  An on-premises licence is used to operate a live music and public entertainment venue – where alcohol is provided to patrons with entertainment.	Most on-premises licences are subject to the standard trading period – ie 5:00am to midnight Monday to Saturday, and 10:00am to 10:00pm on Sunday. Applications for extended trading hours are permitted.	Must have current TRC DA approval.  Must have POPE consent.  Staff must hold current RSA certificates.  Must comply with TRC's Policy relating to Alcohol Free Zones and Consumption of Alcohol at Approved Outdoor Dining Facilities in the Tamworth local government

Category of Licence	Suggested Hours	Licence	Other Conditions Required	
			area.  Consideration will be given to any complaints which have been recorded against premises or the precinct concerned.	
			Other conditions as deemed necessary.	

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HISTORY — Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13
 Strategy and Finance Committee March 2009 Resolution No SF014/09

TAMWORTH REGIONAL COUNCIL GENERAL POLICY REGISTER - PARKS AND RESERVES

#### 14 PARKS AND RESERVES

#### 14.1. HELICOPTER OPERATIONS

**OBJECTIVE:** To control the operation of helicopter joy flights on Council's park lands.

#### POLICY:

#### 1 Local Operator(s)/Out-of-Town Operator(s)

Preference will be given to local operator(s) over out-of-town operator(s) taking into account:

- (a) Availability of local operator(s)
- (b) Purpose of operations

#### 2 Nominated Landing Site(s)

The Gipps Street Sportsground and Cross Park are the nominated sites. The availability of both these sites is dependent upon the following:

- Gipps Street Sportsground Helicopter joy flights not to operate during any sporting event being conducted on the fields;
- Cross Park This Park will not be available if it is being used for competing uses such as vehicle parking during Country Music Festivals.

#### 3 Fees

A fee per day as per the adopted Management Plan is applicable for the use of the abovementioned sites.

#### 4 Dates/Times of Helicopter Operations

Helicopter Operations to be conducted between the following times:

Daylight Saving - From 9:00am to 6:00pm

Other - From 9:00am to 5:00pm

Helicopter operators are to observe that they are to cease operating by the times stated.

#### 5 Number of Helicopter Operations

- (a) Between February and December inclusive, helicopter operations will be limited to no more than two (2) days per month being allocated for the operation of helicopter flights, with a limit being imposed of no more than two (2) helicopters per day.
- (b) During January Country Music Festivals, the number of helicopters operating may be increased with a limit being imposed of no more than three (3) per day.

#### 6 Flight Paths

The flight path is restricted by the requirements of the Civil Aviation Authority and is not to include the built-up residential areas or the approach to the Instrument Landing System and its path to the Tamworth City Airport.

#### 7 Landing/Take-off Site

- (a) The onus is on the helicopter operator to ensure that the potential landing site is suitable and meets the criteria laid down by the Civil Aviation regulations.
- (b) The landing/take-off site is to be appropriately delineated by the operator and is to be supervised by at least 1 person at all times.

TAMWORTH REGIONAL COUNCIL GENERAL POLICY REGISTER - PARKS AND RESERVES

#### Inspections

Council Officer(s) will regularly inspect the helicopter operations throughout the approved period, to ensure that all guidelines, regulations and conditions are being

#### General

- Upon the approval of any helicopter operation(s), notification is to be forwarded (a) to the Tamworth City Airport Manager by Council administration.
- (b) The refuelling and housing of helicopters will not be permitted on Council's parkland.
- (c) Public Liability Insurance of at least \$20 Million is to be held by the helicopter operator and proof of such cover is required to be submitted with each
- The helicopter when operating with passengers is to strictly comply towith all C.A.A. regulations.

\* HISTORY -

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy

Reviewed TSD 1/10/02 - Still Valid

First submitted to Council in June 1993. Refer P & R 16/6/93 CR 253.

TAMWORTH REGIONAL COUNCIL GENERAL POLICY REGISTER - PARKS AND RESERVES

# 14.2. OVALS - ADVERTISING SIGNS AT TAMWORTH NO. 1 OVAL

OBJECTIVE: To prevent the proliferation of advertising signs on the perimeter fence at No. 1 Oval.

POLICY:

That Council determine advertising signs shall not be permitted on the perimeter fence at No. 1 Oval, Kable Avenue, Tamworth.

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Former TCC Policy

Works, Water, Sewerage and Parks and Gardens Committee - 16 July 1988 - Nem 6.

This Policy first adopted on 22 July 1980, Min. No. 153. Reviewed and endorsed 24april 1990 Min No 140.

HISTORY — Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13
 Adopted as TRC Policy at Ordinary Meeting 27 September 2006 Min No 229/05

## 14.3. RESTRICTIONS ON THE CONSUMPTION OF ALCOHOL IN COUNCIL'S PARKS, RESERVES AND SWIMMING POOLS

OBJECTIVE: To place controls on alcohol consumption in Parks, Reserves and Swimming Pool facilities within the City, Towns and Villages.

#### POLICY:

- 1 The consumption of alcohol, without the express written permission of Council be prohibited at all times in the following locations:
  - Bicentennial Park and adjacent Peel River foreshores in Tamworth;
  - Granny Munro Park in Tamworth;
  - Skate Park and adjoining picnic area in Tamworth;
  - Caloola Park in Tamworth;
  - Rotary Park in Manilla;
  - · Rotary park in Barraba, and
  - All swimming pool facilities under the control of Tamworth Regional Council.
- 2 The consumption of alcohol, without the express written permission of Council, be prohibited between the hours of 8:00pm and 8:00am in other parks and reserves within the City, Towns and Villages.

\* HISTORY — Reviewed by DC&G October 2012 — Updated — Ordinary Council Meeting 15/01/2013 — Min No: 9/13
 Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

 \* Resolved 6/4/05 26 April 2005 Ordinary Meeting

#### 14.4. SCATTERING OF ASHES IN PUBLIC PARKS AND RESERVES POLICY

#### OBJECTIVE:

Tamworth Regional Council has received requests from members of the public for the scattering of ashes within Council owned Parks and Reserves. It is intended that this Policy will provide some guidelines so that any future requests can be managed in a timely manner and in a way that is acceptable to Council, the wider community and the family and friends of the deceased.

Council is seeking to ensure that it is adopting a clear, measurable and sympathetic approach to the management of its recreational facilities, which will take account of the sometimes contrasting needs of a variety of park users.

#### POLICY:

#### GENERAL

- 1 All applications to scatter ashes in parks and reserves should be in the form of a letter to the General Manager. Only applications from the next of kin or executor will be considered.
- 2 Applications should be for scattering of ashes only. No burial or internment of ashes in any recreational parks and reserves will be permitted unless by formal resolution of Council.
- 3 No memorials will be allowed on the site where ashes have been scattered unless prior approval has been given by formal resolution of Council. Any existing plaque or memorial should not be taken as a precedent for future approval.
- In approving an application Council will not be providing exclusive use of the park/reserve or any part of the park/reserve. Council will not provide any supervision or control over other park users before, during or after the scattering of ashes. Should exclusive use of the park/reserve or an area within the park/reserve be requested then this matter will be determined by formal resolution of Council.
- 5 Council reserves the right to remove or relocate any memorials placed with or without the consent of the council.

#### SCATTERING OF ASHES IN PARKS AND RESERVES

- 1 Ashes shall only be scattered in a location agreed in advance by the General Manager or his authorised officer, at a predetermined time and date in consultation with the next of kin or executor.
- 2 Council will not keep a register of whom or where ashes have been scattered within parks and reserves, nor will they be registered in Council cemetery records. However correspondence will be filed within Council's electronic document management system.
- No flowers or similar memorials shall be permitted to mark the occasion on the site at any time.
- 4 The ashes are not permitted to be scattered in one solid mass on the ground and must be scattered evenly.
- 5 Access to any parks or reserves may be restricted when choosing a park or reserve for scattering of ashes, e.g. between 8:00am and 4:30pm.
- 6 Council reserves the right to develop on park and reserve land in the future, where ashes may have been previously scattered. Scattering will generally be restricted to natural areas, landscaped gardens and lawn areas. Scattering will not be permitted over hard landscape surfaces or over water features. Council staff may irrigate areas following as ash scattering ceremony.
- 7 Care should be taken when scattering ashes, be aware of the direction of wind and proximity of family members and other park users.
- 8 No other items shall be placed where ashes are scattered.

### APPROVAL AND DISPUTE RESOLUTION

The General Manager is delegated to approve applications for scattering of ashes that comply with this Policy. Where disagreement with Tamworth Regional Council's response, content details, site selection, exact positioning or installation details of any commemorative plaque arises the General Manager is also provided with delegated final approval.

History: Adopted as TRC Policy at Ordinary Meeting 11 December 2012 Min No 397/12

#### 14.5. SPORT EVENT SUBSIDISATION POLICY

OBJECTIVE: This Policy will benefit TRC and the local community by providing a

- · for TRC to apply a consistent and transparent approach to the subsidisation of sporting events conducted on TRC managed facilities;
- that accurately quantifies the level of subsidisation that is provided to Sports user groups within TRC; and
- that allows sports user groups to estimate their subsidy prior to a submission to Council which will assist them in the organisation of an event.

#### POLICY:

The Sport Event Subsidisation Policy, provides sports user groups with the opportunity to apply for a subsidisation to the fees associated with their event.

Sports user groups are required to apply complete an application prior to the event (minimum of one month) and provide supportive evidence of how their event will meet each of the parameters in Table 1.

Table 1

Parameter		Score		
	0	1.	2	
Level of Event	Regional	State	National	
Participants	101 – 150	151 – 300	301+	
Bed nights	1	2	3+	
Event economic benefit	\$151 - 300	\$301 - \$450	\$451+	
TOTAL				T

ΙΑΊ

The level of subsidisation will then be determined by applying the total score obtained in Table 1 to Table 2. The level of subsidisation will be a percentage of the fees associated with the event to the maximum dollar value available within each score range.

Table 2

	Sp	ort Event Subsidisa	tion Policy Scoring	Range
Score	0-2	3-4	5-6	7+
Subsidisation %	0%	20% (Maximum \$1,000)	30% (Maximum \$2,000)	40% (Maximum \$3,500)

Events that are scheduled to be held in the local government area for more than one year are eligible for an additional subsidy as detailed in Table 3. This subsidisation will be in addition to the total subsidisation determined by table 2 and applied each year the event occurs in addition to the Sport Event Subsidisation.

#### Table 3

Sport Event Subsidisation Po	licy Co	mmitme	ent
Years	2	3	4+
Subsidisation %	20%	30%	40%

#### Method of Assessment

Sport Event Subsidisation Policy applications will be assessed by TRC Sports and Recreation technical staff and a recommendation provided to the Director of Regional Services for approval.

Applicants will be notified with in ten business days of submitting their request.

The Director of Regional Services will provide the Executive Management Team with regular reports on applications and associated subsidies.

#### Conditions

Applications will be subject to the following conditions:

- a sport or associated body is only eligible for four successful application per financial year;
- a sport or associated body is only eligible for a total of \$12,000 per financial year;
- · applications must be submitted one month before the event;
- TRC reserves the right to decline an application at their discretion;
- applications are subject to TRC's budgetary constraints and no guarantee of subsidisation is provided;
- a subsidisation approved in accordance with Table 3 of this policy is guaranteed for the confirmed years of the event; and
- the policy specifically excludes regular/seasonal sports.

#### Definitions

Regional: Regional sporting events encompass competition between	Regional:	Regional	sporting	events	encompass	competition	between
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individuals / teams within one region or representing the local

area.

State: State sporting events encompass competition between

individuals / teams representing different regions within a state.

National: National Sporting events encompass competition between

individuals / teams representing different states.

Participants: Registered number of participants playing in the event.

Bed nights: Number of nights 75% or more of participants stay in local lodging.

Economic benefit: The economic benefit of the event, in \$100,000's, will be

calculated using the industry standard 'Event Impact Calculator'

that forms part of the .idProfile software.

Event commitment: Event commitment is the consecutive years the event organiser

guarantees the event to be held in the local government area.

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\* History:

Updated and adopted as TRC Policy at Ordinary Meeting 26 May 2020 – Min No 128/20 Adopted as TRC Policy at Ordinary Meeting 27 February 2018 Min No 57/18

#### 14.6. OUTDOOR FITNESS TRAINER POLICY

#### OBJECTIVE:

Tamworth Regional Council (TRC) has developed an Outdoor Fitness Trainer Policy to:

- promote a active and healthy community;
- manage the impact of commercial fitness activities on asset conditions and maintenance;
- address Public Liability concerns;
- provide a pricing framework consistent with other Council Policies;
- ensure equity of access to TRC parks, reserves and Crown Land under the management of TRC; and
- eliminate negative behaviour that interferes with the amenity of local residents and park users.

#### POLICY:

#### Scope

The Outdoor Fitness Trainer Policy applies to outdoor fitness trainers using Council land that meet two of the three criteria:

- · conduct fitness activities for commercial gain;
- · conduct activities that are practiced routinely or regularly; or
- require an area of Council community land to be managed for that activity.

This includes, but is not limited to, personal trainers, and those owning, managing or instructing group fitness style activities.

#### **Terms and Conditions**

# 1. Eligibility

The following criteria must be met and supplied in applying to book a venue as an outdoor fitness trainer with TRC:

- accreditation with the appropriate governing body (i.e. Boot Camps Australia);
- evidence of a current Public Liability insurance to a minimum of \$20 million; and
- evidence of current Professional Indemnity Insurance to a minimum of \$2 million.

#### 2. Application

A Fitness Trainer Application Form must be completed and approved before a fitness trainer may commence.

On receipt of an Outdoor Fitness Trainer Application Form, TRC will assess the details of the application and make a determination to:

- A. approve the application and notify booking client of site induction;
- issue a booking with restrictions and notify booking client of site induction; or
- C. not approve the application.

Bookings may require a site induction. This will be communicated in the booking confirmation.

#### Fees and Charges

Fees and charges apply to outdoor fitness trainers that fall within the scope.

Fees and charges are calculated at a per hour rate. The per hour rate is derived from TRC's Sports Field Fees and Charges (listed in TRC's Fees and Charges) and is calculated by charging the booking client for 1,000 m<sup>2</sup> at the average \$/m<sup>2</sup> for Tier 2, Tier 3 and Tier 4.

The equation used to calculate a bookings fee is as follows:



The fees will be reviewed annually and increased in accordance with CPI.

No refund will be given for change of mind, sale of business or any other reasons as determined by TRC.

The following groups are exempt from this policy:

- Defence Forces; and
- community groups conducting recreational activities (i.e. scouts or mothers groups).

#### 4. Group size limits

Instructors should ensure that the group participant number allows for appropriate supervision and safe instruction for each individual during the group session.

#### Risk Management

TRC is responsible for maintaining its outdoor turf sport grounds to a standard that are fit for purpose. User groups utilising a sports ground that is fit for purpose AND open for use agree that by proceeding to use the sports ground they have undertaken their own assessment of the suitability of the ground and are aware of any or all inherent risks associated with the activities they propose to undertake and in doing so indemnify TRC from any loss, damage or liability associated with that use.

Trainers will maintain all eligibility criteria as determined by the policy for the duration of their booking.

At no time is any equipment permitted to be left on TRC land or unattended.

Equipment must never be placed or left in an area where it may pose a risk to members of the public.

#### 6. Excluded Activities

Activities excluded from outdoor fitness trainer bookings include but are not limited to:

- music or amplified audio (voice) equipment amplified to excessive levels, whistles and loud shouting or other intrusive noise-generating activities;
- aggressive, intimidating or noisy training activities including military style squad training;
- training equipment is not to be tied to, suspended from or wrapped around any flora or Council asset;
- pegs or alike are not to penetrate surfaces; and
- activities outside the trainer's qualifications.

### Excluded Locations

Specific areas where activities are prohibited include but are not limited to the following:

- No.1 Oval;
- Plain Street sporting fields;
- Gipps Street sporting fields;
- within 50 metres of memorials:
- within 50 metres of any playground or park furniture;
- within 30 metres of any public change room, toilet or kiosk areas;
- within 50 metres of any neighbouring residential property;
- any designated sport ground/reserve when occupied by an approved hirer or allocated user: and
- high conservation bushland (e.g. supporting threatened species).

Council may exclude other public areas at its discretion.

No fitness training is permitted in high activity areas and/or areas of cultural, environmental or natural significance.

Trainers and participants in training sessions shall not step on, walk on or in any way inappropriately use tables, seats, monuments and other open space furniture, garden beds or Council assets.

In no way are steps to Pavilions, Club Houses or public steps to be used as a training medium.

#### 8. Termination or Breach of booking

TRC reserves the right to terminate a booking at any time if any conditions within this policy are breached or at its own discretion and reserves the right to refuse any subsequent booking requests.

TRC is not liable for any financial costs as a result of an outdoor fitness trainer's booking being suspended or cancelled, nor will TRC refund those trainers excluded due to a breach of the Outdoor Fitness Trainer Terms and Conditions.

#### 9. General Terms and Conditions

It is the trainer's responsibility to be aware of and adhere to any sporting field closures.

It is the trainer's responsibility to ensure all members of their training group are aware of and abide by the Code of Conduct. Fitness trainers are responsible for those within their training group during training periods.

Trainers shall not sub let or assign rights under any booking.

Trainers shall not display any advertising material on TRC Land.

The sale of clothing, equipment, refreshments or any other goods are not permitted under the Outdoor Fitness Trainer Terms and Conditions.

Trainers may be responsible for the cost associated for the remediation of area including the repair of any infrastructure and turf surfaces as a direct result of the training activity.

The locations of Automated External Defibrillators (AED) within Tamworth City are displayed on the "AED Locator" App. This app is available in the iTunes App Store or via the Google Play store for free.

# 10. Definitions

Tamworth Regional Council Land – Any land, including Council parks, reserves and Crown Land under the management of Council.

Trainer – A person who is appropriately qualified to be a personal trainer and is a registered exercise professional with Fitness Australia or peak body/association.

 $\label{eq:Training group} \emph{-} A \textit{ group of people participating in or under the direction of the fitness trainer with valid booking.}$ 

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Adopted as TRC Policy at Ordinary Meeting 12 June 2018 Min No 188/18

<sup>\*</sup> History:

#### 15 PROPERTY MANAGEMENT

# 15.1. COUNCIL – CLOSURE OF COUNCIL FACILITIES OVER THE CHRISTMAS/NEW YEAR PERIOD

#### OBJECTIVE:

To provide a policy consistent with the provisions of Section 335 and others of the Local Government Act 1993\_ authorising the General Manager to close selected Council facilities over the Christmas/New Year period each year.

#### POLICY:

- 1 That Council authorise the General Manager to determine closure of Council facilities over the Christmas/New Year period each year, emergency services excepted.
- 2 That Council rely on the statutory role of the General Manager as stated in <u>Section</u> 335 and others of the Local Government Act 1993.... "that the general manager is generally responsible for the efficient and effective operation of the council's organisation....."
- 3 That the General Manager advise members of the public on Council's website and efby way of advertisements in the print media and other media sources as required, of the Council facilities that will be open and/or closed during the Christmas/New Year period each year.

\* HISTORY -

Reviewed July 2020 - Updated - Ordinary Council Meeting - Min No

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy

P&R GM's Report No 2000/24 22/22/00 CR 411 Ord Council 28 Nov 2000 Min No 382

# 15.2. DUNGOWAN DAM TRESPASSING

OBJECTIVE: To prevent the contamination of the Dungowan Dam Water Supply System and vandalism.

#### POLICY:

- Council prohibit:
  - a) trespassing on all properties controlled by Council within the catchment area of the Dam;
  - b) fishing, swimming and boating in the reservoir storage and tributary streams;
  - c) swimming in the spillway chute dissipater;
  - shooting or carrying firearms within all properties controlled by Council at the Dam; and
  - e) wilful damage to structures and installations at the Dam.
- 2 That appropriate notices be placed at the Dam advising of the prohibited activities and that prosecution will result from actions contrary to the notices; and
- 3 That Council proceed with prosecution of any person apprehended engaging in the prohibited activities at the Dam.

This Policy first adopted on 28 March 1989, Min. No. 82. Reviewed and endorsed 24/4/1990 Min No 140.

HISTORY — Reviewed by DC&G October 2012 – Updated – Onlinery Council Meeting 15/01/2013 – Min No: 9/13
 Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

 Former TCC Policy

#### 15.3. SMOKE FREE WORKPLACE

#### OBJECTIVE:

Tamworth Regional Council aims to provide workplace participants with a healthy work environment. To minimise the risks associated with smoking and exposure to passive smoking in the workplace, Tamworth Regional Council has adopted a policy of providing a smoke-free workplace.

#### POLICY:

#### COMMENCEMENT OF THE POLICY

This Policy will commence from August 2013. It replaces all other Smoking in the Workplace and Smoke Free Workplace policies of Tamworth Regional Council ("the Council").

#### APPLICATION OF THE POLICY

This Policy applies to employees, agents and contractors (including temporary contractors) of Tamworth Regional Council, collectively referred to in this Policy as 'workplace participants'.

This Policy does not form part of any employee's contract of employment. Nor does it form any part of any other workplace participant's contract for service.

#### NO SMOKING RULES

Smoking is banned in:

- (a) all Tamworth Regional Council buildings and Tamworth Regional Council vehicles;
   and
- outdoor areas as defined under the Tobacco Legislation Amendment Bill 2012 (other than those areas designated as smoking areas under this Policy).

#### NO SMOKING SIGNS

No-smoking signs have been installed in areas already designated as smoke free. Similar no-smoking signs will be installed in areas which become smoke free under this policy. These signs should be observed at all times.

#### DESIGNATED SMOKING AREAS

Employees who work at locations which have designated smoking areas and who wish to smoke during their designated breaks are obliged to use the areas provided.

Employees who work at locations without designated smoking areas and who wish to smoke during their designated breaks are obliged to refer to the No Smoking Rules above as a guide to public smoking areas.

Employees should ensure they dispose of cigarette butts and other litter carefully in the bins provided.

A designated break as referred to above, is defined under the Local Government (State) Award as follows:

'An unpaid meal break of a minimum of 30 minutes shall be given and taken within the first five hours of continuous work. Thereafter, a paid meal break not exceeding 20 minutes shall be given and taken after a further five hours continuous work. In the case of unforeseen circumstances, the meal break may be delayed and shall be taken as soon as practicable, subject to the observance of appropriate occupational health and safety standards.'

#### CHOOSING TO QUIT SMOKING

Workplace Participants who are interested in quitting smoking should contact Council's Senior Injury Management Officer to investigate the options available.

Tamworth Regional Council may alter the nature of the support provided at its absolute discretion.

#### **BREACH OF THIS POLICY**

All workplace participants are required to comply with this Policy at all times. If a workplace participant breaches this Policy they may be subjected to disciplinary action. In serious cases this may include termination of employment. Agents and contractors (including subcontractors and temporary contractors) may have their contracts with Tamworth Regional Council terminated or not renewed.

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Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13 Adopted as TRC Policy at Ordinary Meeting

<sup>\*</sup> HISTORY - Adopted Ordinary Council 27 September 2016 Min No: 272/16

#### 15.4. NAMING OF COUNCIL FACILITIES

OBJECTIVE: To provide a consistent and standard procedure for naming Council facilities.

#### POLICY:

That Council adopt the following Guidelines when considering the naming of a Council facility.

## Guidelines for the Naming of Council Facilities

#### 1 Naming - General

When submitting a recommendation to Council for the naming of a facility the following information is required:

- (i) proposed name;
- (ii) pronunciation;
- (iii) location:
- (iv) description of the feature; and
- (v) reason for choice of name.

In considering the name submitted for the facility Council will use the following criteria:

- names will be appropriate to the physical, historical and cultural character of the facility:
- (ii) duplication of names within the Regional area is not permitted;
- (iii) names of an historical nature are preferred;
- (iv) thematic names such as flora, fauna, etc. are generally preferred; and
- (v) names considered offensive or likely to give offence shall not be used.

As a rule, names of living persons shall only be assigned to facilities where the person is of great eminence.

However, if considered appropriate, the names of eminent local persons, now deceased, may be perpetuated, particularly those of early explorers, settlers and naturalists.

#### 2 Naming – After People

If naming after a person, details are to be given including:

- (i) the person's name;
- (ii) date of birth;
- (iii) last residence;
- (iv) association with the feature to be named;
- a brief biography including other facts that might add to the justification for commemorative naming.

The following could be relevant to the justification process:

#### The person will

- have made a significant contribution to the activity/sport/cultural/community pursuit for which the facility has been built/constructed/provided;
- (ii) have been nominated by the authorities peer group/committee/administrative body of the relevant activity/sport/cultural/community pursuit which is the major user (historically and currently) of the facility;
- (iii) have made a considerable personal contribution to the eventual outcome of the building/construction/provision of the facility which is to be named. This contribution will relate to management/fundraising/organisational efforts of the individual in the development of the facility;

- be the most appropriate person to have the facility named after; and
- be a resident of the Regional Area, or, if deceased, have been a resident of the (v) Regional Area.

#### Other considerations:

- the financial contribution of the individual to the development of the facility;
- broad community respect for the individual;
- community acceptance of the proposal generally; and
- possible alternative naming which may be more appropriate for the facility taking into account such things as geographic location, proximity to natural and man-made features and aboriginal traditional names pertaining to the local area where the facility is situated.

The naming shall not be solely on the basis of the person's:

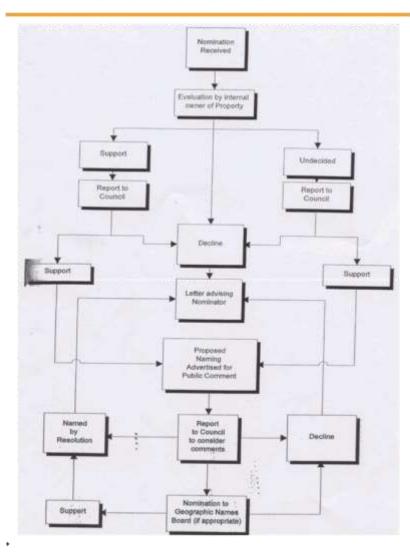
- political persuasion; personal financial contribution;
- status/position within an organisation; or
- (iv) standing in the community.

#### Important

No consideration should be given to criteria irrelevant to the issue at hand. Not gossip, rumour or hearsay as to the person's character. A decision should be based entirely on face as presented and known.

When naming it is envisaged that the name will be applied for the life of the facility so it is important that the particular name is the most appropriate name and that community knowledge of the relevance of the name will not be quickly lost. Community, in this situation, means the particular section of the Tamworth and surrounding population which predominantly uses and is most likely to use the facility in the future.

In considering the naming the process needs to be open. Whilst this may cause some pain in the public evaluation of a person's worthiness, it ensures the process is transparent and can be scrutinised openly. Legitimacy of decisions will be ensured (Flow Chart attached).



TAMWORTH REGIONAL COUNCIL GENERAL POLICY REGISTER - PROPERTY MANAGEMENT

Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13 Adopted as TRC Policy at Ordinary Meeting 27 September 2006 Min No 229/05 Former TCC Policy CSD R/No 97/18 P&R 22/10/97 – Ord Council 30 Oct 1997 Min No 400/97

<sup>\*</sup> HISTORY - Adopted Ordinary Council 27 September 2016 Min No: 272/16

### 16 STREET MANAGEMENT

#### 16.1. Access Ramps in the Central Business District of Barraba

#### OBJECTIVE:

To enable Proprietors in the Central Business District to provide access, by means of Pedestrian Ramps, to persons with limited mobility.

To ensure that the provisions of the Barraba Central Business District Development Control Plan are applied.

To reduce the public risk of such structures occupying footpath space in the Central Business District.

#### POLICY:

- 1 The provision of the Barraba Central Business District Development Control Plan (the Development Control Plan) will apply.
- 2 The Pedestrian Access Ramps are to comply with Australian Standards AS1428.1 1993. Council requires a flat surface at the top of the Ramp of no less than 1350 mm (but no less than the full width of the Shop entrance) x 1200 mm, together with a slope of no more than 1 in 14 for a length of up to 9 metres (or 1 in 19 for lengths up to 14 metres). Ramps which require longer lengths or change in direction will be considered by Council on its merits however should comply with the Australian Standard AS1428.1 1993.
- 3 The Ramp must be contained within the Shop frontage of the property and within 1200 mm of the property line.
- 4 Materials the materials will consist of:
  - · Red brick for the Ramp wall (to match the blister garden beds);
  - The floor of the Ramp shall be a continuation of the Street pavers, laid on a minimum of 75 mm reinforced concrete base;
  - Single bull nose red brick edging to exposed edges of the Ramp floor; and
  - 900 mm hand-rails on outside and end of the Ramp of material similar to handrails at crosswalks, with an intermediate rail at 600 mm.
- 5 Design for the information and guidance of applicants, a design has been prepared of an acceptable Ramp design. All designs must be submitted to Council for written approval.
- 6 Insurance the property owner will insure the Ramp for public risk with his/her Property Insurance.

\* HISTORY -

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former Barraba Shire Council Policy

Adopted 30 August 2000

#### 16.2. APPEALS - DOOR KNOCKS

OBJECTIVE: To control the number of Door Knock Appeals held within Tamworth in any

#### POLICY:

Each approved organisation be permitted to conduct Door Knock Appeals subject to at least four weeks between each Appeal and no more than seven Appeals in any one calendar year.

\* HISTORY - Adopted Ordinary Council 27 September 2016 Min No: 272/16

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Amendment - Item 8.2 Ordinary Council 23 October 2012

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy

Reviewed 1/10/02 Still Valid

This policy amends that Policy previously adopted by Council at its meeting held on 25 August 1987 (Min. No. 217/87). Refer CSD Report 92/26, Item 1, P & R, 17 June 1992.

#### 16.3. APPEALS - STREET APPEALS

OBJECTIVE: To control the conduct of street appeals in Tamworth, Manilla, Barraba and

#### POLICY:

#### Tamworth

That approval be granted to applications received from Tamworth organisations only or from those that are established in the Tamworth Regional Council area to conduct street appeals in Tamworth. All street appeals are to be conducted from the footpath in Peel Street in front of the Post Office.

That the General Manager delegate authorised officers to approve applications received to conduct street appeals, including those received other than by invitation, if it is considered that such appeals are worthy fund raising activities and to indicate any specific conditions of approval.

#### Manilla

That approval be granted to applications received from Manilla organisations only or from those that are established in the Tamworth Regional Council area to conduct street appeals in Manilla. All street appeals are to be conducted from the footpath in Manilla Street in the location listed below:

- the left side of the park bench outside the IGA;
- the area directly south of the entrance steps to the Royal Hotel;
- the area at the corner of the old Library at the entry to the courtyard of the Town Hall Complex: and
- the park area between the Manilla Post Office and the Credit Union.

That the General Manager delegate authorised officers to approve applications received to conduct street appeals, including those received other than by invitation, if it is considered that such appeals are worthy fund raising activities and to indicate any specific conditions of approval.

## Barraba

That approval be granted to applications received from Barraba organisations only or from those that are established in the Tamworth Regional Council area to conduct street appeals in Barraba. All street appeals are to be conducted from the footpath in Queen Street in front of the Chemist.

That the General Manager delegate authorised officers to approve applications received to conduct street appeals, including those received other than by invitation, if it is considered that such appeals are worthy fund raising activities and to indicate any specific conditions of approval.

## Nundle

That approval be granted to applications received from Nundle organisations only or from those that are established in the Tamworth Regional Council area to conduct street appeals in Nundle. All street appeals are to be conducted from the footpath in Jenkins Street.

That the General Manager delegate authorised officers to approve applications received to conduct street appeals, including those received other than by invitation, if it is considered that such appeals are worthy fund raising activities and to indicate any specific conditions of approval.\*

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

HISTORY — Adopted Ordinary Council 27 September 2016 Min No: 272/16

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy

Reviewed and amended refer CR 341 FPCS Nov Min No 02/419 Ord Nov 02

This Policy first adopted on 23 August 1983, Min. No. 186. Reviewed and endorsed as per above date/Min. No. See P& R Report annexed to front of document.

# 16.4. Bus Shelters - Advertising

OBJECTIVE: To control advertising on bus shelters.

# POLICY:

That Council permit advertising on bus shelters subject to formal agreement on conditions and locations under the Delegated Authority of the General Manager.

\* HISTORY - Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy

Replacement of policy entitled: "Advertising, Street Seats and other Street Furniture" recommended to be reacinded at Ordinary Meeting of Council direct 22/8/95 by Technical Services Department Report No.95/43

# 16.5. CONSUMPTION OF ALCOHOL AT APPROVED OUTDOOR DINING FACILITIES IN THE TAMWORTH CENTRAL BUSINESS DISTRICT ALCOHOL FREE ZONE

#### OBJECTIVE:-

- To allow for the consumption of alcohol at approved outdoor dining facilities on the public footpath within the Tamworth CBD alcohol free zone; and
- (ii) To place controls on the consumption of alcohol on the public footpath at outdoor dining facilities within the Tamworth CBD alcohol free zone.

#### POLICY:

The consumption of alcohol at outdoor footpath dining facilities, within the Tamworth CBD alcohol free zone will be permitted where staff of the premises have Responsible Service of Alcohol Certification and is subject to compliance with the following conditions:

- Must be in a location where Council has approved an outdoor dining facility. Such approval must be valid and all associated fees and indemnities in place;
- The areas must be barricaded off from the remainder of the street so as to delineate the area;
- Alcohol must be served by the proprietor of the restaurant. Under no circumstances must alcohol be stored under or near the tables at BYO restaurants;
- Alcohol must only be served where a meal is provided by the restaurant to the patrons seated in the outdoor dining area;
- All conditions pertaining to the outdoor dining facility must be adhered to e.g. operating times and location of seating;
- Consumption of alcohol at outdoor dining facilities is not permitted during the Annual Tamworth Country Music Festival; and
- Furniture, umbrellas or barriers advertising alcoholic beverages are not permitted.

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<sup>\*-</sup>HISTORY Reviewed by DC&G - October 2012 - Updated - Ordinary Council Meeting 45/01/2013 - Min No. 8/13

Adopted as TRC Pokey at Ordinary Meeting 16 December 2006 Min No. 347/08/08 refer 2003/2009

# 16.6.16.5. ENFORCEMENT OF PARKING RESTRICTIONS POLICY

#### OBJECTIVE:

The objective of this policy is to ensure that the Council function of enforcing restrictions which apply to parking areas within the Local Government area is conducted in a manner which is fair, consistent, impartial and transparent.

## POLICY:

#### Definitions

Parking Restriction: Means any restriction which is lawfully imposed on a parking area and may include (but is not limited to) time limitations on the duration of stay within the park; restrictions which limit the use of parking spaces to particular vehicles or purposes; or restrictions which limit the use of parking spaces to people with a disability.

**Penalty Infringement Notices (PIN):** Means a notice issued by Council requiring the payment of an amount of money for breaching a lawful parking restriction. The power to issue a PIN and the amount of the penalty are both established by legislation.

#### Policy

Council will enforce restrictions on parking within the Council area in a manner which is fair, impartial and transparent. This policy will be achieved by performing the enforcement of parking restrictions in accordance with the details in this policy.

#### Impartial Enforcement of Parking Restrictions

Council must enforce restricted parking requirements in a manner which is impartial. In particular, no person, group, class of people or business or workplace shall be excluded from the enforcement of parking restriction requirements unless that exclusion is authorised by law or is in the public interest. For example, it is in the public interest that parking restrictions will not be enforced in relation to emergency vehicles attending the scene of an incident in the course of their emergency function.

# Monitoring Restricted Parking Compliance

Council will monitor compliance with restricted parking requirements by:

- a) routinely patrolling restricted parking areas;
- b) responding to complaints concerning illegally parked vehicles; and
- c) conducting targeted programs, in particular, restricted parking areas to address heightened or systemic non-compliance problems.

# Response to Identified Breaches of Restricted Parking Requirements

Council officers will have discretion to respond to identified breaches of restricted parking requirements in the following manner:

- in the ordinary course, a penalty infringement notice will be issued in response to a breach of a lawful restricted parking requirement;
- each instance of a breach of a restricted parking requirement shall be taken on a case by case basis and the Council officer shall have discretion not to issue a penalty infringement notice when it is fair and appropriate in the circumstance;
- Council officers authorised to issue penalty infringement notices must receive training to ensure a consistent approach to the issue or non issue of a parking infringement notice:
- in determining whether a penalty infringement notice is to be issued or not, Council
  officers must exercise their discretion impartially; and

 a decision by a Council officer to issue a penalty infringement notice may be reviewed at the request of the person responsible for paying the infringement notice.

# Administration and Collection of Penalty Infringement Notices once they are Issued

Council has contracted the administration of penalty infringement notices, including their collection, to Revenue NSW. Pursuant to this contract, Revenue NSW is responsible for collecting the payment of amounts required by penalty infringement notice and also for determining any requests for the cancellation of a penalty infringement notice by the recipient.

## Requests made to Council for the Cancellation of a Penalty Infringement Notice

A person who receives a penalty infringement notice may make representations directly to Council requesting that the penalty infringement notice be cancelled.

Once a penalty infringement notice has been issued, the notice must not be cancelled by the issuing officer.

Council may only authorise the cancellation of a penalty infringement notice after it has been issued if at least two of the following officers review the circumstances of the matter and unanimously authorise the cancellation of the infringement notice:

- General Manager;
- Director responsible for enforcement of parking restrictions;
- Manager responsible for enforcement of parking restrictions; and/or
- Senior Ranger.

Collectively, the people performing these positions for Council are referred to as the Review Panel. There is no requirement for all members of the Review Panel to review every penalty infringement notice following a request for the cancellation of that notice. As a minimum, however, at least two of the Review Panel must review each request and regardless of how many members of the Review Panel review a request, the decision to authorise the cancellation of the penalty infringement notice must be unanimous.

In the event that a unanimous decision cannot be reached, then the request to review the penalty infringement notice is to be referred to Revenue NSW for determination at its discretion.

If the cancellation of a penalty infringement notice is authorised by Council, a full and complete record must be made which identifies, as a minimum, the following details:

- a) the registration details of the vehicle which was parked in breach of the parking restrictions and, when known, the identity of the person responsible for the PIN. (It will be sufficient to identify who received the PIN by simply identifying the registration details of the vehicle which was illegally parked);
- who made the request for cancellation of the penalty infringement notice;
- the details of the request for cancellation, which must be in writing signed by the applicant;
- d) the reasons which support the cancellation being authorised;
- the names of the Review Panel members who determined the request for the PIN to be cancelled.

Council will not consider a request to cancel a penalty infringement notice unless that request is made in writing.

Once a penalty infringement notice has been referred to Revenue NSW for collection, any requests for the cancellation of that penalty infringement notice must be referred to Revenue NSW for determination by that agency.

Revenue NSW may determine requests for cancellation of a penalty infringement notice without reference to Council. In some circumstances Revenue NSW may request Council's input in relation to representations seeking the cancellation of a penalty infringement notice. When such a request is made by Revenue NSW, Council's response must be authorised by at least two members of the Review Panel and a detailed record of Council's response should be retained.

Nothing in this policy prevents the Review Panel considering and authorising the cancellation of a penalty infringement notice at the instigation of Council officers and in the absence of a request from a member of the public. If a penalty infringement notice is cancelled at the instigation of Council then a written record of that cancellation must be made which includes the details noted earlier in this policy.

#### **Probity and Conflict of Interest**

Tamworth Regional Council's Code of Conduct and the Local Government Act 1993, provides guidance to assist Council officers to determine if they have a conflict of interest in relation to a particular parking restriction enforcement matter.

Further, specific assistance may also be obtained from Council's Public Officer or Council's Internal Ombudsman at the request of any Council officer if the officer has concerns about any potential probity or conflict of interest matter in connection with the enforcement of parking restrictions.

HISTORY — Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 8/13
 Adopted as TRC Policy at Ordinary Meeting 23 February 2010 Min No 033/10 Record No 31027/2010

# 46.7.16.6. FOOTPATH RESERVATIONS - WORKS UNDERTAKEN BY ADJACENT LANDOWNERS

OBJECTIVE:

To determine works that may be undertaken on footpaths by adjacent landowners.

#### POLICY:

That the following policy be adopted in relation to works undertaken by adjacent landowners on footpath reservations:

- 1 That where applicable, practical and reasonable, Council's standard footpath levels will be maintained. Those levels are as follows:
  - in areas where the footpath reservation is to be totally paved from the top of kerb to the adjacent boundary - crossfall to be 1 in 50 towards the kerb; and
  - (ii) in areas where the footpath is unpaved or partially paved, crossfall from kerb to the adjacent boundaries is 1 in 35 towards the kerb.
- Where the standard levels are impracticable due to terrain or man-made improvements prior to this Policy, every endeavour will be made to establish a pedestrian pathway of variable widths to obviate the need for pedestrians to walk on the road carriageway.
- 3 Where approval is sought by an adjacent land occupier for embellishments to the adjacent footpaths, such beautification and additions will be allowed subject to compliance with a reasonable standard of aesthetics and public safety and, must be approved by a Director of Council, in writing.
- 4 Letter boxes will be permitted to be installed immediately behind the kerb to facilitate footpath beautification, but such letter boxes are to be conducive to the surrounds as regards to aesthetics and not pose a threat to public safety.
- 5 Street trees will be permitted to be planted, but must conform to the avenue planting as designated for each particular street and for Council's standard footpath width of 3.5 metres, the correct alignment for tree planting is one metre behind face of kerb.
- 6 All improvements, additions and embellishments on the footpath area at intersections and road junctions must comply with Council's Policy regarding required sight distance for traffic.
- 7 Where Council's levels have not been attained or maintained within any subject footpath reservation area and the adjacent lands are subject to redevelopment, then dependent upon funds being available, Council will take action to establish or reestablish the required Council levels and cross-falls and form any required batter within the adjacent private property. Where the land is subject to building or development application, such action will be the basis of a condition for that application.

\* HISTORY -

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 8/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy

Reviewed TSD 1/10/02 Still Valid

New Policy, first submitted to Council in February 1992 Min NO 57, through the Policy & Resources Committee. Refer. W&TSD Report No. 92/7, Item 1 (CR 81)

# 46.8.16.7. PARKING - UNRESTRICTED USE OF METERED PARKING SPACES -TAMWORTH

OBJECTIVE: To determine a procedure to be followed in relation to the unrestricted use of metered parking spaces.

## POLICY:

- That the following policy be adopted in relation to applications for unrestricted use of metered parking spaces:
  - The Regional Services Director be authorised to approve applications when he considers the need is justified, for building construction or other similar works.
  - The applicant be required to pay to Council, in advance, in respect of any period of approval, three times the maximum loss of income from parking (ii) meters for the spaces used, the minimum period of approval being one day.
- That the Police Department be advised of Council's decision and co-operation sought in its implementation.

\* HISTORY -

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2006 Min No 229/05

Former TCC Policy

Reviewed 24 April 1990 Min No 140

First adopted on 27 March 1984, Min No 39.

# 16.9.16.8. PUBLIC GATES AND GRIDS ON LOCAL ROADS

## OBJECTIVE:

The objective of this policy is to:

- provide a policy to landholders about the construction and maintenance of public gates and grids on public roads;
- provide the basis for guidelines for landholders to make applications to Council for a permit to erect a public gate or grids; and
- delegate authority under the Roads Act 1993, for the authorised person to act on behalf of Council to administer Section 128 to 137 of the Roads Act 1993, in accordance with this policy.

#### POLICY:

Tamworth Regional Council is the Roads Authority under the Roads Act 1993, for most of the public roads contained within its Local Government boundary. As such Council may issue (or revoke) permits for public gates and bypass structures (such as grids) which cross a public road.

Council's public road network consists of two lane two way and one lane two way roads that can either consist of gravel or sealed pavements. The classification of these roads will inevitably vary with time pending future development and subsequent demands on the road network. With this in mind Council requires the flexibility to determine whether grids are suitable given safety considerations based on traffic volumes, road alignment, and other public gates and factors, such as public comment.

# 1) EXISTING PUBLIC GATES AND BYPASS STRUCTURES

All public gates and associated bypass structures (grids) are presumed to have been erected in accordance with a permit issued under Part 9 Division 2 of the Roads Act 1993. Any previous policies or conditions for maintenance previously in place are superseded by the requirements and responsibilities as outlined below

Requirement		Responsibility	
a)	That public gates, grids and associated fencing remain the property of the landholder and are maintained in a safe and serviceable condition	Landholder(s)	
b)	That public gates and grids are inspected on a quarterly basis and records in relation to the inspection are kept for a period of one year from the date of inspection	Landholder(s)	
c)	That grids are inspected at least once every two years by Council.	Council	
d)	That all defects identified are repaired by suitably qualified/experienced tradesperson(s) after consultation with Council to determine traffic control requirements from the point of time of defect identification to completion of necessary repairs.	Landholder(s)	
e)	That public gates and grids are covered under the public liability insurance of the landholder for any alleged/proven damage (including personal injuries) caused by the ramp structure to a motor vehicle or persons travelling that public roadway, upon which the gates and ramp is placed.	Landholder(s)	

Requirement			Responsibility
f)	Cou	uncil may revoke a public gate and/or grid permit if:	Council
	i)	the public gate and/or grid is not maintained in a serviceable condition;	
	ii)	the public gate and/or grid no longer serves its original function;	
	iii)	the public gate and/or grid presents a safety issue to road users; or	
	iv)	for other non specific reasons that may occur from time to time.	

If a permit is revoked and the owner fails to remove the grid or gate within the time limits specified in the Roads Act 1993, Council may remove the grid or gate.

## 2) APPLYING FOR PUBLIC GATE AND BYPASS STRUCTURE PERMITS

There are a number of reasons why public gates and/or associated bypass structures may be approved by Council. Alterations to property boundaries and adjustments to internal fencing are just a few of the reasons why this may occur. When a landholder requests a permit to install a new public gate and/or grid the authorised person will review the request under the delegated authority of the Council. Council is under no obligation to approve a public gate and/or grid. The Roads Act 1993 and the Roads Regulation 2000 describes the procedure for requesting a permit for a public gate or bypass.

In addition to the procedures required under the Roads Act the Council shall also create a guideline to assist members of the public in relation to the following:

- the form of application to use when requesting a grid or gate permit;
- · the supporting information which should be included in the application; and
- the ongoing responsibilities for maintenance of public gates and grids following installation.

Councillors be notified by electronic mail of any application lodged under this policy and the outcome of the application following determination by the authorised person.

## 3) DELEGATION TO GENERAL MANAGER

The implementation of this policy is bound by the requirements of Division 2, Part 9 of the Roads Act 1993, and the supporting regulations which provide the Council, as the roads authority, with the power to issue and revoke permits for the installation of public gates and bypass structures across public roads. For the purpose of exercising this function, Council has delegated the function to the General Manager pursuant to section 377 of the Local Government Act. This delegation includes the creation and timely amendment of a guideline to assist the public in requesting a permit for a public gate and/or bypass structures and the ongoing maintenance of those structures.

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Resolved - Strategy and Finance Committee 14/6/05 SF43/05.

EMT 24 May 2005;

<sup>\*</sup> HISTORY -

Reviewed by DC&G. October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13

# 16.10.16.9. RURAL ADDRESSING

## OBJECTIVE:

- 1 To provide a clear and consistent framework of property identification;
- 2 To facilitate response to emergencies on rural properties;
- 3 To ensure the provision of rural addressing numbers in accordance with Council's standards and requirements.

# POLICY:

- 1 That Council apply as a condition of development consent to all rural subdivisions and rural dwellings a requirement for the provision of a Rural Addressing Number;
- 2 The Rural Addressing Number shall be clearly affixed to the property access and shall be visible from a public road;
- 3 In the case of a Right of Way, Rural Addressing Numbers shall be located on the junction of the Public Road at a location as nominated and approved by Council;
- 4 The Rural Addressing Number shall meet Council's specifications in terms of size, character and location;
- 5 The fee for the provision of the Rural Addressing Number shall be in accordance with Council's adopted scale of Fees and Charges as shown in the Management Plan;
- 6 A record shall be kept of the allocation of all Rural Addressing Numbers.

\* HISTORY --

Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 8rt3 Adopted as TRC Policy at Ordinary Meeting

## 16.11.16.10. SMOKE-FREE ENVIRONMENT POLICY

## OBJECTIVE:

- 1 Improve the health and well being of community members;
- Improve public amenity and maintenance of Council property;
- 3 Raise community awareness of the issues associated with smoking;
- 4 Provide community leadership in taking measures to protect the health and social well being of the community; and
- 5 Minimise cigarette related litter on Council owned public outdoor areas.

# POLICY:

#### PRINCIPLES

This policy recognises that Council has:

- an obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community;
- a commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette related litter found in public outdoor areas;
- an understanding that the damaging effects of passive smoking while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas; and
- an understanding that the indirect effects of people smoking in an outdoor area can result in:
  - children playing with and swallowing discarded cigarette butts;
  - o cigarette-derived particles accumulating on clothing and skin; and
  - sensory irritations such as eye watering, coughing, difficulty in breathing, asthma, or other respiratory problems.

## LEGISLATION

Under the NSW Local Government Act 1993 Council has the power to:

- Erect suitably worded and strategically placed notices in "public places" (such places
  including but not limited to public reserves, public swimming pools, public parks, public
  roads) within the local government area of Tamworth prohibiting smoking (see,
  relevantly, s.632 (1) and (2)(e) of the Act);
- Serve, by means of an authorised person, a penalty notice (Penalty: \$110.00) upon any person who fails to comply with the terms of any such notice (see, relevantly, s.679 of the Act and cll.5-7 of, and Schedule 1 to, the General Regulation);
- Demand, by means of an authorised person, the name and address of any person reasonably suspected of failing to comply with the terms of any such notice (see, relevantly, s.680 of the Act);
- Remove, by means of an authorised person, from community land any person who fails to comply with the terms of any such notice (see, relevantly, s.681 of the Act); and
- Otherwise prohibit smoking in any place within the local government area of Tamworth, in respect of which Council is the owner or occupier, as a condition of entry to that place.

## **AUTHORISED PERSONS**

The following titles are "authorised persons" for the purposes of enforcement action concerning this policy:

- Tamworth Regional Council Rangers;
- Tamworth Regional Council Environmental Health Officers;
- Tamworth Regional Council Parking Officers; and
- NSW Police Officers.

#### SMOKE-FREE AREAS

This policy prohibits smoking, including the use of electronic cigarettes, in the following outdoor public areas:

All outdoor public areas currently covered by the Smoke-free Environment Act 2000.

#### Tamworth CBD

- Peel Street (between Bourke Street and Hill Street); and
- Fitzroy Street (between Kable Avenue and Marius Street).

#### Manilla CBD

Manilla Street (between Court Street and Market Street).

# Barraba CBD

Queen Street (between Alice Street and Savoy Street).

All areas of properties where Council is owner, reserve trust manager or has care, control and management where such properties are:

- playing fields;
- sporting grounds and recreational facilities;
- bushland; and
- parks, playgrounds and recreational reserves.

Public footpaths outside of schools, childcare centres and hospitals;

Within four metres of a pedestrian access point to a Council owned and/or operated buildings (excluding those which are privately leased); and

Within alfresco dining areas on public land where Council has conditioned such approvals to occupy the land.

Suitably worded signs will be installed in prominent places in the areas listed above, where practicable. Signage will include the internationally recognised no smoking symbol to indicate that these areas are smoke-free.

# LEASES, LICENCES AND OTHER COUNCIL AGREEMENTS

Council buildings and outdoor dining areas that are leased, licensed or hired by Council will have smoke-free clauses inserted into their agreements for use.

## ENFORCEMENT

Enforcement of this policy will be supported by signage, positive persuasion and self-policing amongst the community. Enforcement may involve issuing penalty infringement notices where required, as an additional measure to achieve compliance. Suitable signage will be installed in all applicable areas, where practicable. In implementing Council's Smoke-Free Environment Policy a program of community education and awareness will be undertaken.

# VARIATION AND REVIEW

Council shall review this policy in 2017. Council reserves the right to vary or revoke this policy at its discretion.

<sup>\*</sup> HISTORY - Adopted Ordinary Council 27 September 2016 Min No: 272/16

46.42.16.11. STREET LIGHTING

OBJECTIVE: To implement the "user pays" system for additional street lighting.

# POLICY:

Council adopt the principle that where additional street lighting of higher standard than that required to comply with the relevant Australian Standard is requested and such is considered warranted, then the applicant bear the cost of the capital contribution. Council to meet annual rental charges.

<sup>\*</sup> HISTORY - Adopted Ordinary Council 27 September 2016 Min No: 272/16

16.13.16.12. STREET NAMING

OBJECTIVE: To provide new street or amend existing street names in the Tamworth Regional Council area.

#### POLICY:

The following procedures be conducted by the Planning and Compliance Directorate:

- (i) the guidelines published by the Geographic Names Board will be followed;
- (ii) a report be presented to Council submitting a street name for consideration;
- should the name be considered appropriate, a statutory twenty-eight (28) day public notification be undertaken;
- (iv) in the event that no objections are received, the name be adopted and submitted for inclusion in the New South Wales Government Gazette; and
- that Council delegate authority to the Planning and Compliance Director adopt a street name, where no objections are received during the statutory exhibition period.

New Policy, first submitted to Council in January 1992, through the Works & Environmental Services. Committee. Refer: ESD Report No. 92/1, Item 2. Ord Council 28 January 1992 Min No 23

HISTORY — Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15(01/2013 – Min No: 9/13
 Adopted as TRC Patrcy at Ordinary Meeting 27 September 2005 Min No 229/05

 Former TCC Policy

16.14.16.13. STREET NUMBERING

**OBJECTIVE:** To determine a procedure when it is not possible to follow a normal numerical sequence.

## POLICY:

That Council adopt the following policy regarding new street numbers allocated following subdivisions, when it is not possible to follow the normal numerical sequence:

- existing numbers to remain unaltered;
- (ii) suffixes A, B, C and D etc. to be used as required to distinguish the new blocks from those existing; and
- (iii) that the suffixes be preceded by the number of the block nearest to the subdivision.

Group Committees - 23 March 1965. Health Committee - Item 8. This Policy reviewed and endorsed by Council on 24 April 1990, Min. No. 140.

**Page 708** 

HISTORY — Reviewed by DC&G October 2012 — Updated — Ordinary Council Meeting 15(01/2013 — Min No: 9/13
 Adopted as TRC Policy at Ordinary Meeting 27 September 2006 Min No 229/05
 Former TCC Policy

## 16.15.16.14. URBAN TREE REMOVAL AND REPLACEMENT POLICY

## OBJECTIVE:

To preserve, enhance and develop attractive, uniform streetscapes and public open space areas within the environments of Tamworth Regional Council, while minimising the risk to public safety and property.

#### POLICY:

Tamworth Regional Council is committed to managing the trees within its urban streetscapes and public open spaces to ensure the history and amenity of the region is preserved and enhanced for future generations.

In formulating this Policy Council recognises the significant contribution trees make to our scenic amenity and the important role trees play in providing:

- shade and cooling;
- habitat for local wildlife and comidors for wildlife movement;
- consumption of carbon dioxide and production of oxygen;
- wind reduction and noise abatement;
- filter rainwater and reduce stormwater runoff;
- · improved property value; and
- a contribution to cultural history and local identity.

Council also recognises the risk trees pose to people and property, particularly during storms. It is Council's intention to minimise these risks and the possible consequences.

This Policy provides clear guidelines for how and when trees located on Council controlled property will be removed and/or replaced. The following principles will apply:

- Citizens will not be permitted to damage, remove or cause the removal of trees from Council controlled property and in such cases, Council may initiate legal action;
- Council will receive requests from citizens for the removal of trees;
- Requests for the removal of living trees must be received in writing, stating the reason for the request;
- Phone requests (for removal of dead trees) will be registered as a Customer Request in Council's electronic Customer Request Management System (CRMS), as a point of reference and statistical data:
- All requests for tree removal will be assessed by arboriculture qualified staff or arboriculture qualified contractors, using Council's Tree Hazard Assessment Form;
- All requests for tree removal will be assessed against Council's Significant Tree Register;
- 7. Trees will only be removed if one or more of the following criteria is met:
  - 7.1. The structural condition of the tree poses a high risk to person or property and the cost of maintaining or remediating the risk to a low level is considered excessive;
  - 7.2. The tree is dead or the health of the tree is in irreversible decline (except in a reserve where the tree is providing a nesting habitat);
  - 7.3. The tree impinges on an approved development of Council land;
  - 7.4. The roots or other parts of the tree are causing damage to property and the damage caused by the tree cannot be reasonably abated or remedied through accepted arboriculturalarboriculture treatment or reasonable re-design;

- The tree is hazardous to motorists or pedestrians due to obstruction of sightlines causing an unsafe traffic or pedestrian environment;
- 7.6. The tree is affected by road works (e.g. new road, road widening, service location and/or re-location, etc.) and all other options to retain the tree have been deemed inappropriate;
- The tree is contributing to a widespread environmental issue (e.g. fruit fly infestation); and
- The tree is in danger of contact with overhead powerlines and selective pruning is not practical;
- The following are not considered sufficient reasons for the removal of trees from Council controlled property:
  - 8.1. Improve views from private property;
  - 8.2. The tree variety is disliked;
  - 8.3. The tree is blocking the sun or solar access to a property;
  - 8.4. The tree causes allergy or other health problems;
  - 8.5. The tree is causing leaf litter problems for private swimming pools or gutters;
  - 8.6. The tree is obscuring advertising billboards; and
  - The tree is in the way of a non-essential property access and/or verge paving option.
- Where a tree, having met the above criteria, is removed from Council controlled property it will be replaced with a suitable species, if possible, in a location as close as possible to the original site.

#### NOTIFICATION

Where a tree, having met the above criteria, is proposed to be removed from a highly visible public place (e.g. street trees) the surrounding property owners will be notified prior to the tree being removed, unless it has been determined that the tree poses an immediate and high risk to person or property;

Where a tree, having met the above criteria, is proposed to be removed from within or immediately adjacent to one of Council's major parks or sporting fields the community must also be notified through appropriate media outlets.

# DELEGATION

The Manager Sports and Recreation, through the Director Regional Services and the General Manager, has delegated authority to authorise the removal and replacement of trees under this Policy.

HISTORY — Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 8/13
 Adopted as TRC Policy at Ordinary Meeting 22 November 2011, Min No: 378/11 (161245/2011)

16.16.16.15. VANDALISM

OBJECTIVE: To encourage the public to report acts of vandalism.

## POLICY:

That the Council offer a reward of up to \$2,500 for information leading to the conviction of any person or persons committing wilful damage (including graffiti) to or theft of Council property, equipment, shrubs, trees and plants in parks and gardens, public recreation areas, streets and other public places in the Tamworth Regional Council area.

\* HISTORY -

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy

Reviewed FPCS 18/3/03 CR77, Adopted Ord Council 25/3/03 Min 50/03

This Policy reviewed and endorsed by Council on 24 April 1990, Min. No. 140.

## 16,17,16,16. RESIDENT FUNDED SEALING WORKS

## OBJECTIVE:

The objective of this policy is to provide residents and landholders with the capacity to either extend the length of seal to a given property or seal the road in front of a dwelling. This may be undertaken for dust and/or noise suppression or simply to improve access conditions. A resident or landholder contribution is contingent for the consideration of a request.

#### POLICY:

- That Council may, at its discretion, consider application for sealing sections of roads at the request of a ratepayer within the Tamworth Region that is willing to contribute to the works by paying the full cost of the sealing work. Council would be responsible for the cost of the preparation of the road surface for sealing which would include the construction of the payement and any ancillary drainage structures.
- Council's contribution to each request would be considered as part of the annual Management Plan process.
- The applicant's contribution will be based on a square metre rate that will be advertised in Council Fees and Charges with the Annual Operational Plan.
- The width of the seal will be determined by Council on a case by case basis dependent of the road and its associated characteristics.
- The minimum length of seal considered will be 150m.
- Council reserves the right to reject a request if the proposal does not have the support
  of all residents (landholders) or if contributions are not sought from all beneficiaries in
  certain circumstances.
- Ongoing maintenance will be the responsibility of Council.
- Council will remain the owner of all structural improvements.

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Reviewed by DC&G October 2012 -- Updated -- Ordinary Council Meeting 15/01/2013 -- Min No: 9/13

ADOPTED: Ordinary Council 28 February 2006 Min No 110/06

To EMT 21 February 2006

<sup>\*</sup> HISTORY -

## 16.18.16.17. POP-UP PUBLIC ART DECORATION OF PEEL STREET TREES

**OBJECTIVE:** To control the conduct of the decoration of the trees in Peel Street with popup public art.

**POLICY:** That approval be granted to applications received from Tamworth organisations only or from those that are established in the Tamworth Regional Council area to decorate the trees on the footpath in the three CBD blocks from Bourke Street to White Street. All applications must be in writing and identify which sections will be decorated and the dates this will occur.

Council can only give permission to decorate Council owned assets and that nothing can be attached to privately owned property without the owner's consent. It must be noted that the art is not be attached to the trees in the middle of the road on the median strip, and no advertising or posters are allowed to be affixed to the trees, fencing, or any other Council Property. While decoration with yarn is the most popular pop-up art to be displayed, other forms of art may be considered provided it complies with the policy and will not pose a health and safety risk.

The works are to be displayed for a period no longer than 14 days.

Organisations must supply a current copy of their public liability insurance with a minimum insurance amount of \$20million. Council will supply a copy a Risk Assessment to undertake the activity of attaching art to the trees and organisations must complete the Risk Assessment, sign and return a copy to Council.

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HISTORY – Adopted as TRC Policy at Ordinary Council Meeting 11/04/2017 – Min No. 92/17

TAMWORTH REGIONAL COUNCIL GENERAL POLICY REGISTER -- TRANSPORT AND MAINTENANCE

# 17 TRANSPORT AND MAINTENANCE

# 17.1. WEIGHT OF LOADS ON ROADS

OBJECTIVE: To supervise the weight of loads on the roads and bridges within Council's area.

# POLICY:

- 1 That Council supervise the weight of loads on roads in accordance with Ordinances 30C and 30D.
- 2 That the Regional Services Director act on behalf of Council in relation to the operation of the Mid North Weight of Loads Group within Council's area, and that he or his nominated representative attend the regular meetings of the Group.
- 3 That the General Manager act on behalf of Council in all matters in relation to the prosecution of breaches.

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Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy

Reviewed 24/4/90 Min No 140

first adopted on 16 December 1985, Min. No. 270

HISTORY – Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13

# 18 WASTE MANAGEMENT

# 18.1. DISCHARGE OF LIQUID TRADE WASTE

# OBJECTIVE:

This policy sets out how Council will regulate sewerage and trade waste discharges to its sewerage system in accordance with the NSW Framework for Regulation of Sewerage and Trade Waste (section 3.1 on page 14). The policy is concerned with the approval, monitoring and enforcement process for liquid trade wastes discharged to Council's sewerage system and the levying of commercial sewerage and liquid trade waste fees and charges. It has been developed to ensure the proper control of liquid trade waste and hence protection of public health, worker safety, the environment, and Council's sewerage system. The policy also promotes waste minimisation, water conservation, water recycling and biosolids reuse.

# POLICY:



Refer Attachment

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\*HISTORY Reviewed July 2020 - Undebted - Ordinary Council Meeting - Min No Amended - Ordinary Council 23 April 2013 - Minute No. 118/13 (76346/2013)

Reviewed by DC&G - October 2012 - Updated - Ordinary Council Meeting 15(01/2013 - Min No: 0/13 - Amended - Ordinary Council & November 2011 - Minute No. 348/11 (153315/2012)

Amended - Ordinary Council & March 2011 - Minute No. 68/11 (35044/2011)

Amended - Ordinary Council 25 September 2009 - Minute No. 21/09 (134745/2009)

Min No. 224/07 Ord Council 25 June 2007 Charges and Practice supersedes this policy refer new document Tament's Regional Council policy for the displange of liquid trade waste!

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No. 229/05

Former TCC Policy

Reviewed and amended refer CR 341 FPCS Nov Nin No.02/419 Ord Nov 02

Reviewed - 24/4/90 Min No. 140

Reviewed 28 November 1989, Alin No. 383

First adopted on 26 May 1987, Min No. 132

## 18.2. WASTE DISPOSAL - WASTE DEPOTS - EXEMPTION FROM CHARGES

OBJECTIVE: To provide guidelines to enable the Regional Services Director to determine whether organisations qualify for exemption from waste disposal charges at the Waste Depot.

## POLICY:

- 1 Council charge all users of the Waste Depot in accordance with the adopted Waste Depot Fees and Charges Schedule.
- 2 Exemptions from the Waste Disposal Charges may be granted where organisations can provide evidence that the major function of their business or operation satisfies the following criteria:
  - (i) a service for the relief of poverty within the Council area; or
  - (ii) a voluntary service for the betterment of community welfare.
- 3 The Regional Services Director be given the delegated authority to determine exemption from Waste Depot disposal charges in accordance with this policy.

-Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy

To SMT-29 Sept 1995 P&R TSD'e Report No 95/482-7/9/95 Council 3/10/95 CR574

<sup>\*-</sup>HISTORY - Reviewed by DC&G - October 2012 - Updated - Ordinary Council Meeting 45/01/2013 - Min No. 9/13

# 18.3.18.1. WASTE MANAGEMENT CHARGE FOR COUNCIL COMMUNITY GROUPS

OBJECTIVE: To provide relief from the Section 501 Waste Management Charge to Section 355 Committees and Rural Fire Service Stations.

#### POLICY:

All Section 355 Committees and Rural Fire Stations are to be exempt from the Section 501 Waste Management Charge as established in the Aannual Operational management Pplan.

Upon written request from such groups the weekly waste collection service levied pursuant to Section 496 will be provided at full cost as determined in the <a href="mailto:annual\_Annual\_managementOperational">annual\_Annual\_managementOperational\_Pplan\_and reported to Council for approval\_-</a>

\* HISTORY - Reviewed July 2020 - Updated - Ordinary Council Meeting - Min No.

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former Parry Shire Council Policy Adopted 22 July 1999 Min No 282/1999, amended 22 August 2002 Min No 334/2002

# 48.4.18.2. WASTE COLLECTION SERVICES — MULTIPLE UNIT RESIDENTIAL DEVELOPMENTS

OBJECTIVE:

To provide guidelines to enable the Regional Services Director to determine the number of waste collection services that shall be applied to properties containing multiple residential premises.

#### POLICY:

- Council will provide all residential and rural rated properties containing a residential building with a domestic waste management service whenever the property is able to be serviced by Councils domestic waste collection service.
- Council will impose an annual domestic waste management charge for each individual service made available to all properties receiving the domestic waste collection service.
- An individual waste collection service shall be rendered for each self contained residential building on the property except in the following circumstances;
  - the owner of the property completes an application to Council that justifies a review of the number of services rendered to the property.
- 4. The following criteria shall be used in the assessment of any application and guide determination of the minimum number of services that shall be rendered to any multiunit residential development:
  - a full suite of domestic waste collection services shall be made available to every self contained residential unit on the property for developments containing 3 or less self contained residential units on the property;
  - (ii) the number of garbage services may be reduced for developments containing 4 or more self contained residential units on the property so that the ratio of bins is not less than 3 x 240 litre bins plus 1 additional 240 litre bin for every additional 2 units. The higher number of bins shall be adopted for complexes containing even numbers of units; example, a complex of 14 units shall have 3 x 240 litre bins for initial three units plus 6 additional bins. Total 9 bins;
  - (iii) the number of recycling services may be reduced for developments containing 4 or more self contained residential units on the property so that the ratio of bins is not less than 3 x 240 litre bins plus 1 additional 240 litre bin for every additional 2 units. The higher number of bins shall be adopted for complexes containing even numbers of units; example, a complex of 14 units shall have 3 x 240 litre bins for initial three units plus 6 additional bins. Total 9 bins; and
  - (iv) the number of garden organic services may be reduced for developments containing 4 or more self contained residential units on the property so that the ratio of bins is not less than 3 x 240 litre bins plus 1 additional 240 litre bin for every additional 2 units. The higher number of bins shall be adopted for complexes containing even numbers of units; example, a complex of 14 units shall have 3 x 240 litre bins for initial three units plus 6 additional bins – total 9 bins.
- 5. For properties receiving a reduced number of services a base domestic waste management annual charge shall be applied to all units on the same basis as any residential premises and a collection service charge shall be applied and equally divided by the number of units subject to any reduction in service numbers; example 14 units will pay 14 base charges + a service cost of 9 services divided by 14 (the number of units).
- The Regional Services Director shall be given the delegated authority to determine the service numbers that shall be applied to any Multiple Unit Residential Development.

\* HISTORY - Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

# 48.5.18.3. Acceptance of Waste Generated Outside the Tamworth Regional Council Local Government Area

#### OBJECTIVE:

To provide guidelines to enable Council to determine whether waste material that is generated from outside the Tarnworth Regional Council (TRC) Local Government Area (LGA) will be accepted for disposal at a TRC waste disposal facility.

### POLICY:

- Council operates solid waste disposal facilities that are licensed or capable of receiving a range of defined solid waste materials.
- Council funds the establishment and operation of its waste disposal facilities from a combination of annual charges imposed upon ratepayers and gate charges for waste disposal.
- Council operates its waste disposal facilities for the purpose of meeting the needs of residents from within the TRC LGA.
- Council will assess requests for acceptance of waste from outside the TRC LGA for disposal at TRC solid waste facilities based on the following criteria:
  - every request submitted to Council to accept waste from outside the TRC LGA shall be made in writing;
  - the waste material must be classified and proven to be of a type that is acceptable for disposal at the respective landfill;
  - the volume of waste to be disposed of and the impacts upon the lifespan of the landfill:
  - d) road traffic impacts to transport the nominated volume of waste;
  - e) whether the arrangement is to be temporary or permanent;
  - f) the nexus within the regional context to manage waste e.g. regional initiative fostered through Northern Inland Regional Waste;
  - g) the environmental benefits of the proposal;
  - the origin of the waste (waste generated in the regulated areas of the state will NOT generally be accepted); and
  - i) will the proposal contravene Council's licence for any facility.
- Organisations or business seeking to obtain approval pursuant to this policy must have obtained written approval prior to delivering any waste.
- 6. Fees and Charges for waste generated outside the TRC LGA and approved for disposal at the TRC Landfill will haveattract—a aminimum surcharge of 25% applied ten percent surcharge above the to advertised gate fees (exclusive GST) for disposal of the respective waste type. (Justification TRC residents have contributed to the cost of establishing all existing waste management infrastructure and continue to contribute to infrastructure costs through annual waste management charges attached to land rates.)

Reviewed July 2020 - Updated - Ordinary Council Meeting - Min No Adopted as TRC Policy at Ordinary Meeting 22 March 2011 Min No 74/11

\* HISTORY -

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 24 April 2012 Min No 124/12

#### 48.6.18.4. Kerbside Greenwaste Bin Contamination

OBJECTIVES: This policy outlines the procedures for managing contaminated kerbside Greenwaste Collection Bins. To appropriately manage contaminated kerbside Greenwaste Collection bins.

#### POLICY:

In conjunction with Tamworth Regional Council's community waste and recycling education program, this policy provides protocol for managing residents who present contaminated greenwaste for collection.

This policy outlines the appropriate action to be taken when a greenwaste collection bin is inspected and found to be contaminated.

#### DEFINITIONS

Contamination: The portion within a household greenwaste collection bin which is not deemed to be domestic greenwaste. Specifically a bin is considered contaminated if it contains any item that is not identified as domestic greenwaste on the top of the greenwaste collection bin. Contamination includes general household waste, milled or processed timber, recyclable items (bottles/plastic/paper and cardboard), dirt/rocks and metal.

Kerbside Greenwaste Collection bin: 240L green lid mobile garbage bin.

Designated waste collection area: Parcels of land subject to a waste or recycling levy under section 496 of Local Government Act 1993. The designated area is the area as resolved by Council.

#### SCOPE

This policy applies to all kerbside Greenwaste collections within Tamworth Regional Council's designated waste collection area, and any kerbside greenwaste (green lid) collected under a public works arrangement.

This policy only applies to kerbside greenwaste collections from premises where a single service is associated with a single occupancy. Multiple occupations with a shared collection service are not covered by this policy.

## MONITORING AND BREACHES

Inspection of recycling bins may be conducted by both Council staff and by kerbside collection drivers on a random basis. A register of rejected recycling bins, including address, contamination type and where possible photos of bin contents, to be maintained by Transpacific Cleanaway. Details of any contamination event identified by Council staff are to be forwarded to Transpacific Cleanaway for inclusion into the register.

In the interests of avoiding further greenwaste collection bin contamination and penalising the infringing household, this policy outlines action to be taken by Council when contamination is found in a kerbside greenwaste collection bin within any three month period.

# First infringement

The Contractor must not empty any mobile bin where it is evident upon visual inspection that it contains gross contamination.

Gross contamination includes high levels of material not meeting the definition of domestic greenwaste. This may include for example bags of household garbage visible at the top of the mobile bin.

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If the Contractor finds contamination, not considered to be gross contamination, on visual inspection of a mobile bin, the Contractor may empty the mobile bin if deemed acceptable.

If the Contractor becomes aware of contamination or gross contamination within a mobile bin in the process of emptying its contents into the collection vehicle, the Contractor must keep details of the contamination event (date and address) to facilitate notification of the contamination issue with the offending customer.

The Contractor must notify the customer following any contamination event of the problem and clarify the definition of domestic greenwaste materials. The Contractor must notify the customer of the problem either by way of letter being placed in the letterbox of the premise or sticker attached to the mobile bin.

The Customer must be notified of the problem within two working days of the incident occurring.

#### Second infringement

The Contractor must not empty any mobile bin where it is evident upon visual inspection that it contains gross contamination.

Gross contamination includes high levels of material not meeting the definition of domestic greenwaste. This may include for example bags of household garbage visible at the top of the mobile bin.

If the Contractor finds contamination, not considered to be gross contamination, on visual inspection of a mobile bin, the Contractor may empty the mobile bin if deemed acceptable.

If the Contractor becomes aware of contamination or gross contamination within a mobile bin in the process of emptying its contents into the collection vehicle, the Contractor must keep details of the contamination event (date and address) to facilitate notification of the contamination issue with the offending customer.

The Contractor must notify the customer following any contamination event of the problem and clarify the definition of domestic greenwaste material. The Contractor must notify the customer of the problem either by way of letter being placed in the letterbox of the premise or sticker attached to the mobile bin.

The Customer must be notified of the problem within two working days of the incident occurring.

## Third infringement

The Contractor must not empty any mobile bin where it is evident upon visual inspection that it contains gross contamination.

Gross contamination includes high levels of material not meeting the definition of domestic greenwaste. This may include for example bags of household garbage visible at the top of the mobile bin.

If the Contractor finds contamination, not considered to be gross contamination, on visual inspection of a mobile bin, the Contractor may empty the mobile bin if deemed acceptable.

If the Contractor becomes aware of contamination or gross contamination within a mobile bin in the process of emptying its contents into the collection vehicle, the Contractor must keep details of the contamination event (date and address) to facilitate notification of the contamination issue with the offending customer.

The Contractor must notify the customer following any contamination event of the problem and clarify the definition of domestic greenwaste material. The Contractor must notify the customer of the problem either by way of letter being placed in the letterbox of the premise or sticker attached to the mobile bin.

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The customer must be notified of the problem within two working days of the incident occurring.

The Contractor must also notify Council of the situation and request that a letter is issued by Council advising of the pending removal of the kerbside greenwaste collection service.

Council will then issue a letter advising the customer of the pending removal of the kerbside greenwaste collection service should another contamination event occur at anytime during the following three month period.

#### Fourth Infringement

The Contractor must not empty any mobile bin where it is evident upon visual inspection that it contains gross contamination.

Gross contamination includes high levels of material not meeting the definition of domestic greenwaste. This may include for example bags of household garbage visible at the top of the mobile bin.

If the Contractor finds contamination, not considered to be gross contamination, on visual inspection of a mobile bin, the Contractor may empty the mobile bin if deemed acceptable.

If the Contractor becomes aware of contamination or gross contamination within a mobile bin in the process of emptying its contents into the collection vehicle, the Contractor must keep details of the contamination event (date and address) to facilitate notification of the contamination issue with the offending customer.

The Contractor must notify Council of the situation and request that Council authorise the suspension of the kerbside greenwaste collection service to the offending customer as well as physical removal of the kerbside greenwaste collection mobile bin where practical.

Council will then issue a letter advising the customer of the removal of the kerbside greenwaste collection service and associated mobile bin. This letter will detail the reasons for the suspension of their kerbside greenwaste collection service as well as notify the customer of the nominated suspension period (three months) after which the kerbside collection recycling service will then be reinstated to the offending customers property.

## General Notes:

The offending property will continue to be charged a greenwaste collection levy via the ordinary rates notice.

Council will continue to undertake community waste and recycling education including notices to households, items in the community newsletter, school education program and participation in waste and recycling campaigns.

Council Staff have and will continue to speak with and assist residents to improve their recycling habits. The removal of the greenwaste collection bin is a reluctant but necessary action to improve the integrity of the greenwaste processing system and achieve a higher quality mulch product and reduce the quantity of greenwaste going to landfill in accordance with the Integrated Waste Management and Resource Recovery Strategy April 2017.

\* HISTORY -- Reviewed July 2020 -- Updated -- Ordinary Council Meeting -- Min No Adopted Ordinary Council Meeting 25 September 2016 -- Min No 203/18 Formatted: Right: 0.17 cm, Tab stops: 13.25 cm, Left

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#### 18.5. Kerbside Recycling Bin Contamination

49 OBJECTIVE: To appropriately mange contaminated kerbside recycling bins.

POLICY: In conjunction with Tamworth Regional Council's community waste and recycling education program, this policy provides protocol for managing residents who present contaminated recycling for collection.

This policy outlines the appropriate action to be taken when a recycling bin is inspected and found to be contaminated.

#### DEFINITIONS

Contamination: The portion within a household recycling bin which is not deemed to be recyclable. Specifically a bin is considered contaminated if it contains any item that is not identified as recyclable on the top of the recycling bin. Contamination Includes food waste, green waste and dirty solled items. Contamination includes dirty and solled recyclable items.

Kerbside recycling bin: 240L Yellow Lid Mobile Garbage Bin,

Designated waste collection area: Parcels of land subject to a waste or recycling levy under section 496 of Local Government Act 1993. The designated area is the area as resolved by Council.

## SCOPE

This policy applies to all kerbside recycling bin collections within Tamworth Regional Council's designated waste collection area, and any kerbside recycling bins (yellow lid) collected under a public works arrangement.

This policy only applies to kerbside recycling collections from premises where a single service is associated with a single occupancy. Multiple occupations with a shared collection service are not covered by this policy.

In the interests of avoiding further recycling contamination and penalising the infringing household, this policy outlines action to be taken by Council when contamination is found in a kerbside recycling bin within any three month period.

## MONITORING AND BREACHES

Inspection of recycling bins may be conducted by both Council staff and by kerbside collection drivers on a random basis. A register of rejected recycling bins, including address, contamination type and where possible photos of bin contents, to be maintained by Transpacific Cleanaway. Details of any contamination event identified by Council staff are to be forwarded to Transpacific Cleanaway for inclusion into the register.

In the interests of avoiding further greenwaste collection bin contamination and penalising the infringing household, this policy outlines action to be taken by Council when contamination is found in a kerbside greenwaste collection bin within any three month period.

## First infringement

The Contractor must not empty any mobile bin where it is evident upon visual inspection that it contains Gross Contamination.

20 Gross contamination includes high levels of material not meeting the definition ofrecyclable. This may include for example bags of garbage visible at the top of the mobile bin.

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If the Contractor finds contamination, not considered to be gross contamination, on visual inspection of a mobile bin, the Contractor may empty the mobile bin if deemed acceptable.

If the Contractor becomes aware of contamination or gross contamination within as mobile bin in the process of emptying its contents into the collection vehicle, the Contractor must keep details of the contamination event (date and address) to facilitate notification of the contamination issue with the offending customer.

The Contractor must notify the customer following any contamination event of the problem and clarify the acceptable recyclable materials. The Contractor must notify the customer of the problem either by way of letter being placed in the letterbox of the premise or sticker attached to the mobile bin.

The Customer must be notified of the problem within two working days of the incident occurring.

## Second infringement

The Contractor must not empty any mobile bin where it is evident upon visualinspection that it contains gross contamination.

Gross contamination includes high levels of material not meeting the definition of recyclable. This may include for example bags of garbage visible at the top of the mobile bin.

If the Contractor finds contamination, not considered to be gross contamination, on visual inspection of a mobile bin, the Contractor may empty the mobile bin if deemed acceptable.

If the Contractor becomes aware of contamination or gross contamination within a mobile bin in the process of emptying its contents into the collection vehicle, the Contractor must keep details of the contamination event (date and address) to facilitate notification of the contamination issue with the offending customer.

The Contractor must notify the customer following any contamination event of the problem and clarify the acceptable recyclable materials. The Contractor must notify the customer of the problem either by way of letter being placed in the letterbox of the premise or sticker attached to the mobile bin.

The Customer must be notified of the problem within two working days of the incident occurring.

## Third infringement

The Contractor must not empty any mobile bin where it is evident upon visual inspection that it contains gross contamination.

Gross contamination includes high levels of material not meeting the definition of recyclable. This may include for example bags of garbage visible at the top of the mobile bin.

If the Contractor finds contamination, not considered to be gross contamination, on visual inspection of a mobile bin, the Contractor may empty the mobile bin if deemed acceptable.

If the Contractor becomes aware of contamination or gross contamination within a mobile bin in the process of emptying its contents into the collection vehicle, the Contractor must provide the customer with notification, specifying the problem and clarifying the acceptable recyclables.

The Contractor must notify the customer following any contamination event of the problem and clarify the acceptable recyclable materials. The Contractor must notify the

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customer of the problem either by way of letter being placed in the letterbox of the premise or sticker attached to the mobile bin.

The Customer must be notified of the problem within two working days of the incident occurring.

The Contractor must also notify Council of the situation and request that a letter is issued by Council advising of the pending removal of the kerbside recycling collection service.

Council will then issue a letter advising the customer of the pending removal of the kerbside recycling collection service should another contamination event occur at anytime during the following three month period.

#### Fourth Infringement

The Contractor must not empty any mobile bin where it is evident upon visual inspection that it contains gross contamination.

Gross contamination includes high levels of material not meeting the definition of recyclable. This may include for example bags of garbage visible at the top of the mobile bin.

If the Contractor finds contamination, not considered to be gross contamination, on visual inspection of a mobile bin, the Contractor may empty the mobile bin if deemed acceptable.

If the Contractor becomes aware of contamination or gross contamination within a mobile bin in the process of emptying its contents into the collection vehicle, the Contractor must keep details of the contamination event (date and address) to facilitate notification of the contamination issue with the offending customer.

The Contractor must notify Council of the of the situation and request that Council authorise the suspension of the kerbside recycling service to the offending customer as well as physical removal of the kerbside recycling mobile bin where practical.

Council will then issue a letter advising the customer of the removal of the kerbside recycling collection service and associated mobile bin. This letter will detail the reasons for the suspension of their kerbside collection recycling service as well as the suspension period (three months) after which the kerbside collection recycling service will then be reinstated.

## General Notes

20.1. The offending property will continue to be charged a recycling levy via the ordinary rates notice. Council will continue to undertake community waste and recycling education including notices to households, items in the community newsletter, school education program and participation in waste and recycling campaigns.

Council staff have and will continue to speak with and assist residents to improve their recycling habits. The removal of the recycling bin is a reluctant but necessary action to improve the integrity of the comingled recycling system and achieve a contamination rate for the Tamworth Regional Council area in accordance with the Integrated Waste Management and Resource Recovery Strategy April 2017.

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\* HISTORY - Reviewed July 2020 - Updated - Ordinary Council Meeting - Min No

Adopted Ordinary Council Meeting 25 September 2018 -- Min No 203/18

# 19 WATER AND SEWER SUPPLY

## 19.1. DISCHARGE OF LIQUID TRADE WASTE

# OBJECTIVE:

This policy sets out how Council will regulate sewerage and trade waste discharges to its sewerage system in accordance with the NSW Framework for Regulation of Sewerage and Trade Waste (section 3.1 on page 14). The policy is concerned with the approval, monitoring and enforcement process for liquid trade wastes discharged to Council's sewerage system and the levying of commercial sewerage and liquid trade waste fees and charges. It has been developed to ensure the proper control of liquid trade waste and hence protection of public health, worker safety, the environment, and Council's sewerage system. The policy also promotes waste minimisation, water conservation, water recycling and biosolids reuse.

## POLICY:

The Policy for the Discharge of Liquid Trade Waste can be found on our website at: https://www.tamworth.nsw.gov.au/live/water-and-wastewater/wastewater

### 24

# 21.1. SEWER - CHARGE EXEMPTION FOR A PUBLIC CHARITY

OBJECTIVE: To provide an exemption equal to one (1) 20mm sewer availability charge for each property owned by local public charity that is not used for residential purposes.

### POLICY:

- Properties that receive an exemption under Section 555 or 556 of the Local Government Act will not be eligible if they do not comply with clause 2 below:
- Properties will be eligible for exemption if the property qualifies as follows:
  - under Section 558 subsection 1(c) of the NSW Local Government Act as a public charity, and
  - (ii) is not used for residential purposes or if rateable would be categorised as residential as per Section 516 of the NSW Local Government Act.
- An amount equal to one (1) 20mm sewer availability charge as detailed in Council's annual management plan for each eligible property shall be exempted;

\* HISTORY - Reviewed July 2020 - Updated - Ordinary Council Meeting - Min No.

Amended -- Ordinary Council 23 April 2013 -- Minute No 118/13 (76346/2013)

Reviewed by DC&G: October 2012 -- Updated -- Ordinary Council Meeting 15/01/2013 -- Min No: 9/13

Amended - Ordinary Council 8 November 2011 - Minute No 346/11 (153315/2012)

Amended - Ordinary Council 8 March 2011 - Minute No 65/11 (35044/2011)

Amended - Ordinary Council 22 September 2009 - Minute No 231/09 (134745/2009)

Min No 224/07 Ord Council 26 June 2007 Charges and Practice supersedes this policy refer new document "Tamworth Regional Council policy for the discharge of liquid trade waste"

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy

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 All sewer usage charges shall be levied on the property as detailed in Council's Annual Management Plan; and

An annual inspection will be carried out to ascertain if the exemption remains applicable.

HISTORY — Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13
 Adopted as TRC Policy at Ordinary Meeting 27 November 2007 Min No 421/07

# 21.2.19.2. WATER - METER INSTALLATION IN BUSINESS AREAS AND OTHER DIFFICULT TO ACCESS AREAS

### OBJECTIVE:

Because of frequent disagreement concerning location of water meters particularly in business areas, it is considered that a set policy should be fixed by Council to define minimum acceptable standards. The following details are considered reasonable where, because building proposals cover the full frontage or because of aesthetic consideration the meter cannot be placed in the open near the alignment.

## POLICY:

- 1 The meter to be placed within 15 metres of the street alignment and to be accessible during normal business hours without permission to enter being necessary.
- 2 The meter if enclosed is to be such that access for reading and removal or repair is unrestricted.
- 3 If the meter is inside the building pathcocks are to be installed and maintained on both inlet to and from the meter. Council will accept no responsibility for water escaping during repairs.
- 4 A pathcock is to be installed under the footpath adjoining the alignment.
- 5 In the area between the street alignment and meter, the water pipe is to be laid in uncrushable conduit to facilitate the removal of the water pipe, should the necessity arise.
- 6 For maintenance purposes Council will accept responsibility from the main to the street alignment only and also for the meter complete with unions.

\* HISTORY -

Reviewed by DC&G October 2012 - Updated -- Ordinary Council Meeting 15/01/2013 -- Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy

Reviewed 24/4/90 Min No 140

Water and Sewerage Committee - Item 1 (h)

Group Committees - 22 June 1971

### 21.3.19.3. WATER - STOPPED OR INACCURATE WATER METERS

### OBJECTIVE:

To ensure that Council applies a consistent approach when considering water meters that have been found to be reading inaccurately or to have stopped.

### POLICY:

New water meter test fees were introduced in the 2009-2010 financial year to give consumers a choice should they feel that the water meter serving their property is not recording accurately. This policy details the procedure to be followed to request a meter test and what Council will do if it is found that the meter is reading inaccurately or has stopped. The Director Water and Waste is authorised to approve any refunds or crediting of accounts required under this Policy.

### Customer Requests for Meter Testing

A customer can request to have a water meter test undertaken through Customer Services and will be given two options in relation to testing a standard 20mm residential meter.

### 1.1. Option A - Council Meter Test for 20mm Sized Meters Only

Option A is for the customer to pay the necessary fee or charge to allow an on-site Council water meter test that Water Enterprises maintenance staff can undertake using a calibrated 20mm water meter. The calibrated meter used is tested in a meter testing laboratory to ensure its accuracy every 12 months.

It should be noted that this test is not a certified test and will only provide an indication of meter accuracy. A volume of 100 litres will be run through the calibrated meter and the property meter and the readings on the existing property meter will be recorded and compared to the readings on the calibrated meter. Costs associated with water used during the test will be charged to the customer.

If the test indicates that the water meter is found to be reading more than 4% over or under the calibrated water meter reading, Council will replace the meter and refund the test fee to the customer.

If the test indicates that the water meter is reading less than 4% over or under the calibrated water meter reading, Council will not replace the property meter and will not refund the test fee to the customer.

The customer may choose to undertake Option B if they are not satisfied with the result of the Council water meter test by paying the appropriate fee for a certified test.

# 1.2. Option B - Certified Meter Test for 20mm and Larger Sized Meters

Option B is for the customer to pay the necessary fee or charge to allow a meter test that is undertaken by a quality controlled (NATA) accredited testing laboratory to AS 3565.4 - 2007 for Water Supply – In Service Compliance Testing - 20mm meters only. As there are no laboratories in Tamworth capable of undertaken these tests the meters for testing must be sent away. The fee for a certified 20mm meter test is as set down in the annual management plan. For tests on larger water meters the appropriate fee/charge will be provided by Council. Tests on larger meters will also be undertaken by a NATA registered laboratory and will be performed in accordance with AS 3565.1 - 2004 (Cold Water Meters).

Once the appropriate fee/charge has been paid the water meter to be tested will be temporarily replaced with another meter, and sent for testing.

If the test indicates that the accuracy of the water meter is more than 4% over or under the maximum percentage error for a specified flow rate range, Council will refund the test fee and replace the property water meter.

If the test indicates that the water meter is reading less than 4% over or under the maximum percentage error, Council will replace the temporary water meter at the customer's property with the returned meter. Council will not refund the test fee.

### 1.3. Calculation of Meter Error

The calculation of the <u>meter error</u> based on the <u>Council</u> meter test results will be undertaken as follows:

{[(Reading A) minus (Reading B)] + [Reading B]} x 100% = % Meter Error (% M<sub>a</sub>)

Where: Reading A is the number of litres that pass through the property meter.

Reading B is the number of litres that pass through the calibrated meter.

The meter error based on the <u>certified</u> test result will be indicated as the maximum error determined for a particular flow rate on a NATA certified test report.

### 1.4. Billing Adjustments

If the meter is shown to be reading in favour of the property owner/consumer, i.e. the meter reading is less than that shown on the calibrated reading then the consumer has benefited and Council will take no further action in relation to billing.

If the test results determined from the Council field test or the certified test, indicate that the meter is reading more than 4% over the calibrated water meter, in the case of the Council test, or the percentage of inaccuracy as given by the certified test, then the property owner/customer will be credited an amount for consumption as follows.

$$[(Y + (L-P)) \times (100 + (100 + \% M_o))] = V_w$$

Where

Y = consumption in the billing period which prompted the inquiry.

L= consumption reading on the day the meter was replaced

P = consumption reading on the day the meter was last read

Me = % Meter Error (refer Section 1.3 above)

V<sub>w</sub> = Adjusted volume of water that should have been attributed to the owner/customer account.

The consumer is to have their consumption records adjusted to  $V_{\rm w}$  for the billing period queried plus the consumption up until the meter was replaced.

For example:

Value Y = 100 kL

Period Queried = 1 January to 30 March

Consumption amount billed = 100 kilolitres

Value(L-P) = 20 kL

Meter Changed Date = 20 April

Consumption amount billed between 30 March and 20 April = 20 kilolitres

Value (Y + (L-P)) = 120 kt.

Total Consumption prior to Adjustment = 100 + 20 = 120 kL

% M,

Percent meter is found to be in error (over reading) = 5%

Calculation

120 x (100/(100+5) = Vw = 114.3 kL

Consumption of 120 kL for the period 1 January to 20 April shall be adjusted to 114.3 kL.

The property owners/customers account will be credited with an amount that equates to the reduced consumption as shown above multiplied by the appropriate usage charges.

If the property owner/customer elects to have the meter sent away for testing as per Option B above then the results from this certified test will negate any results from the Council test as detailed in Option A. This includes if the certified test finds that the meter is accurate, contrary to the Council test, and/or the percentage that the meter is found to be inaccurate is different to that determined by the Council test.

## 2. Meter stopped - Billing adjustments

If a meter is found to have stopped then the meter will be replaced and the customer/property owner will be charged for water consumed during the period the meter was stopped based on the following:

### 2.1. Residential

The average of average annual daily consumption for a similar period in the preceding three years if available (regardless of ownership of the property), multiplied by the number of days since the meter was last read, multiplied by the appropriate charge.

If less than three years previous history is available then charges associated with consumption during the period since the meter was last read will be waived.

If an automatic meter reading device was fitted onto the water meter assembly, then the current daily usage can be applied for the number of days for the period between when the meter was last read and when the meter stopped from the readout provided by the device. The average of average annual daily consumption adjustment described above will also apply for the number of days from when the meter stopped to the date of the failed meter read.

# 2.2. Non - Residential

The average of average annual daily consumption for the preceding period (regardless of ownership of the property) multiplied by the number of days since the meter was last read, multiplied by the appropriate charge.

If an automatic meter reading device was fitted onto the water meter assembly, then the current daily usage can be applied for the number of days for the period between when the meter was last read and when the meter stopped from the readout provided by the device. The average of average annual daily consumption will also apply for the number of days from when the meter stopped to the date of the failed meter read.

\* HISTORY -

Reviewed July 2020 - Updated - Ordinary Council Meeting - Min No

Amended - Ordinary Council 12 November 2013 Min No 348/13

Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13 Adopted as TRC Policy at Ordinary Meeting 20 Oct 99 Res No 259/09

# 21.4.19.4. WATER - REQUIREMENTS FOR PROVISION OF RETICULATION SUPPLYING TREATED WATER UNDER TRICKLE FLOW CONDITIONS

### OBJECTIVE:

Pending the release of updated subdivision guidelines which will incorporate most of the details contained within this policy the following provides details of Council's requirements in relation to the supply of treated water under trickle flow conditions.

## POLICY:

- This policy applies wherever Council has agreed to supply treated water to property/s at a restricted flow rate not greater than 0.06 L/sec - referred to as trickle flow.
- The policy applies to individuals, groups of individuals or existing water users Associations wishing to connect to treated water.
- Design and installation costs, including headworks charges and any other charges levied by Council will be payable in full by the developer/property owner.
- Council will assume maintenance and operation of the infrastructure once completed to the satisfaction of the Director – Water Enterprises or their representative.
- All requirements detailed in Council's Engineering Guidelines for Subdivisions and Developments (herein after referred to as Council's Guidelines) will apply except where information provided in this policy supersedes information contained within, or relevant information is not contained within, Council's Guidelines.
- 6. Where reticulation mains are required to be at least 100 mm in diameter to:
  - meet demand within the area to be developed;
  - cater for possible future demand outside the area to be developed;
  - comply with Council's strategy for the supply of treated water in the relevant area; and
  - comply with a requirement of the Director Water Enterprises.

Developers/property owners will be required to construct reticulation using material that:

- · has a minimum pressure class of class 16 for pipes and class 12 for fittings;
- is compatible with Ductile Iron fittings; and
- can be demonstrated through fatigue testing and other tests as required by Council to be fit for the purpose intended.

Council may require developer/property owners to demonstrate that the pipes constructed have not been adversely affected during the construction. This may include CCTV inspection to assess whether the pipelines have remained circular.

## Other relevant issues:

- details of the calculations used to size reticulation mains must be provided to Council with the necessary engineering drawings;
- reticulation mains under road pavements (including road crossings) shall be constructed using DICL class K9;
- shared trenching with any other service/utility other than telecommunications will not be permitted;
- minimum separation between utilities in shared trenches shall be 300 mm;

- depth to the obvert of the reticulation shall be 500 mm on footpaths and 600 mm under roads and private driveways;
- construction shall be undertaken in accordance with pipeline manufacturers instructions including, width of excavation, backfilling requirements and the type of backfill to maximise life of the asset;
- hydrants shall be located at intersections and dead ends and/or at spacings not greater than 500 metres with above ground location markers to be provided as per guidelines;
- stop valves to be located on the leg of each intersection with above ground location markers, to be provided as per guidelines;
- air valves to be provided at each high point and at the end of each line with above ground location markers to be included as per guidelines;
- detectable marking tape incorporating a trace wire, which is bonded to each copper service, metallic fitting, including hydrants, valves etc. so that the trace wire is shall be contiguous;
- service connections will be as per Council's Guidelines; and
- concrete markers (dimensions) shall be provided at ground level immediately over the underground reticulation line at all intersections, every 100 meters and changes in direction of 22.5 degrees or greater.
- Where demand can be met using reticulation mains of less than 100 mm diameter, Developers/property owners will be required to construct reticulation using material that:
  - has a minimum pressure class of class 16 for pipes and class 12 for fittings; and
  - can be demonstrated through fatigue testing and other tests as required by Council to be fit for the purpose intended.

## Other relevant issues:

- details of the calculations used to size reticulation mains must be provided to Council with the necessary engineering drawings;
- reticulation under road pavements (including road crossings shall be located within a conduit of suitable standard;
- shared trenching with any other service/utility other than telecommunications will not be permitted;
- minimum separation between utilities in shared trenches shall be 300 mm;
- depth to the obvert of the reticulation shall be 500 mm on footpaths and 600 mm under roads and private driveways;
- construction shall be undertaken in accordance with pipeline manufacturers instructions including, width of excavation, backfilling requirements and the type of backfill to maximise life of the asset;
- hydrants shall be located at intersections and dead ends and/or at spacings not greater than 500 metres with above ground location markers to be provided as per guidelines;
- stop valves to be located on the leg of each intersection with above ground location markers, to be provided as per guidelines;

- air valves to be provided at each high point and at the end of each line with above ground location markers to be included as per guidelines;
- detectable marking tape incorporating a trace wire, which is bonded to each
  copper service, metallic fitting, including hydrants, valves etc. so that the trace
  wire is shall be contiguous;
- · service connections will be as per Council's Guidelines;
- concrete markers (dimensions) shall be provided at ground level immediately over the underground reticulation line at all intersections, every 100 meters and changes in direction of 22.5 degrees or greater;
- pipelines cannot be constructed by ploughing open excavation in accordance with manufacturer instructions must be undertaken; and
- service connections can be constructed using the same material as the reticulation except for the above ground section of the connection from elbow to elbow (refer drawing 6492) which must be constructed from copper pipe as per Council Guidelines.
- The full cost of construction of reticulation lines and connection to existing water supply
  mains will be borne by the Association group of or individual property owners
  connecting.

Other relevant cost issues include:

- costs associated with connecting to existing water mains as detailed in Council's
  policy Reimbursement of Developers for Sewer and Water Infrastructure will also
  be required to be paid as appropriate;
- associations/groups or individuals will be required to pay the full cost associated
  with connecting all member properties to the scheme before construction work
  will commence. In the event that one of the members does not wish to connect
  then that property will not be connected. If in the future the property owner
  request connection then Council's Reimbursement of Developers for Sewer and
  Water Infrastructure policy will apply and Council will levy appropriate charges on
  the owner at that time and reimburse the association the portion that relates to
  the cost of construction; and
- headworks charges will be set at ½ of the headworks charges applicable for full mains pressure supply.

<sup>\*</sup> HISTORY - Adopted as TRC Policy at Services and Infrastructure Committee June 2008 SI049/2008 Revision 31

21.5.19.5. WATER AND SEWER - REIMBURSEMENT OF DEVELOPERS FOR CONSTRUCTION OF WATER AND SEWER INFRASTRUCTURE WITHIN RETICULATION AREAS

### OBJECTIVE:

To ensure that the correct procedure is adopted when Developers are requested by Council to size and construct water and sewer infrastructure within their own developments that have sufficient capacity to cater for demand from adjacent development and are adequately reimbursed for that additional capacity.

### POLICY:

Council has designated areas within all Tamworth Regional Council centres supplied with a treated reticulated water supply and reticulated sewer as water or sewer reticulation areas.

For each centre Council has a strategy for the supply of reticulated water or sewer to/from new development areas. From time to time Developers will be instructed by Council, as part of an approved development to construct water or sewer infrastructure within their developments which has sufficient capacity to meet, not only the demand placed on it by the subject development, but also by adjacent future development.

In the case of water and sewer pipe reticulation the following procedure will be followed:

- Council will reimburse to the Developer the difference in cost between the infrastructure requested and the cost of constructing a 150 mm diameter water main or sewer main from the same construction material or a water main or sewer main larger than 150 mm and of a size required o service the subject development only.
- When design plans are lodged with Council, or sooner if possible, Council will advise the Developer of the location, extent and size of water or sewer mains that must be increased in size.
- The developer will make the necessary amendments to the plans to reflect Council requirements
- Prior to construction commencing the Developer is to provide Council with a detailed estimate of the cost to construct (in accordance with Council's subdivision guidelines) the required diameter, water or sewer main and a detailed estimate of the cost to construct the same water or sewer main from the same material with a diameter of 150 mm
- For water the detailed estimate must include, at a minimum, the following:

Work	Quantity	Unit	Unit Rate	Extended Price
Site Establishment		Item		
Pipe supply (nominate pipe material and class)		/Metre		
Fittings supply		Item for each fitting		
Excavation (nominate trench width)		/Metre		
Bedding supply and install		/cubic metre		

Pipe installation	/Metre			
Fitting Installation (if not included in pipe installation)	Item for each fitting			
Backfill – supply and install	/cubic metre			
Rehabilitate site	Item			
Total (excl GST)				

· For sewer the detailed estimate must include, at a minimum, the following

Work	Quantity	Unit	Unit Rate	Extended Price
Site Establishment		Item		
Pipe supply (nominate pipe material and class)		/Metre		
Excavation (nominate trench width)		/Metre		
Bedding supply and install		/cubic metre		
Pipe installation		/Metre		
Backfill – supply and install		/cubic metre		
Construct Access Chambers		Number		
Construct Junctions		Number		
Rehabilitate site		Item		
Total (excl GST)	****		,	

- Council will assess the estimate provided to ensure that the unit rates and associated costs are acceptable.
- If costs are acceptable then:
  - Council will formally notify the Developer that Council agrees to reimburse the Developer as per the estimate provided;
  - once construction has been completed the Developer shall lodge a claim with Council for the amount to be reimbursed; and
  - once received Council will arrange payment.
- If costs detailed are not acceptable, Council will further discuss the estimate of the costs until agreement can be reached.

For infrastructure other than water and sewer pipe reticulation the following procedure will be adopted:

- When design plans are lodged with Council, or sooner if possible, Council will advise the Developer of the location, extent and size of water or sewer infrastructure that must be increased in size.
- The developer will make the necessary amendments to the plans to reflect Council requirements
- Prior to construction commencing the Developer is to provide Council with a detailed estimate of the cost to construct (in accordance with Council's subdivision guidelines) the required infrastructure over and above the cost to construct the lesser sized infrastructure.
- Council will discuss with the developer the level of detail that must be provided to allow Council to assess the difference in cost
- If costs are acceptable then:
  - Council will formally notify the Developer that Council agrees to reimburse the Developer as per the estimate provided;
  - once construction has been completed the Developer shall lodge a claim with Council for the amount to be reimbursed; and
  - once received Council will arrange payment.

If costs detailed are not acceptable, Council will further discuss the estimate of the costs until agreement can be reached.

HISTORY — Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13
 Adopted as TRC Policy at Ordinary Meeting 20 October 2009 Min No 259/09 150701/2009

21.6.19.6. SEWER AND WATER REIMBURSEMENT OF DEVELOPERS FOR SEWER AND WATER SUPPLY INFRASTRUCTURE OUTSIDE RETICULATION AREAS

**OBJECTIVE:** To define Council's policy on the reimbursement of developers for the cost of infrastructure supplied by an entity other than Council or a Government authority outside the designated Council service area for Tamworth and to describe the method of calculating the potential reimbursement payments.

## INTRODUCTION:

This Policy provides two alternatives for the reimbursement of developers: Option A and Option B.

Option A is a reimbursement to the Developer when there is a connection to the water or sewer infrastructure provided by the Developer. Option B is an upsize payment to the Developer by Council plus a proportion of the reimbursement amount due when there is a connection to the water or sewer infrastructure provided by the Developer.

Option A and Option B are mutually exclusive.

Clauses 1-15 of the Policy apply to both Option A and Option B.

### DEFINITIONS

"Cost of the works" is the agreed estimate for the completion of the infrastructure for which a reimbursement is sought.

"Reimbursement Arnount" is the amount paid by a third party (to Council) for each connection to the infrastructure provided by the Developer.

"Reimbursement Payment" is the amount paid to the Developer (via Council) and will be a proportion of the Reimbursement Amount.

"Reimbursement Share" is the proportion of one connection to the total number of lots that could be connected to the infrastructure.

"Upsize Payment" is the difference between the cost of a 150mm diameter water or sewer main and the equivalent main in the size Council requires to cater for future growth.

## POLICY:

- This Policy applies to water or sewer infrastructure which will connect to Tamworth City water and sewer reticulation but lie outside the areas defined in the attached maps which are marked "Attachment A - Water" and/or "Attachment B - Sewer".
- A person will be entitled to apply for the application of this policy when all the following criteria are satisfied:
  - The person is proposing a development, or connection of existing property to treated water, outside of the serviced area marked on the Attachment A -Water and/or Attachment B - Sewer.
  - The person is to pay the cost of installing water supply and/or sewer infrastructure to the development.
  - The Council requires the person to install infrastructure which has the capacity to service future development in addition to the development proposed by the person.

In this policy, a person satisfying the above criteria is referred to as the "Developer" and can be an existing Water Association or group of individuals.

3. The following infrastructure will be subject to the potential for reimbursements

## pursuant to this policy:

- a. water reticulation mains;
- b. water rising mains;
- water booster pump stations;
- d. sewer pump stations;
- e. sewer reticulation mains;
- f. sewer rising mains;
- g. pressure sewer mains; and
- any other works which will serve land separate to, or in addition to the development for which the works were constructed.
- The following third party connections will trigger a reimbursement pursuant to this policy:
  - A direct connection into the water supply and/or sewer infrastructure provided by the developer;
  - A new subdivision of land which connects to the infrastructure provided by the developer;
  - An existing development which is unserviced by a reticulated treated water supply and/or sewer system which connects to the infrastructure provided by the developer.
- A Developer with a reimbursement right has no role or discretion whatsoever in any approval process associated with a third party connection to infrastructure provided by the Developer.
- The person responsible for paying the Reimbursement Amount is the person who applies for the approval of Council to connect to the infrastructure.
- The Reimbursement Amount must be paid to Council before the third party connection is made to the infrastructure provided by a previous Developer.
- Reimbursements will be collected by the Council for a period of twenty (20) years commencing on the date upon which the infrastructure was constructed to practical completion and accepted by Council as a Council asset. There will be no reimbursement to the Developer for any third party connections to the infrastructure made after expiry of this twenty (20) year period.
- A Developer may transfer the Developer's reimbursement rights to another person.
  - Council will forward reimbursements to a person other than the original Developer after a payment redirection agreement has been executed by the Council, the original Developer and the person requiring the reimbursement right. All costs associated with any required agreements are to be borne by the Developer.
- If any Reimbursement Payment remains uncollected for a period of more than twelve (12) months then the reimbursement will become the absolute property of the Council.
- Council will prepare a servicing strategy to service not just the area to be developed but the whole of the area able to be developed. This will include the following:
  - i. the total number of lots that could be connected to the infrastructure,

including existing lots;

- the size of the infrastructure required to cater for that ultimate demand;
- iii. the estimated cost of constructing the required infrastructure.
- 12. Based on this servicing strategy and other associated information the "Reimbursement Share" will be determined and represent the proportion of one connection to all the lots that could ultimately be connected/developed in that development area.
- 13. The Reimbursement Amount shall be calculated as the multiplication of the "Reimbursement Share" by the "Cost of the works". No allowance will be made for inflation or depreciation of the assets value as this will be assumed to be nullified during and at expiration of a period of 20 years.
- 14. Prior to the construction of any infrastructure the Developer will provide to Council a detailed quotation of the estimated cost to complete the works identified (in accordance with Council's guidelines). This quote must contain sufficient detail for Council to make an assessment whether the quote contains a reasonable estimate of the cost of undertaking the work. Council may request further information from the Developer to allow an accurate assessment to be made. Council will formally advise the Developer whether the quotation has been accepted. If costs detailed are not acceptable, Council will further discuss the estimate of the costs until agreement can be reached.
- A legal Agreement shall be prepared, detailing the arrangements between Council and the Developer, before construction work commences.

### OPTION A

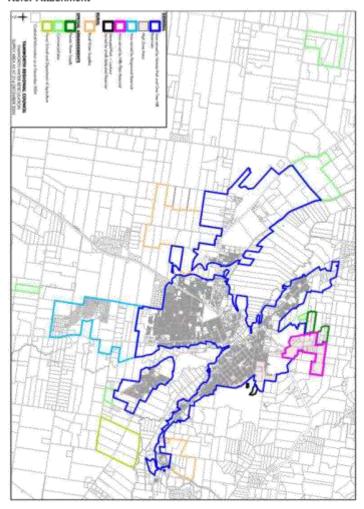
 The Developer will be entitled to receive Reimbursement Payments equal to the Reimbursement Amounts, in accordance with Clause 13.

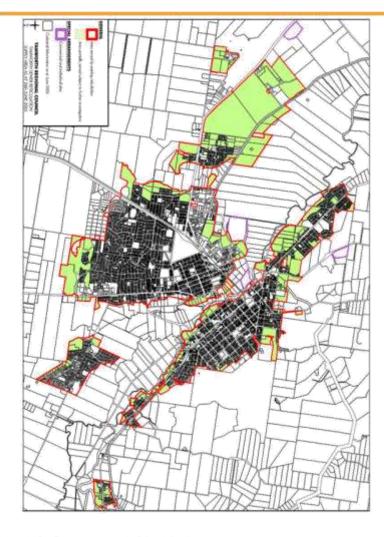
### OPTION E

- 17. Where Council requires the Developer to increase the size of a water or sewer main larger than 150mm diameter in order to meet adjacent future development, Council will make an "Upsize Payment" to the Developer for the cost of the increase in water or sewer main size above the cost of an equivalent 150mm diameter main. An "Upsize Payment" cannot exceed fifty percent of the total "Cost of the Works".
- The Upsize Payment made by Council will not include any funds for varying materials.
   The Upsize Payment will be based on the pipe material installed.
- Prior to construction, the Developer is to provide Council with all calculations and information needed to determine the size of the main required for the development.
- 20. Prior to construction, and in addition to Clause 14, the Developer is to provide Council with a detailed estimate of the cost to construct (in accordance with Council's design guidelines) for the same main as that proposed to be constructed but with a diameter of 150mm. Council may request further information from the Developer to allow an accurate assessment to be made.
- Council will assess the estimate provided to ensure that the unit rates and associated costs are acceptable. If costs are acceptable then:
  - Council will formally notify the Developer that Council agrees to reimburse the Developer as per the estimate provided (the "Upsize Payment").
  - Once construction has been completed the Developer shall lodge a claim with Council for the Upsize Payment.

- Once received Council will arrange payment.
- If costs detailed are not acceptable, Council will further discuss the estimate of the costs until agreement can be reached.
- Council will retain all Reimbursement Amounts until the sum of these Amounts equals
  the "Upsize Payment" that Council has expended. After this time, the Developer will
  be entitled to Reimbursement Payments equal to Reimbursement Amounts in
  accordance with Clause 13.

# Refer Attachment

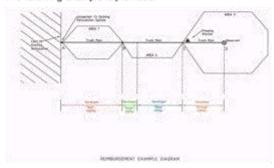




# Example for Reimbursement of Contributions

In order to rationalize and quantify contributions for the reimbursement of Developers towards the cost of construction of infrastructure outside the existing designated Council servicing area it is necessary to identify areas served by the infrastructure and access contributions as a portion of the demand on the infrastructure.

# The following example is provided.



To extend the water supply system to serve Areas 1, 2 and 3 a trunk main (A-B-C) and a pumping station, pipeline and reservoir are required.

- Area 1 is served by the trunk main (A-B)
- Area 2 is served by the trunk main (A-B) & (B-C)
- Area 3 is served by the trunk main (A-B), (B-C) and pumping station, pipeline (C-D) and reservoir.

The three Areas also rely on infrastructure from within the existing reliculation system and are required to contribute to the existing infrastructure.

### Accordingly,

- a development in Area 1 would contribute to the existing system and trunk main (A-B)
- a development in Area 2 would contribute to the existing system, trunk main (A-B) and trunk main (B-C)
- a development in Area 3 would contribute to the existing system, trunk main (A-B), trunk main (B-C) and infrastructure in Area 3 (i.e. pumping station, pipeline (C-D) and reservoir.

Thus the access contribution for lots developed in each Area will include a number of components reflecting the infrastructure required to serve the Area. i.e.:-

- Area 1 will have two components one for the existing system and one for the trunk main (A-B)
- Area 3 will have four components one for the existing system and components for trunk main (A-B), (B-C) and a component for infrastructure in Area 3.
- Lots within each Area will have a different accessed contribution.

## Reimbursement to Developers

For the example it is assumed that

- Developer 'Red' extended the trunk main (A-B)
- Developer 'Green' extended the trunk main (B-C) by 25% of the cost
- Developer 'Blue' completed the other 75% of (B-C) and
- Developer 'Yellow' constructed the infrastructure in Area 3

When a lot from Area 1 connects to the infrastructure they pay the assessed contribution to Council.

Council retains the component of the contribution for the existing system and :-

Reimburses Developer 'Red' 100% of the trunk main (A-B) component.

When a lot from Area 3 connects to the infrastructure they pay the accessed contribution to Council.

Council retains the component of the contribution for the existing system and :-

- Reimburses Developer 'Red' 100% of the trunk main (A-B) component.
- Reimburses Developer 'Green' 25% of the trunk main (B-C) component.
- Reimburses Developer 'Blue' 75% of the trunk main (B-C) component.
- Reimburses Developer 'Yellow' 100% of the Area 3 infrastructure component.

The above methodology can be adapted to a varying number of Areas and Developers.

Where on Area requires a number of trunk mains or other infrastructure and only portion of that infrastructure has been constructed, then Council will be required to retain part of that contribution component (proportional to the amount of un-constructed infrastructure) and reimburse this amount to a Developer when they construct the infrastructure or alternatively use this contribution to partially facilitate construction of the infrastructure in the future.

## Guide to Information Required for Detailed Estimate for Water and Sewer

· For water the detailed estimate must include, at a minimum, the following

Work	Quantity	Unit	Unit Rate	Extended Price
Site Establishment		Item		
Pipe supply (nominate pipe material and class)		/Metre		
Fittings supply		Item for each fitting		
Excavation (nominate trench width)		/Metre		
Bedding supply and install		/cubic meter		
Pipe installation		/Meter		
Fitting Installation (if not included in pipe installation)		Item for each fitting		
Backfill – supply and install		/cubic meter		
Rehabilitate site		Item		
Total (excl GST)			,	

· For sewer the detailed estimate must include, at a minimum, the following

Work	Quantity	Unit	Unit Rate	Extended Price
Site Establishment		Item		
Pipe supply (nominate pipe material and class)		/Metre		
Excavation (nominate trench width)		/Metre		
Bedding supply and install		/cubic meter		
Pipe installation		/Meter		
Backfill – supply and install		/cubic meter		
Construct Access Chambers		Number		
Construct Junctions		Number		
Rehabilitate site		Item		

\* HISTORY -

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Resolved Ordinary Council Meeting, 12/08/2014 Min No: 208/14

Amended Closed Services and infrastructure Committee 10 June 2008 SI049/08

Amended Open Ordinary Council Meeting 11 December 2007 Min No 471/07

Amended Services and Infrastructure Committee 14 August 2007 Min No SI188/07

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Resolved Open Ordinary Council Meeting, 28/6/05 Min No 139/05

# 21.7.19.7. SEWER DISCHARGE FACTOR POLICY FOR NON-RESIDENTIAL AND NON-RATEABLE PROPERTIES

### OBJECTIVE:

The objective of this policy is to provide a method for calculating the quantity of wastewater (sewage) discharged to the sewerage system from non-residential and non-rateable customers where the quantity of wastewater cannot be directly measured. It also provides an incentive to customers to improve their management of water and wastewater through a linkage between the fees and charges and the volume of wastewater discharged to the sewerage system.

### POLICY:

### Introduction

The objective of this policy is to provide a method for calculating the quantity of wastewater (sewage) discharged to the sewerage system from non-residential and non-rateable customers where the quantity of wastewater cannot be directly measured. It also provides an incentive to customers to improve their management of water and wastewater through a linkage between the fees and charges and the volume of wastewater discharged to the sewerage system.

### Discharge Factors

Where it is cost prohibitive or impractical to install a meter to measure the actual volume of wastewater discharged to the sewerage system Council will estimate the volume of wastewater discharged. This will be achieved by applying a discharge factor to the volume of potable water supplied to the property.

The "discharge factor" is the percentage of the water supplied to the property, as measured by the water meter, which is discharged to the sewerage system. The discharge factor includes all domestic, commercial and industrial wastewater that enters the sewerage system from a property. Discharge factors range from 0 to 100% and in exceptional circumstances may be greater than 100% if additional material is added to the waste stream as part of the production process.

A list of current industry discharge factors is attached to this policy at Appendix A.

A review of Council flow monitoring data, and information supplied by the Department of Energy, Utilities and Sustainability was used to allot a discharge factor for each of the business types discharging into the sewerage system. When estimating a discharge factor, all water usage within the property has been considered. The proportion of water supplied to the property that is deemed as not returning to sewer is described as an "allowance". Examples of water usage that may be included as an allowance are:

- landscape and garden watering;
- · evaporation loss through air conditioning or boiler use;
- dust suppression;
- water added to products; and
- wastewater that is removed off-site to a specialised receival facility, eg. by tanker, that
  is deemed unsuitable for discharge to sewer.

When calculating a discharge factor it may be necessary to include other sources of wastewater which enter the sewerage system. These include storm diversion and waste product.

## Review of Discharge Factors

A review of the discharge factor applied to a property may be initiated by either Tamworth Regional Council or the property owner, if it is considered that the discharge factor does not represent an accurate estimate of the percentage of water supplied to the property that is discharged to the sewerage system.

The property owner can initiate a review by completing the attached Discharge Factor Variation Application Form at Appendix B, for which a fee applies. Information that supports the application should be submitted with the application. However, additional information that Council Officers consider necessary to assess the application may be requested. This information must be supplied at the applicant's cost. An example of the type of information which may be requested is flow monitoring data to verify the data supplied in the water usage section of the application form.

A review can also be initiated by Tamworth Regional Council. Council will give the property owner written advice that a review is to be conducted. Council is responsible for costs associated with reviews it initiates.

In exceptional circumstances, which may include changes to equipment, technology or business practices used by an industry, an application for a discharge factor variation may also be accepted from an organisation representing a group of similar businesses. However, in this instance, the organisation must show that the information supporting its application is representative of a business or all similar businesses discharging into Tamworth Regional Council's sewerage system.

Where a discharge factor is varied from the table of discharge factors in Appendix 1 the property owner will be advised in writing of the variation. Also, the variation will be effective from the next billing period and will not be applied retrospectively. If Council considers that the information does not justify a variation to the discharge factor, the applicant will be advised in writing. This advice will also outline the reasons for the decision.

Seasonal variations can occur throughout the year. The discharge factor method considers these factors and aims to deliver fair estimates across the year.

## Effluent Flowmeters

New customers proposing to discharge greater than 5000 litres per day will be encouraged to install an effluent flowmeter. Customers who discharge a high strength waste or a wastewater volume greater than 20 000 litres per day must install an effluent flowmeter.

Effluent flowmeters must be maintained as per the manufacturer's recommendations and calibrated by a suitably qualified person annually. Maintenance and calibration records must be kept for at least five years and be made available to Council authorised officers on request.

## Water Meters

The size of the water meter installed at a property is also used to calculate the base charge. Applications to reduce the size of the water meter must be made in writing and be accompanied with a hydraulic consultants report detailing water demand parameters, including maximum pressure and flow rate in accordance with all legislative requirements.

## Meter Failure

Should the water meter fail, readings from the previous four billing periods will be averaged and used to calculate the sewerage charge. If the failure occurs before four billing periods have elapsed, available data will be used.

In the event of the effluent flowmeter failing, the effluent and water meter readings from the previous four billing periods will be used to estimate a discharge factor. This discharge factor will be used in conjunction with the water meter readings from the current billing period

to calculate the sewerage charge. If the failure occurs before four billing periods have elapsed, all available data will be used.

# Disputes

The property owner may request a review of Council's decision in regards to sewer discharge factors. This request must be made in writing to:

The General Manager

Tamworth Regional Council

PO Box 555

Tamworth NSW 2340

# Appendix A. Industry Discharge Factors

Industry/ Business Category	SDF%	Industry/ Business Category	SDF%
Bakery	95	Hostel	90
Bakery - with a residence attached	70	Hotel	100
Bed and Breakfast/Guesthouse (Max 10 persons)	75	Joinery	95
Boarding House	90	KFC, Red Rooster	95
Butcher	95	Laundry	95
Butcher - with a residence attached	70	McDonalds restaurant, Burger King, Pizza Hut	95
Cakes/patisserie	95	Mechanical workshop	95
Car Detailing	95	Mechanical workshop with car cyard	85
Car Wash	75	Medical Centre	95
Caravan Park (with commercial kitchen)	75	Motels small (breakfast only)	90
Caravan Park (no commercial kitchen)	75	Motel (others)	90
Chicken/Poultry Shop (retail fresh, no cooking)	95	Nursing Home	90
Charcoal Chicken	95	Office Building	95
Church	90	Optical Service	95
Club	95	Panel Beating / Spray Painting	95
Cold Store	7	Primary School	95
Community Hall (minimal food only)	95	Printer	95
Concrete Batching Plant	2	Restaurant	95
Correctional Centre (with Laundry)	95	Self Storage	90
Council Park (sewered)	5	Service Station	90
Craft/Stonemason	95	Shopping Centre	85
Day Care Centre	95	Supermarket	95
Delicatessen, mixed business	95	Swimming pool (commercial)	85
Delicatessen - with a residence attached	70	Takeaway Food	95
Dental Surgery	95	Technical College or University	95

Dental Surgery - with a residence attached	70	Vehicle wash	95
Fresh Fish Outlet	95	Veterinary (no X-ray), Kennels, Animal wash	80
Hairdresser	95	Retail Shop	95
High School	95	Rural	60
Hospital	95		

Note: The sewerage discharge factor for any business type not listed will be determined on an individual case basis.

App	endix B. Application For Variation of	Sewerage Discharge Factor
(1)	Applicants Details	
Appl	licant's Name:	
Tele	phone: BH	AH
Post	tal address:	
Ema	nil Address	
(2)	Property Details	
Prop	erty Number (refer to rates notice):	
Prop	perty Address:	
Build	ding Type: (Note: may be more than one type of bo	uliding on property)
□ F	Factory   Offices   Shops L	7 Restaurant
Othe	or (details):	
(3)	Business Details	
Busi	ness Category (Appendix 1):	Current Discharge Factor:
Num	ber of Employees:	Is the business seasonal: ☐ Yes ☐ No
Num	ber of Toilets:	Number of Urinals:
Mair	Business Activity:	
	Water Usage &	Wastewater generation
А.	Annual water supplied to Property (ref	fer to water notice): (kL)
B.	Garden/Landscape use:	(kL) Metered?: ☐Yes ☐No ☐Estimated
	If estimated basis for estimation:	
C.	Water remaining in product:	(kL) Metered?: DYes DNo DEstimated
	If estimated basis for estimation:	

	TAMWORTH REGIONAL COUNCIL GENERAL POLICY REGISTER - WATER AND SEWER SUPPL	Υ
D.	Evaporation from cooling towers:(kL) Metered?: ☐Yes ☐No ☐Estimate	d
	If estimated basis for estimation:	
E.	Evaporation losses: (kL) Metered?: DYes DNo DEstimate	d
	If estimated basis for estimation:	
F.	Other water losses: (kL) Metered?: DYes DNo DEstimate	d
	If estimated basis for estimation:	
G.	Total water allowance = B + C + D + E + F =	
	(kL)	
Esti	imation of Sewerage Discharge Factor:	
(A)	(kL) — (G)(kL) + (A)(kL) x 100%	
SDF	F =%	
	ase attach any supporting evidence such as meter readings, technical informa duction records or areas of gardens to support this application.	tion
	DECLARATION  declare that all the information provided in this application is true and represents typical ater use for this property.	

<sup>\*</sup> HISTORY — Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13 Adopted as TRC Policy at Ordinary Meeting 25 September 2007 Min Number 358/07

# 21.8.19.8. SEWER – EXCAVATING/FILLING OR BUILDING ADJACENT TO OR OVER EXISTING SEWER MAINS

### OBJECTIVE:

To provide details of circumstances when a building/structure, excavating or filling adjacent to or over existing sewers will or will not be approved and the minimum requirements if work is approved in order to protect and facilitate maintenance of Council's assets.

## POLICY:

The following policy details circumstances and conditions were building over or adjacent to Council owned sewers is prohibited or allowed in order to prevent the possibility of damage to the sewer and/or differential settlement of the foundations, leaving Council open to possible litigation and the cumulative effect of development restricting access to Council's mains, sidelines and maintenance manholes.

The policy includes the following

- Exempt construction where the policy does not apply
- Distances from the sewer outside of which the policy does not apply
- Distances from the sewer where it is considered that the building is adjacent to the sewer and therefore may impact on the zone of influence of the sewer.
- Distances from the sewer where the construction is proposed to be over the sewer and options to be addressed before Council would consider allowing construction over the sewer.
- Requirements to be complied with for construction within the zone of influence or over the sewer
- Building over or adjacent to sewers greater then 2.5 metres in depth are special cases and should be referred to the Water Enterprises Directorate for advice and/or approval.
- The policy only deals with Council infrastructure. Private house drainage is not subject to this policy.

By protecting TRC's assets at the time of building it should ensure as much as possible that the development will not be affected at some future time by TRC activities.

It is acknowledged however that every possible case cannot be dealt with by this policy document. Some specific situations may require special conditions not contained within this policy.

# 1. GENERAL INFORMATION

# 1.1. This policy does not apply if

Generally if the foundation or walls of the proposed building/structure are more than 2.5 metres measured horizontally from a sewer up to 1.5 metres in depth or greater than 3.5 metres measured horizontally from a sewer greater than 1.5 metres in depth then the circumstances listed in this policy will not apply.

However, it is recommended that Council be contacted if there is any confusion about the relevance of this policy.

# 1.2. Minor construction, exempt from the necessity to obtain approval

Minor construction, is identified as Exempt Development in a Local Environment Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. This type of construction may be built over a sewer or within the zone of

influence of a sewer without reference to this policy where there is no restriction listed in the relevant development standard or circumstances for exemption.

These structures may be attached or jointed to a dwelling but are not to be an integral part of the dwelling (movement of the structure is not to affect the dwelling).

No excavations will be permitted over the sewer main that reduces cover to less than that described on Sketch B.

No piering will be permitted within 1.0m of the sewer main without prior approval from Council.

## 1.3. Sewers greater than 2.5 metres in depth

Proposals to build adjacent to or over a sewer greater than 2.5 metres in depth should be referred to the Director Water – Enterprises for advice and approval.

## 1.4. Construction not permitted

Construction will not be permitted as follows;

- Over a sewer when the sewer is a gravity main and is downstream of the discharge point of a rising main, (This line extends from the receiving manhole to the pumping station.)
- Over a sewer manhole, lamphole, ventshaft or house junction.
- Over a sewer rising main.
- Generally over a sewer main greater than 150mm in diameter, because of the need to access these sewers quickly to minimise the period of disruption to the potentially large number of properties connected to the sewer.
- Over a sewer which has been identified as requiring upgrading or augmentation as part of a future sewer strategy of the Council.

### 1.5. Discussion with Council Officers

It is recommended that a Developer/property owner who is contemplating building over or near Councils sewers discuss the proposal with Council officers initially so that they can be made fully aware of Council's requirements and possible costs associated with proceeding.

Preliminary advice provided by officers will be general in nature and should not be considered in any way as formal approval to proceed. More detailed advice and final approval will not be possible until after the submission and consideration of information and/or plans as required.

## 1.6. Application and Approval

Having received preliminary advice from Council officers and deciding to proceed the Developer/Applicant will then be required to lodge a formal application for approval to undertake the desired activity.

Notwithstanding any other Council requirements the following preliminary information must be provided with the application to allow initial consideration with respect to the erection of a building/structure near or over the sewer.

- General site plan showing the property location
- Accurate location of the sewer crossing the site
- Site plan showing the location of any new or existing buildings/structures, including footings retaining walls, swimming pools relative to the sewer.

If the initial review indicates that Council should further consider the request to erect a building/structure near or over the sewer the following further information will be required.

- Detailed plans signed by a suitably experienced qualified civil, structural or geotechnical engineer
- Details showing inverts of affected sewer, floor levels, underside of foundations and clearances. Levels to be at AHD
- A report signed by a suitably experienced qualified civil, structural or geotechnical engineer with an assessment of the effect the proposed development will have on the sewer if work is undertaken in accordance with the plans submitted.
- Any other information as detailed in this policy and/or requested by the Director -Water Enterprises or their nominee

Final advice in relation to the approval or otherwise of the application will be then be provided. Such advice may include conditions that must be complied with.

### 1.7. Commencement of Work

Work cannot commence on the construction of any building/structure or the relocation of any sewer until plans detailing the proposed works complying with this policy are prepared and approved and any additional requirements imposed by the Director - Water Enterprises or their nominee have been approved.

### 1.8. Costs

The Developer/Applicant will be responsible for all costs associated with

- All investigation and design and any costs associated with seeking approval
- If approval is granted then any construction costs

Repairing any damage to a sewer main or associated sewer infrastructure caused by construction over or near an existing sewer.

The Developer/Applicant will have no claim on Council for any costs incurred in the event that approval is not granted.

## 2. LOCATIONS OF SEWERS

Developer/Applicants should not rely on plans provided by Council indicating the location of Council's sewer system as Council's information is based on electronic plans which, whilst giving the general location of a sewer, may not provide the level of accuracy needed to locate a sewer on site.

Where the location of an existing sewer is critical to the design of a proposed development, the location of the main is to be accurately determined by site measurement and may require survey by a registered surveyor.

## 3. MINOR ENCROACHMENTS OF SEWER EASEMENTS

All foundations, walls and structures must be located clear of easements. If an easement is 3.0m wide or greater Council may allow encroachments of up to 500mm into the air space above the path of the easement for eaves, awnings and the like provided that other provisions as set down in this policy are satisfied. If Council allows the encroachment of an eave or an awning in the airspace over an easement the easement must be varied at the sole cost of the Registered Proprietor to identify on the title to the land that the encroachment into the easement has been authorised.

# 4. BUILDING ADJACENT TO SEWERS - THE ZONE OF INFLUENCE

For the purposes of this policy adjacent to the sewer will be defined as:

- Buildings/Structures that are proposed to have walls and/or foundations between 2.5 metres and 1 metre measured horizontally from a sewer up to 1.5 metres in depth
- Or between 3.5 metres and 2.0 metres measured horizontally from a sewer greater than 1.5 metres in depth.

In these cases a load may be applied in the zone of influence of the sewer and the following clauses (clauses 4.1 to 4.3 inclusive) will be used to establish whether any load will be applied in the zone of influence and if so what measures must be taken to ensure no long term effects on the sewer and any structure.

Buildings/structures closer to the sewer than the figures quoted above will be classified as building over the sewer and clause 7 will apply.

### 4.1. Zone of influence (Sketch A)

This zone generally relates to building and construction adjacent to and above a sewer main and is used to consider stability of construction and protection of the main from building loadings. The zone is determined by the depth of the main and an angle of repose of 45 degrees (1H:1V). The boundary of this angle of repose shall commence 1.0m (horizontally) from the centreline at the invert of the main.

## 4.2. Zone of influence (Sketch B)

This zone generally relates to excavation, building and construction adjacent to and below a sewer main. The zone is used to consider the stability and protection of the main. This zone is determined by provision of the minimum cover over a pipe in accordance with Council's Engineering Guidelines for Subdivision and Development and a stable embankment slope of 18% (3H:1V) adjacent to the cover over the main. The boundary of the stable slope shall commence 1.0m (horizontally) from the centreline, at the top, of the main.

## 4.3. Engineering design for proposals that encroach the Zone of Influence

Where a proposal encroaches a zone of influence, special considerations are to be given to address structural adequacy and stability of the proposal, and also protection and stability of the main.

An engineering design undertaken by a suitably experienced qualified civil, structural or geotechnical engineer must be submitted to the Director and should address the following points as well as any other details required to address the particular proposal.

- The structure will not suffer damage should the trench subside or be reexcavated for maintenance work.
- No piering will be permitted within 1.0m of the main.
- The weight of the structure will not cause damage to the sewer pipe.
- Where a design incorporates foundations extending below the ground, the depth from both the natural surface and the finished ground level is to be shown on the design.
- Where a structure is permitted over a sewer, protection against ground movement associated with underground boring is to be considered instead of trench re-excavation.
- Where displacement piles are incorporated, the pressure from the piles shall not impact on the zone of influence of Council's mains. In general they will not be permitted to be driven within 5.0 metres of a sewer main.

- Where excavation or construction is proposed below the zone of influence the main is to remain stable.
- A statement signed by a suitably experienced qualified civil, structural or geotechnical engineer that the design satisfies the above requirements must be submitted with the engineering drawings

### CLEAR ACCESS AREA FOR MANHOLES, LAMPHOLES AND JUNCTIONS AT BUILDING CORNERS/WALLS

To allow access for maintenance equipment and machines no construction will be permitted within 1.5m of the centre of a manhole, lamphole or junction (rodding point) relative to the corner of a building or a single wall of a building. This distance is to be increased to 2.0m where the manhole is adjacent to two or three walls. If bounded by three walls the fourth side must be fully open and clear. A minimum headroom of 3.0m over the manhole, lamphole or rodding point is to be provided. Unrestricted access to these items is to be provided and maintained at all times and nothing is to be placed over them.

## CLEAR ACCESS AREA FOR MANHOLES, LAMPHOLES AND JUNCTIONS AT BUILDINGS EXTENDING OVER THE ENTIRE FRONTAGE

Where the building extends across the entire frontage of the block care should be taken to ensure that access to the manhole, lamphole and rodding point at the rear of the building is available at all times. A minimum headroom of 3.0m over the manhole, lamphole or rodding point is to be provided. Access from adjoining properties, unless public reserves can only be relied on if an easement leads to the subject property to provide permanent access.

### 7. BUILDING OVER COUNCIL SEWERS

Any application to Council for construction over a Council sewer will only be considered in exceptional circumstances and where an application to do so clearly indicates, amongst other things that the following options have been seriously considered and the reasons why the options are not viable.

Please note that the minimisation of the cost of construction is not in itself sufficient grounds for applying for permission to build over a Council sewer.

Building over sewer manholes, lamp holes, vent shafts and rodding points (including junctions) will not be permitted. Clearances from these structures will be those shown in Clause 5 and Clause 6. Where an existing building/structure is to be demolished and is currently located over a sewer main the rebuilding will be subject to these current requirements.

# 7.1. Option 1 Relocation of building

In all instances the first option considered should be the relocation of the building away from the existing sewer as per clause 1.1.

If this is not feasible due the position of the sewer main on the property adversely restricting the use of the land, Option 2 (clause 7.2) may be considered:

## 7.2. Option 2 Relocation of sewer

Council will only consider relocation of the sewer main if the applicant can demonstrate that building away from the sewer adversely restricts the use of the land and that any reposition of the sewer satisfies design grades and does not adversely affect the capacity of the reticulation

# 7.2.1. Relocation - Gravity mains

Where approval to relocate a sewer is granted the Developer/Applicant will be required to submit plans in accordance with Council's Engineering Guidelines for Subdivision and Development. Relocating the sewer following approval is

required before construction of the building/structure which necessitated the relocation can commence.

## 7.2.2. Relocation - Rising mains

Where approval to relocate a rising main is granted the Developer/Applicant will be required to submit plans in accordance with Council's Engineering Guidelines for Subdivision and Development, Relocating the rising main following approval is required before construction of the building/structure which necessitated the relocation can commence.

### 7.2.3 Relocation - Fasements

The Developer/Applicant will be required to acquire/provide an easement in accordance with Council's Engineering Guidelines for Subdivision and Development over a relocated gravity and/or rising main whether the main was originally contained within an easement or not.

## 7.3. Option 3 Building over sewer

Council will only consider a building/structure over the sewer main in exceptional circumstances and then only if the applicant can demonstrate that relocating the building/structure and/or relocation of the sewer is not feasible.

### 7.3.1.CCTV Inspection

Any application to build over a sewer must include the following:

- A CCTV inspection of the subject sewer, undertaken by a contractor qualified and with the necessary experience to do so, or by Council at the applicants expense.
- The results of the CCTV inspection are to be submitted to Council with the application.

# 7.3.2. Results of the CCTV Inspection

Depending on the results of the CCTV inspection Council may require the Developer/Applicant to

- Reconstruct the sewer main in its existing location using construction materials as specified by Council and in accordance with requirements set down within Council Engineering Guidelines for Subdivision and Development and approved plans or;
- Reline the existing sewer main by the engagement of contractors qualified to undertake such work. The name of contractor and the relining technique to be utilized will be submitted to Council for approval prior to work commencing.

# 7.3.3. Other Requirements

Notwithstanding any work that Council may require as a result of CCTV inspection of the subject main Council will also require the Developer/Applicant to demonstrate that the foundations of the building/structure will not direct any additional loading to the sewer (whether reconstructed/rehabilitated or not) and that provision has been made for future rehabilitation of the sewer by various, means including pipe bursting and upsizing of the main.

Concrete encasing of existing sewers is not permitted as once encased sewers can no longer be rehabilitated or increased in size using the rehabilitation method known as pipe bursting.

# 7.3.4. Amendments to Property Title

The Developer/Applicant will be required to register a positive covenant on the title to the land which identifies that there is a building/structure constructed over a Council sewer.

The positive covenant must be in a form acceptable to the Council and clearly identify the following obligations falling upon the registered proprietor:

- The Registered Proprietor must grant and facilitate access by the appropriate authority (including contractors) to demolish all or part of any structure located over the sewer as may be reasonably necessary in the opinion of the authority to do works to the sewer.
- That all costs associated with the demolition or reinstatement of any structure damaged as part of sewer work shall be the sole responsibility of the Registered Proprietor.
- Any other term reasonably required by Council to clearly identify that the Register Proprietor is solely responsible for all costs incurred in doing works to the sewer which are a direct result of the construction of the structure over the sewer.

### 8. CANTILEVER BALCONIES

Where there is no easement over the sewer and although this form of structure is an integral part of a dwelling it may be positioned over a gravity sewer main providing the foundations of the dwelling comply with Clause 4 with a minimum height of 3.0 metres between the balcony and the ground level over the sewer gravity main to allow for excavation of the main.

### 9. RETAINING WALLS

An application for construction of a retaining wall is to consider the following matters:

- Where the footings of a wall would encroach the zone of influence the wall is to be designed in accordance with Clause 4.3.
- Generally walls over 1.0m in height would not be permitted within 1.0m of the main.
- A wall over 1.0m in height may cross a sewer main providing the wall does not cover any more than 2.0m of the main as detailed in Sketch C.
- Minimum cover over the main, in accordance with Council's Engineering Guidelines for Subdivision and Development, is to be maintained or an Engineer's assessment is undertaken for main protection
- The wall is to be set back at a minimum of 1.5 m from the centre of a manhole or junction.
- Piering of wall footings would not be permitted within 1.0m of the main.
- A retaining wall less than 1.0m in height will be permitted over or within the zone of influence as identified in Clause 4 without the requirement for an Engineer's design provided that:
  - the wall is at least 3.0m from an adjoining property or building/structure;
  - The wall would not be subject to vehicle loadings.

## 10. CONCRETE DRIVEWAYS/CAR PARKS

Driveways and carparks may be constructed over sewer mains provided that sewer junction and manholes remain readily accessible to maintenance equipment machines and that minimum cover over pipes is maintained

## 11. SWIMMING POOLS

Above ground swimming pools where the majority of the structure is above ground and the pool is not constructed of concrete or fibreglass, will be permitted provided the minimum cover to the sewer as detailed in Council's Engineering Guidelines for Subdivision and Development is maintained.

In ground swimming pools generally where the majority of the structure is below ground shall conform to drawing D with the minimum distance between the sewer centreline and the edge of the pool coping being 1.0m for sewers to 1.5m deep and 3.0m for sewers 1.5m to 2.5m deep.

### 12. DEMOUNTABLE BUILDINGS

Buildings which would include On Site Cabins, School Demountables or similar are to be treated as permanent structures in relation to this policy.

# 13. FILLING OVER SEWER MAINS

Site filling that increases the depth to the main above 2.5m will require an application to Council and subsequent approval. Any application must include certification from suitably experienced qualified civil, structural or geotechnical engineer that:

- the loading imposed will not adversely effect the underlying sewer; or
- the remediation work proposed will prevent any adverse loading on the underlying sever

The placing of fill to excessive depths over Council's main is not permitted (5m is a maximum depth for practical access). No fill is to be placed over sewer manholes. Sewer manholes are to be raised so they are proud of the finished surface level.

### 14. EXCAVATIONS OVER AND ADJACENT TO MAINS

### 14.1. Excavations

Generally excavations over or adjacent to a sewer main are not to reduce the earth cover over the main to less than the minimum limits as detailed in Council's Engineering Guidelines for Subdivisions and Developments.

Any proposal to reduce cover over a sewer to less than the limits imposed in these guidelines will require an application to Council and subsequent approval. Any application must include, amongst other things, certification from a suitably experienced qualified civil, structural or geotechnical engineer that:

- · the loading imposed will not adversely effect the underlying sewer; or
- the remediation work proposed will prevent any adverse loading on the underlying sewer.

# 14.2. Earth embankments

Any earthworks for cutting or filling within the zone of influence identified by Sketch 1, which is proposed to be contained by an earth embankment, is to be contained at a slope no steeper than 3 (horizontal) to 1 (vertical). Steeper embankments would be permitted where the embankment is certified by a suitably experienced qualified civil, structural or geotechnical engineer and approved by Council.

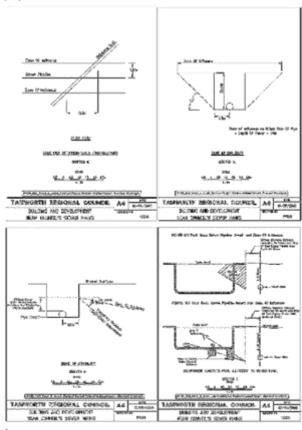
# 14.3. Abandoned mains

Pressure or gravity mains which have been abandoned due to relocation to suit a particular development, may remain in the ground providing the abandoned mains are capped to prevent the movement of water.

Alternatively the abandoned mains are to be removed and the trench backfilled and compacted to at least 98% standard compaction, verified by a suitably experienced qualified civil, structural or geotechnical engineer.

## 15. ACCESS TO SEWER MANHOLES THROUGH PRIVATE LAND

Any proposed building/structures on a lot must provide for maintenance access to any sewer manhole contained on that lot. Unless a public reserve can be relied on, a corridor 1.2 metres wide and 3.0 metres high should be provided at ground level for maintenance access purposes.



HISTORY — Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13
 Adopted as TRC Policy at Strategy and Finance Committee Meeting 10 March 2009

### 21.9.19.9. TEMPORARY TRADE OF WATER LICENCE ALLOCATIONS

## OBJECTIVE:

The objective of this policy is to provide a policy to allow temporary trading in Council water licence allocations, other than water associated with town water supply licences

### POLICY:

- Council acquire and retain water licences surplus to Council's current requirements to keep in reserve to foster socio-economic development in the Tamworth region.
   Council exercise its rights under the NSW Water Act 1912 and Water Management Act
- Council exercise its rights under the NSW Water Act 1912 and Water Management Act 2000 (including amendments and associated legislation) to temporarily trade in water licence allocations not associated with town water supply.
- Water licences surplus to Council's current requirements be temporarily traded to offset licence fees and provide a commercial return on investment.
- Delegate to the General Manager authority to temporarily trade on an annual basis any Council surplus water allocations, other than water allocations associated with town water supply licences.
- Any proposals to temporarily trade water licence allocations beyond the current water year be reported to Council for consideration.

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HISTORY — Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 8/13
 Adopted as TRC Policy at Ordinary Meeting 28 February 2006 Min No 114/98

21.10.19.10. WATER CONSUMPTION CHARGES FOOD PROCESSOR CATEGORY

### OBJECTIVE:

To determine a policy detailing activities that would enable a consumer to be placed in the category of Food Processor in relation to water charging and receive the benefits of the associated reduced charge per kilolitre for water consumed.

## POLICY:

In an effort to attract industry that consumes significant amounts of reticulated water to the City, Council adopt a policy where consumers who utilise reticulated water during the actual industrial process of producing an edible product, but excluding the preparation of food for immediate consumption (e.g. restaurants, take away food businesses etc) be placed in the "Food Processor" category with respect to reticulated water consumption.

This policy directly excludes water used for stock or other animal watering (e.g. chickens), water used for growing fruit and vegetables and water used primarily for the maintenance of buildings/factories or for the preparation of food for sale (e.g. washing chicken eggs).

\* HISTORY -

Reviewed by DC&G. October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Former TCC Policy

TES - 21/3/00 CR93 Council - Min No 64 Ord Council 28/3/2000

21.11.19.11. WATER AND SEWER - HEADWORKS CHARGES INDUSTRIAL/COMMERCIAL DEVELOPMENT

#### OBJECTIVE:

To clarify the methodology used for the calculation of water and sewer headworks charges for industrial/commercial development and the payment thereof.

#### POLICY:

#### Introduction

Developer or Headworks Charges are levies imposed to fund the infrastructure for urban development. Together with annual charges, headworks charges recover the capital costs of providing water supply and sewerage services to a development.

Section 64 of the Local Government Act, provides Council with powers to levy developer contributions and/or require specific works to be undertaken to cater for development in relation to water supply, sewerage and drainage.

For the purposes of this policy Industrial/Commercial development excludes any development involving residence, either temporary or permanent including motels, hostels and retirement villages.

#### Calculation of Headworks Charges

For both water and sewer, headworks charges are presently calculated by establishing the level of increased demand the development will impose on the water and/or sewer network and calculating an appropriate charge based on the increased level of demand.

In both cases the level of demand is calculated in terms of an equivalent tenement (ET) which is defined by the NSW Department of Public Works and Services as the basic unit of measure adopted by the Department to describe demand from an average residential dwelling.

Each year Council sets the charge per ET for water and for sewer headworks. This figure is then used to calculate the appropriate charge, by multiplying the assessed additional demand of the new development (in ET's) by the charge per ET. The following details the issues considered when assessing the additional future demand.

## Water

The charge/ET is made up of the following components:

- annual Demand 14% of charge;
- peak Day Demand 61% of charge; and
- instantaneous Demand 25% of charge.

For each development the following values will be used to calculate the number of ET's for each of the three components.

- annual Demand 450 KL/annum/ET;
- peak Day Demand 4000 L/day/ET; and
- instantaneous Demand 0.15 L/sec/ET.

The Developer may be requested to supply estimates of the demand placed on the reticulation in the above three components. These figures will be assessed for accuracy, and if necessary Council will use figures from another source (for e.g. a actual consumption figures for a similar development already in operation, NSW Water Directorate figures, NSW Department of Public and Works and Services figures, advice from other Local Government Authorities) to assess the demand placed on the reticulation in one or all of the above components.

Headworks charges will be calculated by, for each component, multiplying the charge per ET by the respective number of ET's and adding the results.

### For example:

A proposed development has provided the following estimates of water consumption to Council as part of the DA.

- Annual Demand of 66 Megalitres
- Peak Day Demand of 250 Kilolitres
- Instantaneous Demand of 3 Litres/Sec.

The total headworks charges payable by the Applicant are calculated as per the following example.

Details	Annual Demand	Peak Day Demand	Instantaneous Demand
	PWD <sup>1</sup> recommend 450KL/Annum/ET <sup>2</sup>	PWD recommend 4000L/day/ET	PWD recommend 0.15 L/Sec/ET
Annual Demand 66 Megalitres	147 ET's		
Peak Day 250 Kilolitres		62 ET's	
Instantaneous Demand 3 Litres/sec			20 ET's
Present Headworks charge is \$3078/ET which is made up of the following components		\$1,875/ET	\$771/ET
Multiplying the no of ET's for each component by the cost attributed to that component		\$116,250	\$15,420
Total Headworks Charge	\$195,174		

<sup>1</sup> PWD is the present Department of Public Works and Services – Water Supply Investigation Design Manual.

### Sewer

The Developer may be requested to supply estimates of the demand placed on the sewer reticulation. These figures will be assessed for accuracy, and if necessary Council will use figures from another source (e.g. actual discharge figures for a similar development already in operation, NSW Water Directorate figures, NSW Dept of Public and Works and Services figures, advice from other Local Government Authorities) to assess the demand in ET's placed on the sewer reticulation.

Once the demand has been assessed the sewer headworks charge will be calculated by multiplying the demand (in ET's) by the sewer headworks charge.

# Payment of Headworks Charges

<sup>2</sup> ET stands for Equivalent Tenement and is defined by the Department of Public Works and Services as the basic unit of measure adopted by the Department to describe demand from an average residential dwelling.

Headworks charges are levied to generate income which allows Council to undertake necessary augmentation works to water and sewer infrastructure. Delays in receipt of payments may mean that necessary works are also delayed or that the burden of funding identified works is unfairly shifted to other customers.

Therefore all water and sewer headworks charges are to be paid prior to the issuing of a construction certificate, occupation certificate or compliance certificate, whichever occurs first, however, in exceptional circumstances, where a reasonable case can be presented, Council may allow developers to pay the total headworks charges either by instalment or as a surcharge amount on water consumed, subject to certain conditions as detailed below.

#### Payment by instalment

For development with combined water and sewer headworks charges of less than \$20,000 Council may agree to payment by instalment over a maximum period of two years. For headworks charges greater than \$20,000 the maximum period for repayment will be five years, unless the developer is classified as a Not For Profit Organisation, when the maximum period will be eight years.

Should Council agree to payment by instalment then, regardless of the time frame agreed, the Developer will enter into a formal Agreement with Council agreeing to pay the headworks charges for water and/or sewer to Council by instalments. The frequency of such repayments and the period of time available to pay the total amount will be detailed in the Agreement.

No interest will be charged on outstanding amounts whilst the terms of any Agreement are complied with, however Council reserves the right to charge interest on outstanding amounts if the terms of any Agreement are breached.

## Pay Off the Charges by Paying an Additional Cost per Kilolitre of Water Consumed

For development with combined water and sewer headworks charges of greater than \$150,000 Council may allow the Developer may elect to enter into a formal Agreement between the Developer and Council agreeing to pay the headworks charges for water and/or sewer to Council through Council applying an additional charge over and above the appropriate water consumption charge (see policy 'Water Consumption Charges — Food Processor Category') for each kilolitre of water consumed by the development. Such charge to be paid for a period of ten years from the date of connection.

Any Agreement between the Developer and Council must be completed prior to the development being connected to water and/or sewer.

The additional charge will be calculated as follows:

- The calculated water and sewer headworks charge for the development will be totalled. Then using the following equation and based on the average annual demand for water used in the calculation of the water headworks charge the additional charge will be calculated.
- Addition charge/KL = Headworks Charge in \$
- Annual Consumption (KL's) x No of years
- Interest will not be charged
- Number of years will be 10 from the date of connection.

\* HISTORY --

Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13 Amendment - Item 8.3 Ordinary Council 23 October 2012

Adopted as TRC Policy at Ordinary Meeting 27 September 2006 Min No 229/05

Former TCC Policy Ord Ccl 26/6/01 Min No 176

21.12.19.12. WATER SUPPLY TO RESIDENTIAL DWELLINGS WITH NO RETICULATED SUPPLY

OBJECTIVE: To ensure that there is an adequate supply of water for domestic and fire fighting purposes.

#### POLICY:

- Residential buildings erected on land not connected to Council's Water Supply shall have a minimum 60,000 litres of rainwater storage tanks for domestic use.
- Any fitting or appliance identified as a possible source of contamination in Table 4.2 of Part 1 - AS 3500 that is connected to Council's water supply or a private supply used for human consumption, shall be fitted with a back flow prevention device as specified in AS 3500 National Plumbing and Drainage Code.
- In conjunction with this installation, an appropriate sized and installed "First Flush" system be provided between the roof gutter system and the inlet to the storage tanks.
- All surplus roof water must discharge a minimum of 3 meters clear of any structure and incorporate protection against scouring of the ground surface at the point of discharge and be disposed of without nuisance.
- The draw off point for water use for domestic purposes shall be located to allow a minimum storage of water for use in fire fighting in accordance with Table 4.2 of the RFS Planning for Bush Fire Protection 2006 document.
- An illuminated marker shall be provided adjacent (preferably above) to the "Storz" fitting to allow easy identification of its location by NSW Rural Fire Service personnel.
- 7. Water storage tanks shall have fitted an outlet capable of being coupled to Fire Brigade fire fighting equipment. Fittings shall include the provision of a 50 mm stop valve, 65 mm "Stortz" fitting with blanking cap (Stortz fittings may be obtained from fire protection equipment suppliers). The Stortz fitting draw off point shall be located at the base of the storage tanks (or connecting line). Reasonable vehicular access for fire tenders shall be available to the water supply.
- 8. "Stortz" fitting and marker are to be available for the Rural Fire Service area Captain.
- That the use of bore water shall be restricted to the following purposes unless otherwise approved by Council:
  - Flushing of toilets.
  - Watering of gardens.
  - Stock purposes.

\* HISTORY - Reviewed by DC&G October 2012 - Updated - Ordinary Council Meeting 15/01/2013 - Min No: 9/13

Adopted as TRC Policy at Ordinary Meeting 27 September 2005 Min No 229/05

Council Meeting 28 June, 1994 CR211 Min No 160

Council Meeting 30 October, 2007 Min No 407/07

### 21.13.19.13. Low Flow (TRICKLE FEED) WATER SUPPLY

#### OBJECTIVE:

To ensure the adequate provision of a safe water supply to residential dwellings within Council's low flow reticulated supply zone(s).

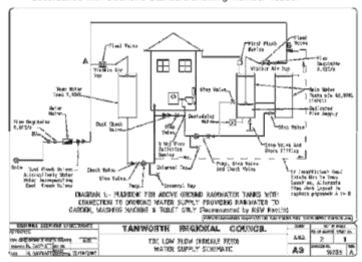
To ensure that there is adequate provision to prevent contamination of Council's water supply

To promote the harvesting of rainwater as alternative water sources for uses other than drinking water.

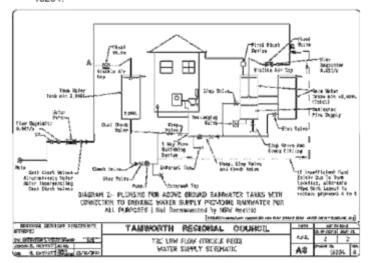
#### POLICY:

- A low level of flow (approximately 0.06 L/s) will be supplied at the water meter with the
  possibility of zero flow occurring during times of peak demand.
- A flow limiting device will be installed at each water service connection.
- Where a water meter connection exists, the connection to the supply of town water and water meter must be accordance with this policy.
- Where there is no existing connection, the connection to the water supply is to be by application and is subject to Approval by Council. A connection fee is payable and a capital contribution may also be required. The installation of tanks shall be in accordance with section 2.3.3 of the NSW Plumbing and Drainage Code of Practice 2006.
- A minimum 5000 Litre on-site storage tank is required for the town water supply. This
  tank is for potable water purposes only and shall be kept separate from storage for all
  other purposes.
- A dual Check Valve shall be installed immediately on the Lot side of Council's water meter unless incorporated into the water meter. If the town water supply tank is installed partly or wholly in the ground, a testable dual check valve shall be installed.
- Connection to the on-site storage is to be direct from the water meter with no branch lines before the storage.
- Direct pressure connection to the Council reticulation main is not permitted. A
  pressure pump is not allowed to be connected directly to Council's supply line.
- Water pressure at each site is to be provided by way of an on-site pressure pump connected to the town water supply tank.
- Each property owner will be responsible for the installation of on-site storage (with air gap), pressure system and domestic reticulation.
- · All water supplied must be used within the boundaries of the property supplied.
- Water is to be used for stock and domestic watering only (including reasonable garden watering) up to a maximum area of 1000 square metres.
- Each Lot connected to the town water supply shall be subject to the prevailing water restrictions in accordance with Section 3.1.1 of the NSW Plumbing and Drainage Code of Practice 2006.
- A minimum rainwater storage of 45,000 litres is required for dwellings wishing to connect to Council's water supply. Additional storage may be required as part of the BASIX certification process.

 The plumbing for Town Water only to be used as the drinking supply shall be in accordance with Council's Standard Drawing Number 16203.



 For applicants electing to use a combination of town and rain water as their drinking supply, the plumbing shall be in accordance with Council's Standard Drawing Number 16204.



### On-Site Storage

- A minimum 5000 litre stand alone town water supply tank is required for the supply of potable water.
- To prevent the possible contamination of Council's water supply by the backflow of water from the storage tank, a minimum air gap of 100mm (or 3 x inlet pipe diameter, whichever is larger) shall be maintained at all times between the water inflow pipe and the top water level of the storage tank.
- To further maintain the backflow prevention air gap, an overflow opening shall be provided in the town water supply storage tank at a position equal to the allowable top water level.
- The town water supply tank shall be made dust, vermin and mosquito proof. Sighting requirements of the Town Water Supply Storage Tank
- Tanks are not to be located within the building line on each Lot.
- The town water supply tank ideally should be located on the highest point of the Lot Construction of Town Water Supply Storage Tank
- On land designated bush fire prone, the construction of the tank shall be steel or concrete unless the tank can be provided with an adequate heat shield.
- On land other than designated bush fire prone, plastic tanks may be used subject to the 'sighting' requirements.

#### Domestic Reticulation

Rainwater tank services that are not directly connected to the town water supply tank
for a back up supply may have an indirect connection for "topping up" from the town
water supply tank. The top-up mechanism shall incorporate a device to limit the flow
rate to 0.03 L/s and the indirect connection shall be by means of a visible "air gap"
external to the rainwater tank.

### Fire Fighting

- On land designated bush fire prone, the rain water tank must incorporate the dedicated water requirements in Table 4.2 of the Rural Fire Services Planning for Bushfire Protection 2006 document.
- Flows suitable for fire fighting requirements will not be available through Council's supply line.
- A 65mm Storz fitting is to be fitted to the bottom of any tank dedicated for fire fighting in accordance with the requirements of the NSW Rural Fire Service's Planning for Bush Fire Protection 2006 document.

## BASIX

The town water supply tank cannot be used to form any part of a BASIX commitment.

Where BASIX commitments for water do not exceed the requirements of this policy, then the requirements of this policy prevail.

HISTORY — Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13
 Adopted as TRC Policy at Ordinary Meeting 30 October, 2007 Min No 407/07

## 21.14.19.14. WESTDALE RECYCLED WATER POLICY

### OBJECTIVE:

#### POLICY:

Tamworth Regional Council is committed to managing the Westdale Recycled Water Scheme effectively. Council will provide fit-for-purpose recycled water that consistently meets the requirements of the Australian Recycled Water Guidelines 2006, other regulatory requirements and recycled water user agreements. To achieve this, in partnership with recycled water users, relevant agencies and other stakeholders, Council will:

- manage recycled water quality through a multiple barrier approach encompassing all points along the delivery chain from wastewater catchment to point of supply;
- implement and maintain a risk-based Recycled Water Management Plan consistent with the Australian Guidelines for Recycled Water;
- establish regular monitoring of the quality of recycled water and report performance to regulators, recycled water users and other stakeholders;
- · maintain appropriate contingency planning and incident response capability; and
- continually improve practices through reviewing our performance against our commitments, stakeholder expectations and best practice.

All staff and contractors involved in the supply of recycled water are responsible for understanding, implementing, maintaining and continuously improving the Recycled Water Management Plan.

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HISTORY — Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 8/13
 Adopted as TRC Policy at Ordinary Meeting 23 August 2011, Min No 240/11 (126515/2011)

#### 21.15.19.15. REDUCTION IN WATER CONSUMPTION CHARGES

OBJECTIVE: To ensure Council applies a consistent approach when considering reductions in water charges due to internal leaks or unexplained increases.

POLICY: From time to time a property owner will request Council reduce the total water charge levied for a period because the amount of water consumed, as indicated by the meter reading, is significantly greater than has been used at the property previously and the property owner indicates they are unaware of the reason for this increase, or the reason for this increase is due to an internal leak within the property downstream of the water meter. This policy details the procedure to be followed when such a request is made. The Director Water and Waste is authorised to approve any refunds or crediting of accounts as required under this Policy.

### 1. FOR INCREASES WHICH THE PROPERTY OWNER IS UNABLE TO EXPLAIN

#### 1.1 Motor Tost

A property owner requesting a reduction in water charges due to an unexplained increase in water consumption must first pay for a meter test to ensure the water meter is reading accurately – See Council policy Water – Stopped or Inaccurate Water Meters.

### 1.2 Conditions where Council will consider reducing charges

If the water meter is found to be reading accurately and;

- The water meter reading has been checked and no obvious error in reading is apparent;
- there is at least three years of water consumption records for the same property regardless of property ownership;
- the property has used on average less than 4 Kilolitres of water per day for the previous 3 years regardless of property ownership;
- Council staff agree, based on daily water consumption at the same property over the
  previous three years, regardless of property ownership, during similar periods as the
  period in question, that the daily consumption figures indicated by the water meter
  reading, the subject of the complaint are significantly higher (for example greater than
  100% higher) than previous readings taken during similar periods at the same
  property;
- The property owner has undertaken investigation in an effort to ascertain whether there is an internal leak in water plumbing downstream of the water meter servicing the property – and no leak is found;
- The property owner agrees to allow Council staff to undertake on site investigations, where necessary, to ascertain whether there is an internal leak - and no leak is found.

### 1.3 Replace the water meter

Council will replace the water meter on the subject property, even if testing indicates that it is not faulty, at no cost to the property owner.

#### FOR INCREASES WHICH THE PROPERTY OWNER CLAIMS IS DUE TO AN INTERNAL LEAK

### 2.1 Council to investigate

A property owner requesting a reduction in water charges due to an internal leak must allow Council staff to undertake on site investigations to ascertain the nature of the leak and, if required, proof that the leak has been repaired.

## 2.2 Conditions where Council will consider reducing charges

If Council is satisfied an internal leak has occurred and;

- there is at least 3 years of water consumption records for the same property regardless of property ownership;
- the property has used on average less than 4 Kilolitres of water per day for the previous 3 years regardless of property ownership;
- Council staff agree, based on daily water consumption at the same property over the
  previous 3 years, regardless of property ownership, during similar periods as the
  period in question, that the daily consumption figures indicated by the water meter
  reading, the subject of the complaint are significantly higher (for example greater than
  100% higher) than previous readings taken during similar periods at the same
  property:
- The property owner has identified and repaired the leak thought to have caused the increased consumption.

### 3. HOW WILL THE CHARGES/CONSUMPTION BE REDUCED

Regardless of the reason given for the increase in consumption, and assuming the criteria listed in 1.1 and 1.2 or 2.1 and 2.2 above are met, Council may reduce the water consumption charge and water consumption figures, for the disputed period, as follows;

#### 3.1 Charges

The charge levied will be withdrawn and replaced with:

The average daily consumption for similar periods in the preceding three years (regardless of ownership of the property), multiplied by the number of days during the period in question, multiplied by the appropriate charge.

### 3.2 Year to date consumption figures

If the charge is withdrawn as per 3.1 above then the total consumption figures on the subject property for the subject financial year will be adjusted, as if the lesser quantity of water had been consumed in the disputed period. If necessary subsequent charges for the remainder of the financial year in which the disputed consumption occurred will also be amended.

### 4. LIMIT ON SIMILAR CLAIMS

To prevent property owners from repeatedly claiming discounts in water consumption under this policy Council will not consider such requests from property owners if a similar request, whether due to an internal leak or an unexplained increase, has been made for the same property within the previous 5 years.

### 5. LIMIT ON WHEN CLAIMS CAN BE MADE

Property owners must make a claim for reduction in water consumption charges within 3 months (90 days) of the date of Council's invoice which details charges based on increased consumption.

\* History:

Reviewed July 2020 - Updated - Ordinary Council Meeting - Min No

Adopted as Tamworth Regional Council Policy at Ordinary Meeting 27 May 2014; Min No: 127/14

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#### 21.16.19.16. DRINKING WATER QUALITY

OBJECTIVE: To set out the approach Tamworth Regional Council will use to supply customers with drinking water that is safe, aesthetically pleasing and meets with standards and regulations.

#### APPLICATION:

This policy applies to all drinking water supplied by Tamworth Regional Council. Drinking water is supplied at:

- Attunga;
- Barraba;
- Bendemeer;
- Kootingal;
- Manilla:
- Moonbi:
- Nundle; and
- Tamworth.

Any water supplied by Council from raw water pipelines is not supplied for drinking and is excluded from the provisions detailed in this policy.

#### POLICY

Tamworth Regional Council is committed to providing safe and high quality drinking water which consistently meets the Australian Drinking Water Guidelines and customer and other regulatory requirements.

To achieve this commitment Tamworth Regional Council will:

- manage water quality at all points of the delivery chain, from source water to customer by using a risk based approach to identify potential threats to water quality and managed to minimise risks to drinking water quality;
- develop and maintain an appropriate water quality monitoring program using National Association of Testing Authorities (NATA) certified laboratories and provide reports to regulators and stakeholders;
- Integrate the needs and expectations of our customers, stakeholders, regulators and employees into our planning;
- ensure continued understanding of drinking water quality issues and performance and develop a continuous improvement program;
- contribute to industry monitoring and reporting requirements and continuously improve performance along with other water supply agencies;
- develop and maintain contingency plans and incident response capabilities to maintain supply and quality;
- maintain effective communications with customers and regulators on the water quality issues and performance as required and in timely manner; and
- provide 24/7 contact service to customers.

Tamworth Regional Council will implement and maintain a drinking water quality management system in accordance with the Australian Drinking Water Guidelines to provide effective and efficient management of drinking water quality processes. •

<sup>\*</sup> History: Policy Adopted after public exhibition closed 10/10/2014 with no submissions being received. Ordinary Council Meeting 26/06/2014. Min No.: 207/14

## 21.17.19.17. BACKFLOW PREVENTION POLICY

#### OBJECTIVE

To ensure and protect the quality of Tamworth Regional Council's potable water supplies by minimising the risk associated with backflow contamination from connections to the water supply system.

### APPLICATION:

This policy applies to all potable water schemes operated by Tamworth Regional Council. Potable water is supplied at:

- Attunga;
- Barraba;
- Bendemeer:
- Kootingal;
- Manilla:
- Moonbi;
- Nundle: and
- Tamworth.

Any water supplied by Council from raw water pipelines is not supplied for drinking and is excluded from the provisions detailed in this policy.

#### POLICY:

In water supply systems, water is normally maintained at a significant pressure to enable water to flow from the tap, shower etc. When pressure fails or is reduced, as may happen if a water main bursts, pipes freeze or there is unexpectedly high demand on the water system, then such reduced pressure in the pipe may allow contaminated water from the ground, from storage or from other sources to be drawn up into the system. Backflow means the undesirable reversal of flow of a liquid, gas or solid into the potable water supply — A backflow prevention device keeps this from happening

Tamworth Regional Council is committed to providing safe and high quality drinking water which consistently meets the Australian Drinking Water Guidelines and other regulatory requirements.

A key component of providing this service is the implementation and delivery of a backflow prevention policy.

To achieve this commitment Tamworth Regional Council will:

- ensure the appropriate installation, testing, maintenance and certification of backflow prevention devices in accordance with Australian Standard AS3500 part 1;
- ensure that property owners and plumbers are made aware of the requirements for backflow prevention devices and their applicable responsibilities;
- verify the certification and accreditation of plumbers involved in the installation testing and certification of devices;
- ensure that all testable devices are tested annually and maintain a register of test results; and
- issue orders, as appropriate, under the Local Government Act 1993 and associated relevant regulations including denying supply, disconnection, levying fees and charges and carrying out any work at the customers cost.

Where backflow prevention is required in accordance with Australian Standard AS3500 part 1, property owners connected to potable water supplies are required under this policy to:

- ensure backflow device installation, commissioning, testing and maintenance is completed in accordance with Australian Standard AS3500 part 1;
- supply to Council a Certificate of Compliance and Backflow Prevention Device and Maintenance Report for all Installations; and
- · pay all fees and charges levied by Council and applicable to backflow prevention.

History: Policy Adopted after public exhibition closed 11/05/2015 with no submissions being received. Ordinary Council Meeting 24 March 2015 Min No: 60/15

# 2220 AMENDMENT RECORD

DATE	REVISION NO	POLICY TITLE	DESCRIPTION OF AMENDMENT	
Aug 07	13	Trade Waste - Basic Strength Discharges	Superseded by new document titled Tamworth Regional Council policy for the discharge of liquid trade waste	
		Trade Waste - Discharges	Superseded by new document titled Tamworth Regional Council policy for the discharge of liquid trade waste	
	14	Governance – Gathering Information Policy	New Policy	
	15	reimbursement of developers for sewer, water and infrastructure* - File No SF749	Amended Policy	
Oct 07	16	Water - Sewer Discharge Factor Policy	New Policy	
Nov 07	17	Water Supply to Buildings	Rescinded Open Council 30/10/2007 – Min No 407/07 replaced with "Water Supply to Residential Dwellings with no Reticulated Supply" and "Low Flow (trickle feed) Water Supply"	
Nov 07	18	Water Supply to Residential Dwellings with no Reticulated Supply and Low Flow (trickle feed) Water Supply		
Dec 07	19	Corporate Sponsorship	Amended Policy	
Dec 07 20		Reimbursement of Developers for Sewer Water Supply and Infrastructure	Amended Policy titled Reimbursement of Developers for Sewer and Water Supply	
	21			
	22			
Feb 08	23	Charge Exemption for a Local Charity	Min No 421/07 Ord Council Nov 07	
May 08	24	Payment of Expenses and Provision of	Min No 381/07 Ord Council	

DATE	REVISION NO	POLICY TITLE	DESCRIPTION OF AMENDMENT
		Facilities to Councillors	Oct 07
May 08	25	Payment of Expenses and Provision of Facilities to Councillors	Min No 481/07 Ord Council Dec 07
May 08	26	Access to Council Information	Strategy and Finance Committee 13 May 2008 Min No SF037/08 Record No 56865/2008
June 08	27	Rural Water Supply Schemes Tamworth city Reticulation Area Withdrawn and Reimbursement of Developers for sewer water supply and infrastructure added	Closed Services and Infrastructure Committee 10 June 2008 SI049/08 Record No 70596/2008
June 08	28	Update to Councillor Fees on Page 111	Min No 130/08 ordinary Council 26 June 2008 Ref Rec No 79457/2008
August 08	29	Addition of Policy Public Art Policy Volume 1 and 2	Min No 212/08 Ordinary Council 26 August 2008
August 08	30	Amendment to Workplace Surveillance Policy	Min No 224/08 Ordinary Council 26 August 2008 (107942/2008)
June 08	31	Requirements for Provision of Reticulation supplying Treated Water Under Trickle flow Conditions (added)	Res No SI049/08 June Sandl Committee (705976/2008)
Jan 09	32	Consumption of Alcohol at Approved Outdoor Dining Facilities in the Tamworth Central Business District Alcohol Free Zone	Res No 347/08 Ord Dec 08 Meeting (2003/2009)
		Investment Policy	Res No 339/08 Ord Dec 08 Meeting (1953/2009)
		Payment of Expenses and Provision of Facilities to Councillors	Res No 332/08 Ord Dec 08 Meeting (1650/2009)
		INSURANCE - Developer and Contractor Public Liability Insurance Requirements and Public Liability And Professional Indemnity Minimum Cover	Res No 319/08 Ord Council 16 Dec 08 (1390/2009)
March 09	33	WATER SUPPLY – Excavating/Filling or Building Adjacent to or over Existing Sewer Mains	Res No SF016/09 Strategy and Finance March 09 (32688/2009)
		LICENSING - Tamworth Regional	Res No SF014/09 Strategy

DATE	REVISION	POLICYTITLE	DESCRIPTION OF AMENDMENT
		Council Liquor Licensing Policy	and Finance March 09 (32680/2009)
April 09	34	Complete Review of Register	Being Reviewed
June 09	35	GOVERNANCE - Payment of Expenses and Provision of Facilities to Councillors	Res No 137/09 Ord Council 25 June 09 (85101/2009)
Sept 09	36	WASTE MANAGEMENT - EXEMPTION TO WHEELIE BIN SERVICE	Res No 020/08 Ord Council 26 Feb 08 (26330/2008)
Sept 09	37	GOVERNANCE – Payment of Expenses and Provision of Facilities to Councillors	Res No 225/09 Ord Council 22 Sept 09 (134707/2009)
22 Sep 09	38	WASTE - Liquid Trade Waste	Resolution No 231/09 22 September 2009
24 Nov 09		COMMUNITY SERVICES - Art Gallery Internal Loans From Collection	Adopted Res No 311/09 24 November 2009 Record No 166330/2009
Oct 09		WATER - Water and sewer- reimbursement of developers for construction of water and sewer infrastructure Outside Reticulation Areas WATER - Stopped or inaccurate water meters	Res No 259/09 Ord Council 20 Oct 09.
20 Oct 09		WATER SUPPLY - Water and Sewer- Reimbursement of Developers for Construction of Water and Sewer Infrastructure Within Reticulation Areas	Adopted Ord Council 20 October 2009 Res No 259/09 Record No 150701/2009
15 Dec 09		GOVERNANCE - Payment of Expenses and Provision of Facilities to Councillors	Res No 346/09 Ord Council 15 December 09 Record No 179351/2009
9 Feb 10		COMMUNITY SERVICES - Tamworth Powerstation Museum - Collection Management Policy	Adopted Ord Council 9 Feb 2010 Res No 022/10 Record No 24229/2010
9 Feb 10	39	Grammar and format changes	
23 Feb 10	40	STREET MANAGEMENT – Enforcement of Parking Restrictions Policy	Adopted Ord Council 23 Feb 2010 Res No 033/10 Record No 31027/2010
8 and 22	41	GOVERNANCE - Payment of Expenses and Provision of Facilities to	Amended Ord Council 8 June 2010 Res No 190/10

DATE	REVISION No	POLICY TITLE	DESCRIPTION OF AMENDMENT
June 2010		Councillors	(87642/2010)and 22 June 2010 Res No 210/10 (94241/2010)
13 July 2010	42	FINANCE - Investment	Amended Ordinary Council 13 July 2010 Res No 231/10 (102019/2010)
18 Aug 2010	43	INSURANCE - Developer and Contractor Public Liability Insurance Requirements	Changes made to wording 18/8/10 by Director Corporate and Governance
Dec 2010	44	Provision of Information to and Interaction between Councillors and Staff	policy reviewed to include information about the Government Information Public Access Act. December 2010
Sep 2010	45	GOVERNANCE - Payment of Expenses and Provision of Facilities to Councillors	Change to History to reflect the adoption of the amended policy (no changes to policy)
13 Apr 2011	46	FINANCE - Investment	Amended Ordinary Council 13 April 2011 Res No 92/11 (53232/2011)
26 July 2011	47	GOVERNANCE - Payment of Expenses and Provision of Facilities to Councillors	Amended Ordinary Council 26 July 2011 Res No 213/11 (103585/2011
11 Oct 2011	48	GOVERNANCE – Payment of Expenses and Provision of Facilities to Councillors	Adopted Ordinary Council 11 October 2011 Res No 319/11 (146951/2011)
11 Dec 2011	49	ACQUISITION AND DISPOSAL - Asset Management Policy	Adopted Ordinary Council 11 December 2012 – Res No 435/11 (1885/2012)
28 February 2012	50	FINANCE - Investment	Amended Ordinary Council 28 February 2012 - Res No 47/12 (31165/2012)
14 February 2012	51	FINANCE – Ratepayers Hardship Policy	Adopted Ordinary Council 14 February 2012 Res No 20/12 (24044/2012)
14 February 2012	52	GOVERNANCE – Oversight and Liaison with General Manager Policy	Adopted Ordinary Meeting 14 February 2012 Res No 19/12 (24042/2012)
25 July	53	STREET MANAGMENT - Inclusion of	Adopted Ordinary Meeting

DATE	REVISION NO	POLICY TITLE	DESCRIPTION OF AMENDMENT
2012		Urban Tree Removal and Replacement Policy	22 November 2011 Res No: 378/11 (161245/2011)
16 January 2013	54	ACQUISITION AND DISPOSAL - Land (Council) - Leases - Legal Costs	Removal of policy – Ordinary Meeting 15 January 2013 Res No: 9/13
		CEMETERIES - Interments - Manilla Cemetery	January 2013 Res No. 9/13
		COMMUNITY LIAISON - Citizen Representatives - Appointment Of To Committees Or Working Groups	
		COMMUNITY LIAISON - Voluntary Work - Community Volunteers	
		COMMUNITY RELATIONS - Community Caravan - Fees - User Charge	
		COMMUNITY RELATIONS - Community Caravan - Fees - Exemptions	
		COMMUNITY RELATIONS - Waiving Or Reducing Fees For Community Groups	
		COMMUNITY SERVICES - Complaints - Disclosure Of Identity - Freedom Of Information Act 1989	
		COMMUNITY SERVICES - Manaellae Lodge	
		COMPLIANCE - Licensed Premises - Trading Hours - Variation	
		COMPLIANCE - Rainwater Storage For Domestic Use - Rural Areas (Barraba)	
		COMPLIANCE - Support Posts Under Awnings - Barraba	
		DEVELOPMENT - Building Line And Distances To Side Boundary Line (Nundle)	
		DEVELOPMENT - Dual Occupancy	
		DEVELOPMENT - Fender Walls Policy	
		DEVELOPMENT - Metal Wall Sheeting	

DATE	REVISION NO	POLICY TITLE	DESCRIPTION OF AMENDMENT
		DEVELOPMENT — Provisions for Deferment of Payment of Developer Contributions Applicable Under the Water Management Act 2000	
		DEVELOPMENT - Remove Dwelling Policy	
		DEVELOPMENT - Temporary Occupation of Land Whilst Building a Dwelling - Nundle	
		FINANCE – Payment Options Sewerage Augmentation	
		GOVERNANCE – Appointment of Mayor to Committees	
		GOVERNANCE – Appointment Of Mayor To Committees	
		GOVERNANCE - Council Meetings - January each year and Rescheduling of Other Council Meetings	
		GOVERNANCE - Motions For Annual Conference Of Local Government Association	
		GOVERNANCE – Tenders – Canvassing/Lobbying Of Councillors And Staff	
		PROPERTY MANAGEMENT - Mckellar Stage, Bicentennial Park, Tamworth - Hire	
		PROPERTY MANAGEMENT - Swimming Pools (Council) - Public Admittance	
		STREET MANAGEMENT - Access Ramps In The Central Business District Of Barraba	
		STREET MANAGEMENT - Appeals Door Knocks	
		STREET MANAGEMENT - Bus Shelters - Advertising	
		STREET MANAGEMENT - Guidelines For Signposting Tourist Attractions And	

DATE	REVISION NO	POLICY TITLE	DESCRIPTION OF AMENDMENT
		Accommodation Facilities	
		STREET MANAGEMENT - Sandwich Boards	
		STREET MANAGEMENT - Skateboards - Use Of Skateboards and Roller Skates	
		STREET MANAGEMENT - Signs On The Footpath - Barraba	
		STREET MANAGEMENT - Street Tree Policy (Barraba)	
		STREET MANAGEMENT - Street Seats - Advertising	
		STREET MANAGEMENT - Street - Tree Planting At Intersections	
		STREET MANAGEMENT - Ticket Selling	
		WATER AND SEWER SUPPLY - Water Consumption Charges - Dialysis Machines - Home	
		WATER AND SEWER SUPPLY - Kingswood Estate, Tamworth - Deferred Payments Scheme	
		WATER AND SEWER SUPPLY - Restrictions	
		WATER AND SEWER SUPPLY - Sewerage - Headworks	
		WATER AND SEWER SUPPLY - Sewerage - Pressure Sewerage Systems	
		WATER AND SEWER SUPPLY - Water and Sewer - Headworks Charges - Industrial/Commercial Development	
		Whole Document - Reformatted	
16/01/2013	55	PARKS AND RESERVES - Scattering of Ashes in Public Park and Reserves Policy	Added New Policy - Adopted Ordinary Council 11 December 2012 Res No 397/12

DATE	REVISION NO	POLICY TITLE	DESCRIPTION OF AMENDMENT
23/04/2013	56	GOVERNANCE – Provision of Meeting Facilities to Visiting Parliamentarians	Added New Policy – Adopted Ordinary Council 23 April 2013 Res No 123/13
28/05/2013	57	GOVERNANCE - Policy for Awarding Freeman of the City or Key to the City of Tamworth	Added New Policy — Adopted Ordinary Council 28 May 2013 Res No 159/13
28/06/2013	58	WASTE MANAGEMENT – Discharge of Liquid Trade Waste	Amended – Ordinary Council 23 April 2013 Res No 118/13
08/08/2013	59	WASTE MANAGEMENT – Waste Collection Services - Multiple Unit Residential Developments	Added New Policy - Adopted Ordinary Meeting 22 March 2011 Res No 74/11
15/08/2013	60	WASTE MANAGEMENT – Acceptance of Waste Generated Outside the Tamworth Regional Council Local Government Area	Added New Policy – Adopted Ordinary Meeting 24 April 2012 Res No 124/12
22/08/2013	61	FINANCE - Flood Mitigation Land Purchase (now Floodplain Management)	Updated incl. Change of Name - Ordinary Council Meeting 23 April 2013 Min No 119/13
26/11/2013	62	GOVERNANCE – Protocols for Visiting Digitaries and Official Functions	Added New Policy – Adopted Ordinary Meeting 12 November 2013 Res No 350/13
12/11/2013	63	GOVERNANCE – Fraud and Corruption Prevention Policy	Added New Policy – Adopted Ordinary Council Meeting 12 November 2013
27/11/2013	64	GOVERNANCE – Payment of Expenses and Provision of Facilities to Councillors	Updated Policy – Ordinary Council 12 November 2013 Res No 352/13
10/02/2014	65	WATER AND SEWER SUPPLY - Policy to Reduce Water Charges Due to Unexplained Increases in Water Consumption	Added New Policy – Adopted Ordinary Meeting 12 November 2013 Res No 347/13
10/02/2014	66	WATER AND SEWER SUPPLY – Stopped or Inaccurate Water Meters	Updated Policy – Ordinary Council 12 November 2013 Min No 348/13

DATE	REVISION NO	POLICY TITLE	DESCRIPTION OF AMENDMENT
27/06/2014	67	GOVERNANCE – Deputy Mayor Allowance	Removed Deputy Mayor Allowance as superseded by Payment of Expenses and Provisions of Facilities to Councillors.
24/07/2014	68	WATER – Reduction of Water Consumption Charges Added New Policy Adopted Ordinary Council Supersedes Reduction in Charges due to unexplained increases in Water consumption	Added New Policy – Adopted 27/05/2014 – No objections received after public exhibition: Res No: 127/14
5/09/2014	69	WATER - Water and Sewer Reimbursement of Developers for Sewer and Water Supply Infrastructure Outside Reticulation Areas. Superseded Previously Adopted Policy.	Updated Policy to adopted version 12/08/2014. Res No: 208/14
14/10/2014	70	WATER - Drinking Water Policy	Added New Policy – Adopted after public exhibition closure with no submissions recievedreceived as per Res No: 207/14
16/12/2014	71	Assets – Asset Disposal Policy and Procurement Policy	Added New Policies – Procurement Policy and Asset Disposal Policy after public exhibition closure with no submissions received as per Res No: 399/14.
23/03/2015	72	Note added to History Footnotes presented to Council Prior to October 2012	Reviewed by DC&G October 2012 – Updated – Ordinary Council Meeting 15/01/2013 – Min No: 9/13
13/05/2015	73	WATER – Backflow Prevention Policy	Added New Policy – Adopted 24/03/2015- No Objections received after public exhibition. Res No: 60/15

DATE	REVISION NO	POLICY TITLE	DESCRIPTION OF AMENDMENT
18/05/2015	74	Water and Sewer Reimbursement of Developers for Sewer and Water Supply Infrastructure Outside Reticulation Areas.	Title amended at the request of Water Enterprises to Sewer and Water Reimbursement of Developers for Sewer and Water Supply Infrastructure Outside Reticulation Areas.
16/07/2015	75	Water - Stopped or Inaccurate Water Meters	Amended to remove reference to cost of testing fee as instructed by Director Water and Waste.
01/10/2015	76	Aquatic Management Plan	Added New Policy Adopted 22/09/2015. Res 274/15
01/12/2015	77	Smoke-Free Environment Policy	Added New Policy – Adopted 10/11/15. Res 328/15
27/09/16	78	Review of General Policy Register	Adopted Ordinary Council 27 September 2016 Min No: 272/16
09/05/2017	79	STREET MANAGEMENT – Pop Up Art Decoration of Peel Street Trees	Adopted Ordinary Council 11 April 2017 Min No. 92/17
		GOVERNANCE – Related Party Disclosures	Adopted Ordinary Council 11 April 2017 Min No. 93/17
30/08/2017	80	Debt Recovery	Reviewed Ordinary Council 22 August 2017 Min No 265/17
16/05/2018	81	Significant Sport Event Fee Subsidisation Policy	Adopted Ordinary Council 27 February 2018 Min No 57/18
22/06/2018	82	Outdoor Fitness Trainer Policy	Adopted Ordinary Council 12 June 2018 Min No 188/18
2020	83	Review of General Policy Register Changes to multiple policies	Adopted Ordinary Council

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