

# Murrumbidgee Shire Council



## **Policy Register**

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## Amendment Record

This Policy Register for Murrumbidgee Shire Council was first issued on May 2007 for the May Council Meeting.

As Council has adopted further policies or amended those already adopted the following amendments have been made:

Amendment	Summary	Pages Affected	Issued
1	Amendment Record, Volunteer Policy	ii to viii, G7 to G11	

## Summary of Policies

Policy Area and Title	Number	Adopted	Minute
<b>Council Governance</b>			
Purchasing of Goods and Services and Disposing of Surplus Goods	C.101	30/06/2000	
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Risk Management	D.101	15/07/2004	201
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Subdivision Standards – Rural	A.104	20/08/1981	
Urban Development – Coleambally Industrial Area	A.102	23/05/1999	717
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Relocated Buildings	A.211	15/05/2003	180
Residential Areas - Outbuildings	A.212	15/12/1988	486

<b>Policy Area and Title</b>	<b>Number</b>	<b>Adopted</b>	<b>Minute</b>
Residential Fencing Requirements	A.213	19/09/1995	415
Dividing Fences – Contributions	A.214	15/06/2000	191
Disabled Access to Shop Premises	A.215	30/06/2000	
Trees – Urban Removal	A.301	18/04/1996	131
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Vehicular Access off Council Land	A.801	18/09/2003	313

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Councillors – Presentation of Certificates	B.202	19/09/1999	318
<b>Council Financial Operations</b>			
Coleambally Lease Conversions	A.103	17/12/1998	510
Residential and Industrial Land Sales	A.105	16/01/2003	16
Gravel Royalties – Payment	C.201	16/05/1996	170
Private Works – Payment	C.202	20/02/1992	53
Aggregation for Rating Purposes	C.301	19/04/2001	144
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Plant and Vehicles – Replacement of Small Plant	C.501	21/03/1991	94
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<b>Policy Area and Title</b>	<b>Number</b>	<b>Adopted</b>	<b>Minute</b>
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<b>Policy Area and Title</b>	<b>Number</b>	<b>Adopted</b>	<b>Minute</b>
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Roads – Farm Drainage onto Roads	E.109	30/06/2000	
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<b>Policy Area and Title</b>	<b>Number</b>	<b>Adopted</b>	<b>Minute</b>
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<b>Noxious Plants and Pests</b>			
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<b>Codes</b>			
Irrigation Culvert Crossings of Shire Roads	J.101		
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Off-Street Car Parking	J.201		
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Council Code of Conduct	J.401	16/06/2005	159
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## **Part A**

### **Building, Development and Other Council Approvals**

**A.101 Urban Development – Subdivision Standards**

Date Adopted: 17/08/2000

Minute Number: 280

**Objective:** To specify the standards required for any subdivision occurring within the urban areas of Darlington Point and/or Coleambally.

**Policy:**

The following conditions shall attach to town block subdivisions:

1. The applicant shall provide internal roads and provide for roads fronting the subdivision to be constructed to bitumen surface and kerb and gutter standards. All new roads in residential subdivisions shall have a carriageway 11 metres wide and nature strips with a minimum width of 3.5 metres on each side of the carriageway.
2. Provision is to be made in any survey plan for any nominated laneways involved to be widened to Council's requirements to provide adequate access to each separate allotment, at no cost to Council. A general standard of 11 metre carriageways and 3.5m footpaths is adopted for purposes of this requirement.
3. In the case of any plan having allotments fronting a main road, or any service road having direct access to a main road, Council retains the right to refer the application to the Traffic Committee for consideration prior to any final approval being granted.
4. The applicant shall provide for internal water and sewer services, including connection to Council's existing water and sewer systems, or shall contribute an amount to allow connection and, in addition, shall pay the appropriate headworks charges.
5. The payment of all fees and charges shall be finalised prior to the release of plans.
6. The applicant shall make suitable arrangements for the supply of electricity, telephone and similar services, at no cost to Council, if these services are required.
7. Allotments in each residential subdivision are to have a frontage of at least 18 metres and area of at least 600 square metres, subject to a frontage of at least 20 metres being provided where practicable.
8. Corner blocks shall be over 1200 square metres so as to provide for the requirement that corner blocks provide sufficient area for a 9 metre setback of buildings on both frontages.

**A.102 Urban Development – Coleambally Industrial Area**

Date Adopted: 19/09/1996

Minute Number: 332

**Objective:** To specify the standards required by Council for developments within the Coleambally Industrial Areas.

**Policy:**

- 1) The following conditions shall apply to developments in the Coleambally Light Industrial area:
  - a) Development plans shall be for the full development of the block including future staged development;
  - b) Where a galvanised iron shed is the first stage of development, it must be sited at least 9 metres back from the front of the block;
  - c) Any building development carried out within the 9 metres must be built with a frontage of brick or other suitable new material.
- 2) Where caretaker's quarters are approved, the industrial development shall be the predominant development on the land.

**A.103 Coleambally Lease Conversions**

Date Adopted: 17/12/1998

Minute Number: 510

**Objective:** To specify the conditions to apply to the conversion of Coleambally town blocks and to specify Council's requirement relating to the consolidation of Coleambally blocks.

**Policy:**

The following principles shall apply to the conversion in fee simple of Coleambally town blocks:

- \* Council's Solicitor shall be used for the necessary legal action.
- \* Legal fees and stamp duty shall be paid on application.
- \* The conversion price of the land may be paid on transfer or by six monthly rests over 7 years.
- \* The lease rent shall be applied in proportion to the balance outstanding on first day of July in the rating year.
- \* Lease rental shall be charged up to the date of transfer.
- \* Overdue instalments shall attract an interest charge at the rate applying to outstanding debtors.
- \* Debtor accounts will be forwarded to lessees one month prior to the due date.
- \* Offers to convert are to be ongoing and to apply to all Coleambally town block leases

Lessees of Coleambally blocks shall be required to consolidate adjacent lots, where two lots are leased, except where a dwelling or industrial building straddles the common boundary of such blocks.

**A.104 Rural Development – Subdivision Standards**

Date Adopted: 20/08/1981

Minute Number:

**Objective:** To specify the standards of roadworks required by Council for the subdivision of any rural property.

**Policy:**

In the case of rural subdivisions, the Council requires the developer to provide roads to a local gravel/ imported crushed rock pavement standard to each allotment in the subdivision.

**A.105 Residential and Industrial Land Sales**

Date Adopted: 16/01/03

Minute Number: 16

**Objective:** To specify conditions under which Council developed residential and industrial blocks will be sold.

**Policy:**

That Council not undertake to sell land with a survey report.

**A.201 Development Approval – Standard Conditions**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To clearly define the standard conditions applicable to development approvals so as to assist the developer and ensure that Council's decision-making process is consistent and transparent.

**Policy:**

Development approval is granted subject to the following standard conditions:

- (a) The issue of a valid Construction Certificate;
- (b) Compliance with all relevant parts of the Building Code of Australia; Local Government Act Regulations, SAA Codes, the approved plans and specifications and Council's policies;
- (c) Adequate notice (generally 48 hours) being given to allow inspection of all footing trenches prior to pouring concrete, all sub-floor areas prior to laying floors, all framing prior to cladding, all drains prior to covering, at "lock-up" stage and on completion;
- (d) Compliance with any alterations endorsed in red on the plans and specifications and any special conditions mentioned in Council's letter of approval;
- (e) No filling is to be placed on the block so as to:
  - \* direct stormwater onto an adjoining property; or
  - \* impede the natural flow of stormwater unless adequate alternative drainage works are provided; or
  - \* abut a boundary unless contained by a suitable retaining wall;
- (f) No heavy vehicle is to cross Council's kerb, gutter, footpath or water main unless adequate precautions are taken to prevent damage thereto;
- (g) Stormwater being piped to street gutter or Council drain where practicable (metal or PVC adaptor required for concrete kerb and gutter);
- (h) Protection from subterranean termites being provided in accordance with provisions of AS 366.01 – 1995 and clause B1.3 of the Building Code of Australia;
- (i) Provision of automatic fire detection and alarm systems in new and altered dwelling in accordance with the relevant Building Regulation Advisory Note;
- (j) Compliance with Council's Policy regarding dwellings not of slab-on-ground construction to be provided with fender walls up to floor level comprising:
  - \* brick or masonry with adequate footings and sub-floor ventilation;
  - \* solid weatherproof panelling of impact resistant material with
  - \* adequate sub-floor ventilation; or
  - \* closely spaced (max 10 mm) boarding suitably treated against rot or fungal attack;
  - \* with all such walls being subject to adequate protection from termite infestation;
- (k) No building being occupied until completed in accordance with the approved plans and specifications and these conditions of approval unless specifically permitted by Council.

**A.202 Building Works – Notification of Neighbours**

Date Adopted: 16/02/1994

Minute Number: 53

**Objective:** To identify the circumstances under which Council will notify neighbours of proposed building works and to outline the procedures to be employed in such notification.

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**Policy:**

**1. General**

- a) Under certain circumstances, Council is required to notify adjoining landholders of proposed building works, giving them the opportunity to make submissions regarding the application prior to its determination (See Annexure - Provisions of the Local Government Act 1993);
- b) The period of time allowed for inspection of plans and the making of submissions in respect of any application shall be ten days;
- c) If the adjoining land is owned by an "absentee landlord" Council may, at its discretion, issue a copy of the notification to a tenant of the premises.

**2. Criteria**

The following criteria have been adopted to determine the necessity to notify adjoining landholders with: -

- \* any building works proposed within the nine metre residential Building Line or within the statutory distances from side boundaries as permitted under the provisions of clause 57 of the Local Government (Approvals) Regulation for Class I buildings;
- \* any other building proposed to be closer than 900mm to a boundary except where the adjoining land is a public place;
- \* any building of more than one storey proposed to be erected within a residential area;
- \* any proposed building works not in accordance with Council's adopted codes and policies;
- \* any proposed buildings or works (including swimming pools) within a residential area from which undue noise or bright lighting could be reasonably anticipated;
- \* any proposed building within a residential area intended for any purpose other than single residential occupancy or domestic use;
- \* any proposed building which may, because of its size, type of construction or proposed use, in Council's opinion have a detrimental impact on adjoining land.

**3. Signature on Plans**

Council may accept the signature of landowners on development, building and subdivision plans as evidence that these landowners have viewed the plans and raise no objection to the proposal.

In these circumstances, Council requires plans of the proposal to be presented with the following details: -

- a) Name and address of adjoining land owners printed on the plan;
- b) The signature of the adjoining land owners; and
- c) Statement to the effect that the landowners raise no objections to the proposal.

**4. Consultation**

While Council is obliged to consider any submissions made prior to determining a building application, it must be understood the legislation does not necessarily give an adjoining land owner the power of veto over any proposed works.

If it appears to Council that personal discussions may be of value in reaching agreement in the case of a disputed application consultation will, if possible, be initiated with interested parties to reach an acceptable compromise or other satisfactory arrangement prior to determining the application.

**A.203 Building Works – Setback**

Date Adopted: 19/01/1995

Minute Number: 29

**Objective:** To provide a level of consistency in the appearance of residential buildings and preserve the amenity of the urban areas of Darlington Point and Coleambally.

**Policy:**

1. The building line within the residential areas of Darlington Point and Coleambally shall be nine (9) metres from the property boundary, subject to Council having the discretion to vary this requirement where the circumstances justify such action.
2. On corner blocks with an area of at least 1,200 square metres, a setback of 9 metres shall be required to both street frontages. Subdivisions that include corner blocks are to be designed so as to provide sufficient area to allow this requirement to be accommodated.

**A.204 Building Works – Site Filling**

Date Adopted: 17/10/1991

Minute Number: 360

**Objective:** To ensure that land works carried out to a building site do not adversely impact on drainage of the area or create problems for neighbours and to ensure that in the carrying out of such works no damage is caused to Council property.

**Policy:**

Filling of blocks in the town areas of Darlington Point and Coleambally shall comply with the following conditions:

- a) No filling is to be placed on the block so as to:
  - i) direct stormwater onto an adjoining property; or
  - ii) impede the natural flow of stormwater unless adequate alternative drainage works are provided.
- b) No fill is to be placed about a boundary unless contained by a suitable retaining wall.
- c) No heavy vehicle is to cross Council's kerb, gutter, footpath or water main unless adequate precautions are taken to prevent damage thereto. Council is to be reimbursed for the cost of repairs to any damage to its property caused by such works.

**A.205 Dwellings – Minimum Size and Specifications**

Date Adopted:

Minute Number:

**Objective:** To preserve the amenity of designated urban areas and ensure compliance with the Building Code of Australia.

**Policy:**

All detached dwellings in Murrumbidgee Shire shall comprise of at least two habitable rooms, with laundry, bathroom and toilet facilities in accordance with the requirements of the Building Code of Australia (BCA).

All building applications with a habitable area of less than 65 square metres shall be referred to Council for determination.

*Habitable room* is defined in the BCA to mean a room used for normal domestic activities and

- a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room and sunroom, but

- b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods

*Required facilities* (as specified in 3.8.3.2 of the BCA):-

- a) A Class 1 building must be provided with:
  - (i) a kitchen sink and facilities for the preparation and cooking of food; and
  - (ii) a bath or shower; and
  - (iii) clothes washing facilities, comprising at least one washtub and space in the same room for a washing machine; and
  - (iv) a closet pan and washbasin
- b) If any of the facilities in a) are detached from the main building, they must be set aside for the exclusive use of the occupants of that building

#### **A.206 Dwellings – Foundation Requirements**

Date Adopted:

Minute Number:

**Objective:** To require a standard of building construction that will preserve the amenity of the residential areas.

**Policy:**

This Policy does not apply to dwellings that feature slab on the ground construction or to elevated dwellings with parking space provided beneath the living area.

Building approvals for dwellings shall require fender walls up to the floor level comprising:

- a) brick or masonry with adequate footings and sub-floor ventilation; or
- b) solid weatherproof panelling of impact resistant material with adequate sub-floor ventilation; or
- c) closely spaced (10 mm gap maximum) boarding suitably treated against rot or fungal attack.

All fender walls shall be subject to adequate protection from termite infestation.

#### **A.207 Dwellings – Slabs / Footings**

Date Adopted: 15/08/2002

Minute Number: 238

**Objective:** To reduce the risk of damage to slabs/footings of new dwellings and major extensions and minimise potential repair costs to owners.

**Policy:**

1. Council requires that the slabs/footings of any new dwelling proposed to be built in Murrumbidgee Shire be designed by an appropriate qualified consulting engineer based on a site specific soil test, all in accordance with current Australian Standards.
2. Council similarly requires such design with respect to substantial extensions to any dwelling located in Murrumbidgee Shire. Whether or not an extension is “substantial” or not will be determined by the General Manager in each individual case after consideration of relevant details.

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**A.208 Dwellings – Flood Levels**

Date Adopted: 20/11/1997

Minute Number: 462

**Objective:** To ensure a reasonable measure of protection for dwellings erected in areas with the potential for flooding.

**Policy:**

A condition of approval for dwellings constructed in Village and Rural 1(C) Areas outside the levee bank shall be that the floor level be 500mm above the 1974 flood level.

**A.209 Dwellings –Occupation of Temporary or Moveable**

Date Adopted: 26/05/94

Minute Number: 147

**Objective:** To regulate the use of temporary or moveable dwellings in urban areas.

**Policy:**

Under the provisions of the Local Government Act 1993, Council's approval must be sought to erect and occupy a temporary dwelling or to install and occupy a moveable dwelling except as provided in Note (1).

Council's general policy is to only permit the occupation of temporary or moveable dwellings under the following circumstances:

- a) On-site while construction of an approved permanent dwelling is under way and under the conditions set out in Note (2).
- b) On non-residential land for caretaking purposes during certain seasons and under the conditions set out in Note (3).

*Note (1):* (Local Government Regulation 1993)

The following activities may be carried out without the prior approval of the Council subject to such conditions as are specified:

- a) *Installation of moveable dwellings for short periods.* The installation of a moveable dwelling on land, if the dwelling is installed for 2 days or less.
- b) *Installation of registrable moveable dwellings for owners.* The installation of a registrable moveable dwelling, if it is kept by its owner on land occupied by that owner in connection with that owner's dwelling-house, is used for habitation only by the owner or by members of the owner's household and maintained in a condition adequate for registration under the Traffic Act 1909.
- c) *Installation of registrable moveable dwellings for certain employees.* The installation of a registrable moveable dwelling, if it is kept on pastoral or agricultural land, is used for habitation only at certain seasons by persons employed in pastoral or farming operations on the land and is maintained in a condition adequate for registration under the Traffic Act 1909.
- d) *Installation of moveable dwellings on certain land.* The installation of a moveable dwelling, if it is installed on land dedicated or reserved under the Forestry Act 1916 as a State Forest, a timber reserve or a flora reserve.
- e) *Installation of moveable dwellings in approved caravan parks, camping grounds or manufactured home estates.* The installation of a moveable dwelling in an approved caravan park, camping ground or manufactured home estate, if the moveable dwelling is designed, constructed and installed in accordance with the applicable requirements.



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*Note (2):*

Approval is normally considered for occupation of temporary accommodation during dwelling construction subject to the following conditions being complied with:

- a) Plans for the erection of a permanent dwelling on the subject lot must be first approved by the Council;
- b) The permission is granted for a period not exceeding twelve months;
- c) The temporary or moveable dwelling is to be occupied only by owner and his immediate family;
- d) The owner must make written application for any extension of time;
- e) Approved arrangements are to be made for the provision of ablutions facilities, water supply and waste disposal services;
- f) Immediately upon the completion and occupation of the permanent dwelling, all services are to be removed from a temporary dwelling unless otherwise approved.

*Note (3):*

Approval will be considered for essentially short-term occupation of non-residential premises in a caretaking role during such seasonal activities as harvest time where valuable machinery and other items may be otherwise unattended. The following conditions will apply:

- a) the premises may only be occupied by the owner or lessee of the premises or an employee of the owner or lessee for a period of up to three months;
- b) only one occupation per premises will be permitted;
- c) approved arrangements are to be made for the provision of ablutions facilities, water supply and waste disposal services;
- d) the site is to be maintained in an orderly manner

*Definitions:*

For the purposes of this code the following definitions apply:

- *Moveable dwelling* means (Local Government Act 1993)
    - a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation; or
    - b) a manufactured home; or
    - c) any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition
  - *Occupation means usage for human habitation.*
  - *Temporary dwelling means premises not normally designed or intended for human habitation.*
- (Minute No. 147 - 26/05/94)

**A.210 Building Over Sewer/Drainage Lines and Easements**

Date Approved: 16/06/2005

Minute Number: 171

**Objective:** This policy has been designed to protect Council sewer and drainage assets and is based on current standards.

**Policy:**

- (a) Building over sewer/drainage lines and easements is to be avoided wherever possible and is not permitted unless approved by Council.

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- (b) Council may consider granting approval in the following circumstances:-
- where the sewer/drainage pipe is not a main trunk line,
  - where development is considered desirable,
  - where it is impossible or uneconomical to avoid building over lines or easements,
  - where the building will not preclude access for future repairs and maintenance.
- (c) Any approval to build over a sewer or main, will be subject to one or more of the following conditions:-
- (i) That the main is modified so as to minimise the risk of future problems, this will normally be achieved by the following means;
    - Replacing the entire length of pipe under the proposed building and a minimum of two metres clear of it, using uPVC pipe sleeved in a larger diameter pipe backfilled with stabilised sand.
    - Relining the entire access chamber length of line utilising a structural liner.
    - Relocating the new line to a new location. This option is only available when a detailed design shows that an alternative location is possible and that such location doesn't impact adversely onto the capacity of the line and sewer/drainage system.
    - Installing access chambers/pits a minimum two metres clear of the building and on either side, with vehicular access to at least one chamber/pit.
  - (ii) That the building is designed so as not be vulnerable to settlement or other problems that could result from the presence of the line. This will normally be achieved by having the footing system designed by a suitably qualified engineer or by keeping footings and piers clear of, and bridging the sewer/drainage pipe, designing the building so that no access chambers are built over, locating internal walls and designing floor slabs such that access openings, could if necessary, be cut to allow emergency access to the line.
  - (iii) That Council be indemnified from all risks associated with the presence of the line. In all cases other than temporary buildings (ie prefabricated garden sheds) this is by way of Deed of Indemnity.
  - (iv) That access to the line for maintenance work be guaranteed at all times.

**A.211 Relocated Buildings**

Date Adopted: 15/05/03

Minute Number: 180

**Objective:** Council has adopted the following policy with regard to all proposals to relocate existing buildings to sites within Murrumbidgee Shire. Certain difficulties have arisen in the past regarding the time taken to complete some of these developments to a satisfactory level and the compatibility of some of them to their new surroundings.

Before deciding to proceed with a relocation proposal or committing any finance, potential applicants should satisfy themselves on the following issues:-

- a) is the building compatible to its proposed new surroundings;
- b) is sufficient finance available to complete the project within a reasonable time, considering it can't be occupied until completed;
- c) is it a truly financially viable proposition considering its purchase and moving costs, the repair and renovation costs, and the eventual value of the relocated building?

With regard to a), Council will take into account the height, bulk, design and construction of the building and its relationship to the existing streetscape during consideration of a development application; as well as any submissions put forward by the owners of neighbouring properties and members of the public.

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Council's staff is available to assist with advice on any of the above matters.

**Policy:**

1. Prior to the relocation of any building to a site within the Murrumbidgee Shire, a Development Application is to be submitted detailing the existing location of the building, its proposed relocated site, its proposed use, and providing detailed plans of the building and any proposed renovations or additions;
2. The building is then to be inspected by Council's Building Surveying staff in order to determine its condition and compliance with regulations (at the applicant's expense if it is situated outside the Murrumbidgee Shire area);  
or alternatively,  
The applicant may supply a certificate from a qualified person indicating that an inspection has been carried out and detailing the condition of the building and its compliance with regulations, backed up by clear colour photographs of each elevation;
3. The applicant is to submit proof of financial ability to complete all necessary works and provide a written undertaking to carry out all works to completion within a period of not more than twelve months from the date of approval;
4. The Development Application is to be advertised locally and the owners of adjoining properties are to be notified allowing at least ten clear days for submissions prior to its consideration by Council;
5. In determining the application, Council is to take into consideration any submissions made as above, together with its existing policies and the provisions of section 90 of the Environmental Planning and Assessment Act;
6. Any approval granted is to be subject to the submission of a Building Application for approval and any other condition seen to be necessary to ensure the relocated building meets all requirements.

**A.212 Residential Areas – Outbuildings**

Date Adopted: 15/12/1988

Minute Number: 486

**Objective:** To preserve the amenity of the urban areas by prescribing the standards required for outbuildings.

**Policy:**

The following guidelines shall apply for the erection of buildings classified as Outbuildings within Zone 2(v) of Coleambally and Darlington Point townships:

- a) Maximum height shall be 3.3 metres;
- b) Any wall over 2.4 metres in height is to be Colourbond (or similar) if of steel; or brick or other masonry; or painted if of other cladding material;
- c) All cladding material is to be new;
- d) Engineer's drawings and/or certification will be required at the discretion of the Director, Environmental Services.
- e) Building applications will not be required for commercially available "garden sheds" to a maximum size of 12 sq. metres.

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**A.213 Residential Fencing Requirements**

Date Adopted: 19/9/1995

Minute Number: 415

**Objective:** To preserve the amenity of residential areas by specifying the standard of fencing required.

**Policy:**

Boundary fences in the residential areas of Darlington Point and Coleambally shall comply with the following:

- a) With the exception of certain corner blocks, no fence within 9 metres of any street frontage is to exceed one metre in height.
- b) In the case of corner blocks under 1200 square metres, one street may be nominated as the "frontage". Subject to neighbour notification, the above restriction is to apply to that frontage and for a distance of 9 metres from the corner along the side street.
- c) Fences are not to exceed 1.8 metres in height.
- d) Any sheet metal or other sharp-edged fencing material is to be fitted with suitable capping.
- e) All materials are to be new or of approved quality, if second hand.
- f) Any variation of this Policy is to be by specific resolution of Council.

**A.214 Dividing Fences – Contributions**

Date Adopted: 15/06/2000

Minute Number: 191

**Objective:** To specify the contribution Council will make towards the cost of boundary fencing separating Council owned residential or industrial properties and adjoining properties.

**Policy:**

Council will meet half the reasonable cost of constructing a dividing fence between Council owned residential or industrial properties and the adjoining property. The sale price of the Council property shall be increased by the amount of any such contribution made.

Such payment will be subject to the following:

1. the adjoining owner is to submit to, and have accepted by, Council at least two quotations from accredited tradesmen for the work prior to any work commencing,
2. the fence is to be of new materials of double-sided steel "colourbond" panel construction;
3. all work is to be in accordance with the Fencing Policy and approved by Council prior to construction with estimated costs agreed between the parties;
4. payment to be made on satisfactory completion of the work;
5. the Policy applies only to adjoining residential or industrial land owned by Council.

**A.215 Disabled Access to Shop Premises**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To encourage and facilitate the provision of disabled access to existing retail premises by allowing part of the footpath reserve to be used for this purpose.

**Policy:**

Disabled persons' access to existing premises shall be permitted on Council's footpaths in retail centres subject to:

1. all work being carried out to Council's requirement and in compliance with the provisions of AS1428 (Set)-2003 (Design for Access and mobility Set);

2. the design being a mounded shape with a non-slip surface, no abrupt change in level or protruding obstruction with at least 50% of the footpath width kept clear;
3. all costs being borne by the proponent, including an agreement to accept responsibility for any future maintenance work; and
4. the works being subject to at least annual inspection by Council with any necessary remedial notices to be issued as above.
5. the public liability Policy of the owner of the premises being extended to indemnify Council against any claims that may arise as a consequence of the existence or use of the structure.

**A.301 Urban Tree Removal**

Date Adopted: 18/04/1996

Minute Number: 131

**Objective:** To maintain the amenity of the urban areas by preserving existing trees and permitting the removal of established trees only in specific circumstances.

**Policy:**

Removal of trees on premises within the town areas of Darlington Point and Coleambally will be permitted, subject to written approval of Council, only in the circumstances where such trees are:

- a) in such a position so as to interfere with the construction of a building or a driveway;
- b) dead or diseased or damaged in such a way as to be unsightly or dangerous;
- c) causing damage to or interfering with the proper maintenance of buildings, fences, paths and drains;
- d) deemed unsuitable for the proposed development of the land, in which case removed trees are to be replaced by suitable varieties as shown on a comprehensive landscape plan submitted for approval.

No tree removal is to take place prior to the receipt of the Council's written approval.

**A.302 Urban Tree Planting**

Date Adopted:

Minute Number:

**Objective:** To clearly define the species and number of trees planted on any section of the nature strip in urban areas of Murrumbidgee Shire.

**Policy:**

**1. Tree Planting**

- a) Council will provide and plant suitable trees on nature strips provided that:-
  - i) a written application (on the appropriate form) is made for such a planting and contains an undertaking from the applicant that the trees, once planted, will be watered and otherwise maintained by the applicant;
  - ii) trees so provided shall be of a type that is specified in Council's "Approved Species" list;
  - iii) the total number of trees on any section of nature strip (including existing trees) does not exceed two (2) for each property frontage, except where Council may determine that additional trees are warranted as the property frontage is significantly longer than normal or other unusual circumstances exist.
- b) Residents or landowners wishing to plant additional trees on nature strips, at their own cost, may do so provided that such trees are of a type listed on Council's "Approved Species" list and provided that such plantings are located so as to minimise future problems in regard to

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Council facilities (such as kerb and gutter, footpaths, drainage, sewer and water mains, etc), power lines and safety of pedestrians or traffic shall apply to Council for consent.

- c) Council may remove or relocate any nature strip tree planted without prior approval if it is of the opinion that the location or type of tree will, in the future: -
- i) cause damage to water mains, sewer mains, drainage lines, footpaths, kerb and gutter or other Council or public facilities; or
  - ii) cause fouling of power lines; or
  - iii) cause a safety hazard to pedestrians or vehicular traffic.

### 2. *Tree Maintenance and/or Removal*

- a) Matters concerning maintenance and/or removal of trees will normally be referred to the Works and Planning Committee of Council for consideration and recommendation to Council.
- b) Council may arrange, either independently or in conjunction with Country Energy, for the trimming of street trees to prevent their fouling power lines in accordance with the Vegetation Management Agreement between Murrumbidgee Shire Council and Country Energy.
- c) The Director of Technical Services may arrange for the trimming, lopping or removal of any street tree that poses a pressing and significant threat to the safety of pedestrians, property or vehicular traffic.
- d) The Director of Technical Services may arrange for the removal of any street tree that is dead.
- e) Written applications for the trimming, lopping, removal or replacement of any street tree shall be determined by the Works and Planning Committee of Council in accordance with the following guidelines:-

Criteria that *may be* considered as justifying action:

- \* serious and significant danger to life and/or property,
- \* proven trigger for allergic reactions,
- \* inhibits commercial or industrial development of a site,
- \* proven harbour for white ants or other infestations which cannot be effectively and economically treated by other means,
- \* serious damage to Council and/or public facilities,

Criteria which will not be considered as justifying action:

- \* dropping of leaves, twigs or other litter,
- \* overshadowing of property,
- \* obscures, or otherwise detracts from advertising signage.

- f) Under no circumstances will Council give approval to residents and/or land owners to undertake any lopping, trimming or removal of street trees.

### 3. *Penalties*

- a) At the discretion of the General Manager, action may be taken under Section 629 of the Local Government Act, 1993, to prosecute any person who damages any street tree;
- b) At the discretion of the General Manager, authorised officers of Council may issue an automatic fine under the Self Enforcing Infringement Notice System (S.E.I.N.S.) to any person who damages or removes any street tree.

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**4. Notification**

All persons making inquiries regarding development proposals shall be made aware of this Policy.

(A Tree List and Application Letters may be found at G:\Management\policies\policy register attachments\A302.doc)

**A.401 Amusement Devices**

Date Adopted: 19/11/1998

Minute Number: 211

**Objective:** To curtail the need for approvals for short-term amusement devices operated by not-for-profit organisations.

**Policy:**

Exemption from registration under the Construction Safety Act shall be granted to amusement devices meeting the following criteria:

- \* The device is set up for weekend operation (1-3 days) and operated only as an ancillary attraction at fetes, picnics and fund raising events for registered charities, schools, churches, social clubs and the like;
- \* If the device is of a rotating type, the maximum rotation speed is 14rpm
- \* The exemption is to be available for any small, power-operated device intended for children 12 years of age or younger, of a type or design similar to:
  - Merry go rounds
  - Mini ferris wheels
  - Battery operated cars
  - Small chair-o-plane rides
  - Small platform rides
  - Miniature railways
  - Trackless trains

**A.501 Animals – Limits on Keeping in Towns**

Date Adopted: 20/02/1992

Minute Number53

**Objective:** To preserve the amenity and protect the lifestyles of urban dwellers by placing restrictions and controls on the keeping of animals within the townships of Darlington Point and Coleambally.

**Policy:**

Pursuant to section 124 of the Local Government Act, the Council of the Shire of Murrumbidgee outlines that:-

1. The acceptable number of animals to be kept on land within the established town areas of Darlington Point and Coleambally are as follows:-
  - a) No horses, cows or pigs; or
  - b) No more than 12 head of poultry of any kind; or
  - c) No more than two dogs over the age of six months; or
  - d) No more than two cats over the age of six months; or
  - e) No more than one goat or sheep.
2. While the acceptable numbers outlined in subsection 1 are to be used only as guidance for town residences, these numbers may be enforced where health, safety, amenity or animal

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welfare problems are identified.

3. Where a resident chooses to ignore the guidance for acceptable numbers outlined in subsection 1.
  - a) A horse, cow or pig shall not be kept nearer than 18 metres:
  - b) Poultry shall not be kept closer than 12 metres from any dwelling shop, school, factory, office, workshop, church, public hall, or any premises used for the manufacture, preparation or storage of food.
4. An offence against this Order shall constitute an offence under section 628 of the Local Government Act and every person guilty of such an offence shall, for every such offence, be liable to a penalty not exceeding the amount stipulated by section 628 of the Local Government Act.

**A.601 Mobile Food Vendor Standards**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To guard against possible health risks to consumers by specifying the minimum standards to apply to mobile food vendors operating within Murrumbidgee Shire.

**Policy:**

It is recognised that mobile food vendors will not always be able to comply with the strict constructional requirements of the National Code for the Construction and Fit-out of Food Premises. It is also recognised that the amount of food preparation carried out in such premises is usually of a limited nature.

The following minimum standards shall apply to mobile premises in which food is prepared for human consumption:

1. *Walls and ceilings:* to be of glossy, smooth-faced materials capable of being easily cleaned;
2. *Floors:* to be of smooth finish capable of being easily cleaned;
3. *Bench tops:* to be of solid construction with a hard, smooth, heat-resistant surface capable of being easily cleaned;
4. *Sinks and basins:* a double bowl sink or single bowl sink plus handbasin is to be provided, together with a sufficient supply of clean water, suitable means of heating water to a minimum temperature of 77°C and adequate drainage facilities. Water proof splash-backs are to be provided to sinks and handbasins, and properly sealed against the adjacent walls and benches;
5. *Ventilation and fly proofing:* adequate ventilation is to be provided to disperse cooking fumes and all openings are to be fly-proofed. Open serving areas are to be fitted with opening or sliding hatches;
6. *Waste disposal:* sufficient bins with close-fitting lids are to be provided for collection of waste within the premises, and external bins or other receptacles are to be provided for the use of customers.

All appliances and surfaces are to be kept in a good state of repair and in a clean condition.

The food-handling requirements of the Food Act shall apply including the temperature requirements for holding hot or cold food (including sandwiches, salad rolls and the like), personal hygiene and cleanliness and storage requirements for the various classes of food, all apply.



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**A.701      Signage – Tourist and/or Advertising**

Date Approved: 15/12/2005

Minute Number: 346

**Objective:** To ensure that proper approval is obtained for all signage near Coleambally and Darlington Point.

**Policy:**

That all applications for Tourist and/or Advertising signage within 5kms of Coleambally and Darlington Point be placed before Council for approval and further any signs that are constructed without approval are to be removed before any consideration is given for approval.

**A.702      Signage – Footpath Displays**

Date Adopted: 19/02/1998

Minute Number: 65

**Objective:** To permit the use of footpath areas in conjunction with adjacent businesses whilst requiring standards that minimise any risk and/or inconvenience to the general public.

**Policy:**

Any table, chair, sign, rack, bin or other object placed within the road reserve as an adjunct to business premises need not have Council approval provided the object conforms with the following guidelines:

- a) is directly in front of the premises served
- b) is structurally sound, not subject to being blown or pushed over, at least 800 mm high and easily seen;
- c) is located off the paved footway; or
- d) if located on the footway is placed against the front wall of the premises and protrudes no further than 600 mm into the pedestrian area; and
- e) the owner or occupier of the business premises utilising the road or footpath reserve is to have adequate Public Liability Insurance extended to cover any such display or advertisement and indemnifying Council, evidence of which is to be produced to Council or its officers on demand.

**A.801      Vehicular Access off Council Land**

Date Adopted: 18/09/2003

Minute Number: 313

**Objective:** To clarify Council's position on private vehicular access from green areas and other Council owned lands specified for future uses.

**Policy:**

1. That no vehicular access to any privately owned allotment be permitted from any Council land other than from a public road immediately adjoining the allotment,
2. that no gates or doors in any sheds or fences on or bounding a privately owned allotment capable of admitting motor vehicles be permitted to open onto or give access to or from any Council land other than a public road, and
3. that no vehicles, attachments or other materials be permitted to be parked or stored on any Council land other than for the lawful parking of registered vehicles on a public road, with the exception of Council land which is the subject of a specific lease or agreement.

## **Part B**

### **Conferences and Payment of Expenses**

**B.101 Conferences – Shires Association**

Date Adopted:

Minute Number:

**Objective:** To ensure that Council has adequate representation at conferences of the Shires Association of NSW and that those representing Council are appropriately reimbursed for doing so.

**Policy:**

1. The annual conference of the Shires Association of NSW shall be attended by the Mayor as Council's delegate, and by the General Manager as an observer, or by their nominees. Council approval is required for the attendance of any other observer(s).
2. Regional conferences of the Shires Association are to be attended by the Mayor and General Manager, and any other interested Councillors or Senior Staff Members desiring to do so.
3. Registration fees, accommodation, travel and reasonable expenses for delegates and approved observers attending the annual conference of the Shires Association shall be borne by Council.

**B.102 Conferences – Staff Professional Associations**

Date Adopted: 20/02/1992

Minute Number: 52, 53

**Objective:** To provide the opportunity for staff members to attend conferences of their professional associations.

**Policy:**

1. Senior Staff are authorised to attend Annual Conferences and Group and Regional Meetings of their respective professional associations.
2. The registration fees, accommodation, travel and reasonable out of pocket expenses will be met by Council for the attendance by staff of the annual conferences of their respective professional associations.
3. The payment by Council of expenses for attendances at regional and/or group meetings of professional associations shall be limited to registration fee, travel and reasonable out of pocket expenses.

**B.103 Conferences – Miscellaneous Provisions**

Date Adopted: 16/04/1992

Minute Number: 122

**Objective:** To provide reasonable out of pocket expenses for those representing Council at conferences, seminars, workshops and the like.

**Policy:**

Expenses which are not covered by an existing Policy and which relate to the attendance by Councillors or authorised staff at seminars, conferences, workshops and the like, shall be subject to approval by Council with the exception being that where circumstances do not allow for such approval to be obtained prior to the event, that registration fees of up to \$500 shall be paid and a vehicle provided for travel, with accommodation to be at the discretion of Council.

**B.201 Councillors – Payment of Expenses and the Provision of Facilities to Mayor and Councillors**

Date Adopted: 21/09/2006 Amended 19/09/2007, 20/11/2008

Minute Number: 317/2008

**Part 1 Introduction**

**Adoption and Commencement of the policy**

This policy was adopted by Council on 20<sup>th</sup> November, 2008 to commence on that date and replaces the previous policy that was adopted by Council on 19<sup>th</sup> September, 2007.

**Purpose of the Policy**

The purposes of the policy are:

1. to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by councillors, and
2. to ensure that the facilities provided to assist councillors to carry out their civic duties are reasonable.

**Objectives and Coverage of the Policy**

- To provide appropriate and reasonable facilities to enable the mayor, deputy mayor and councillors to fulfil their civic responsibilities and obligations
- To provide clear guidelines on what types of expenses councillors are entitled to claim payment for or reimbursement from the Council
- To ensure that no councillor suffers financial hardship in meeting his/her legitimate civic responsibilities and obligations
- To meet the statutory requirements of sections 252 and 253 of the Local Government Act 1993 and section 403 of the Local Government (General) Regulation 2005

**Reporting Obligations**

Section 428 of the *Local Government Act 1993* requires councils to include in their 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
- additional information as required by Clause 217 of the Local Government (General) Regulation 2005.

**Legislative Provisions**

*Provisions under the Local Government Act 1993*

Sections 252(5) and 253 of the *Local Government Act 1993* require councils to make and submit their expenses and provision of facilities policies annually to the Department of Local Government.

Section 252 of the *Local Government Act 1993* requires councils to adopt or amend a policy annually for the payment of expenses and the provision of facilities to mayors, deputy mayors and other councillors. Mayors and councillors can only be reimbursed for expenses and provided with facilities in accordance with this policy.

Section 252 also makes provision for a council to reduce the amount payable to mayors and councillors (under sections 248-251 of the *Local Government Act 1993*) by the amount representing any private benefit of a facility provided by the council to them. It also requires that the policy be made under the provisions of this Act, the Local Government (General) Regulation and any relevant guidelines issued under section 23A of the Act.

**Legislative Provisions (cont...)**

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- (1) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to the mayor, the deputy mayor (if there is one) and the other councilors in relation to discharging the functions of civic office.
- (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councilor of a facility provided by the council to the mayor or councilor.
- (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to the mayor, the deputy mayor (if there is one) or a councilor otherwise than in accordance with a policy under this section.
- (4) A council may, from time to time, amend a policy under this section.
- (5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under Section 23(a).

Section 253 specifies actions that council must undertake before a policy concerning expenses and facilities can be adopted or amended.

- (1) A 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.
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.
- (3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.
- (4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:
  - (a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1); and
  - (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response; and
  - (c) a copy of the notice given under subsection (1).
- (5) A council must comply with this section when proposing to adopt a policy each year in accordance with Section 252(1) even if the council proposes to adopt a policy that is the same as its existing policy.

Section 254 requires that a part of a council or committee meeting which considers the adopting or amending of such a policy must not be closed to the public.

Section 12 provides that the public is able to inspect during office hours at the council, and at no charge, the current version and the immediately preceding version of the council's expenses and facilities policy. The public are also entitled to a copy of the policy either free of charge or on payment of a reasonable copying charge.

Section 23A makes provision for the Director-General of the Department of Local Government to prepare, adopt or vary guidelines that relate to the exercise by a council of any of its functions. It also requires that a council must take the relevant guidelines into consideration before exercising any of its functions.

*Other Government policy provisions*

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DLG Guidelines for payment of expenses and provision of facilities

Model Code of Conduct

DLG Circulars to councils

ICAC publication "No Excuse for Misuse, preventing misuse of council resources"  
([www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)).

### **Approval Arrangements**

For councillors wishing to attend a function other than those specifically covered by this policy and for which expenses will be claimed, approval should be obtained where possible at a full council meeting. Where this is not possible, approval is to be provided jointly by the mayor and general manager and reported to the next council meeting.

If the mayor requires approval to travel and it is not possible to place the matter before a council meeting, the approval is to be provided by the deputy mayor and the general manager and reported to the next meeting.

No travel outside of Australia is to be approved other than by council resolution.

## **Part 2 Payment of Expenses**

### **General Provisions**

#### **Payment of expenses generally**

##### *Claiming of Expenses*

All claims for expenses are to be in writing and submitted within two months of the expense being incurred. Claims are to be supported by the submission of appropriate receipts and tax invoices.

##### *Allowances and Expenses*

Where the business of councillors requires councillors to travel from home and/or obtain overnight accommodation, the actual cost of those expenses and other reasonable incidental expenses shall be met or reimbursed by the council.

Incidental expenses shall include reasonable costs for accommodation, travel, meals and the reasonable cost of drinks accompanying meals, telephone calls, taxi, bus and train fares, parking fees and any other reasonable out-of-pocket expenses.

Councillors shall meet any additional costs associated with the attendance of their partners unless such attendance is specifically covered elsewhere in this policy.

Where a Councillor incurs sustenance expenses that arise from attending to business which has been approved in accordance with this policy, but does not involve an overnight stay and/or absence from the Shire, reimbursement of actual costs incurred will be paid provided that there is adequate substantiation of the expenditure.

##### *Reimbursement and reconciliation of expenses*

Councillors are to provide receipts or other appropriate documentation to support all claims for reimbursement or substantiate payments from advances.

##### *Corporate Bankcard*

The General Manager is authorised to operate a corporate credit card in the Council's name for the payment of expenses associated with the operation of this policy and other reasonable expenditure incurred on behalf of Council. Appropriate documentation is required to be provided for all transactions charged to the corporate credit card.

##### *Payment in Advance*

Where it is likely that a Councillor will incur expenses as a result of attending to business outside the council area, and where it is not possible for those expenses to be pre-paid or charged directly to the Council, the councillor is entitled to claim a sustenance allowance of \$100 per night to be

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drawn in advance.

Such an allowance is not authority to incur unsubstantiated expenses to that amount. Any expenses paid from the sustenance allowance shall be fully substantiated and the unexpended balance of the sustenance allowance repaid to Council. The pre-payment of the allowance is not to be regarded as a general expenses allowance.

*Staff Expenses*

The method of expenses adopted for Councillors shall also apply to senior staff where representing council or at functions authorised by the council.

**Establishment of monetary limits and standards**

*Accommodation*

Accommodation is to be reasonable and appropriate to the occasion. As a guide the limit on accommodation in capital cities is \$250 per night and in other centres \$120 per night. Where the accommodation is provided at the facility where the event is being staged (as is the case for the Shires Association Conference), the policy provides for accommodation to be provided at that location even if the cost of the accommodation exceeds the nominated limit.

*Sustenance*

Sustenance shall be limited to an amount of \$100 per day.

*Childcare*

Childcare expenses of up to \$20 per hour and a maximum of \$600 per financial year will be paid to allow councillors to perform official civic duties. The care is not to be provided by someone who normally lives at the Councillor's residence.

**Spouse and partner expenses**

Council shall meet the cost of the attendance of partners at the conference dinner at the annual conference of the Shires Association of NSW. Any additional costs associated with travelling, accommodation and/or participation in partners' programs shall be the responsibility of the councillor.

Council shall meet the costs of partners accompanying councillors to functions in the local area where the councillor is attending the function as a representative of council.

Council shall meet the costs of a partner accompanying the mayor, or a councillor representing the mayor, to functions where the mayor or councillor is attending the function as a representative of council.

In situations where partners accompany councillors at seminars, conferences and the like, all additional costs arising from the partner's attendance are the responsibility of the councillor.

***Specific Expenses for Mayor and Councillors***

**Attendance at seminars and conferences**

*Shires Association Annual Conference*

Council shall be represented at the annual conference of the Shires Association by the Mayor, General Manager and their spouses. Two additional Councillors may be permitted to attend the Conference to gain experience and/or network with other Councillors subject to a specific resolution(s) of Council approving such attendance.

In the event that one or more of the delegates nominated above is unable or unwilling to attend, Council shall nominate an alternative delegate(s) with preference to be given to councillors who have not previously attended an annual conference.

In addition to the delegates nominated above a councillor not seeking re-election at the next general election and entitled to receive a Shires Association long service certificate shall be entitled to attend a conference in the final year of a term of Council to partake in the presentation

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of such certificates.

*F Division Conferences and Presidential Tours*

It shall be the policy of Council for those councillors wishing to do so to attend conferences of F Division of the Shires Association and the Presidential Tours periodically conducted by the LGSA.

*Other Conferences and Seminars*

Attendance at other conferences and seminars shall require the specific approval of Council as provided for elsewhere in this policy.

After returning from the conference, councillors or a member of council staff accompanying the councillor/s, should provide a written report to council on the aspects of the conference relevant to council business and/or the local community. No written report is required for the Annual Conferences of the Local Government and Shires Associations.

Council shall pay conference registration fees charged by the conference organisers including the costs of related official lunches and dinners, and associated tours where they are relevant to the business and interests of the council.

**Training and educational expenses**

Council will meet all reasonable expenses associated with training that relates directly to a councillor's duties and obligations as an elected member.

**Travel arrangements and expenses**

*Form of Travel*

The Mayor and the General Manger are empowered to determine the mode of travel having regard to availability, economy, time and safety factors when travel is required outside the Council's area.

Air travel within Australia shall be economy class, unless otherwise specified by Council.

When travelling by vehicle, a suitable Council vehicle will be provided. If a Council vehicle is not available or it is not feasible to use a Council vehicle, Councillors will be paid the prescribed kilometre rate in the Local Government (State) Award for using their own vehicle. Should a Councillor decide to use their own vehicle when a Council provided vehicle is available, they will be reimbursed on the basis of fuel costs only.

Wherever possible, every effort is to be made to minimise travel costs through the use of Council vehicles and sharing with other Councillors and staff where appropriate.

Typically, a Councillor's private vehicle is likely to be used for:

- travel to / from Council and Council Committee meetings,
- travel to / from authorised inspections,
- travel to / from Council authorised workshops, courses, seminars or conferences that are held within the area of Murrumbidgee Shire Council.

Reimbursement will not be paid for any travel expense incurred through attending to civic needs except as provided by this policy.

Council staff shall under normal circumstances make arrangements and bookings for travel and accommodation needs.

**Care and other related expenses**

*Child and Other Care*

Reasonable expenses of a carer will be reimbursed for childcare and care of frail aged and/or disabled individuals who reside at the councillor's household and for whom the councillor is the primary carer while the councillor is attending council and committee meetings, or while representing the Council in an official capacity.

**Insurance expenses and obligations**

Council shall make provision for the following insurance cover for councillors:



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- Public liability (for matters arising out of councillors' performance of their civic duties and/or exercise of their council functions)
- Professional indemnity (for matters arising out of councillors' performance of their civic duties and/or exercise of their council functions).
- Personal injury while on council business.

### **Legal expenses and obligations**

Council shall indemnify or reimburse the reasonable legal expenses of:

- (a) a councillor defending an action arising from the performance in good faith of a function under the Local Government Act (section 731 refers); or
- (b) 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; or
- (c) a councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the councillor.

Council will not meet the costs of an action in defamation taken by a councillor or council employee as plaintiff in any circumstances. Council will not meet the costs of a councillor or council employee seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

## **Part 3 Provision Of Facilities**

### **General Provisions**

#### **Provision of facilities generally**

Council facilities and equipment shall only be used by Councillors in the performance of the functions of a Councillor and in the manner prescribed and authorised by Council.

Council shall supply councillors with appropriate meals, refreshments and/or beverages associated with Council and committee meetings and functions.

Council will provide Councillors with a name-badge and business cards.

#### **Provision of Equipment and Facilities for Councillors**

##### **Private use of equipment and facilities**

Councillors may have access to Council telephones during hours when the council administrative office is open.

Councillors may send and receive messages using Council facsimile machines during hours when the Council administrative office is open.

Except in an emergency, Councillor's use of Council's telephone and facsimile machines shall relate to the business of Council only.

Councillors may use a Council letterhead to provide personal references in their capacity as a councillor.

#### **Provision of Additional Equipment and Facilities for Mayor**

Appropriate secretarial support will be provided for undertaking the duties of Mayor.

Appropriate refreshments and beverages will be provided as required to the Mayor for hospitality purposes.

Council shall, if required, provide and maintain a facsimile machine for the use of the Mayor at his/her place of residence.

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**Part 4      Other Matters**

**Acquisition and returning of facilities and equipment by Councillors**

Councillors shall have the option to purchase council equipment provided to the councillor at an agreed fair market price or written down value as determined by the Mayor and General Manager.

Where no prior arrangements have been made councillors shall deliver to the General Manager any equipment provided by the council prior to the commencement of extended leave and within seven days after the date of completion of the term of office or cessation of their civic duties.

**Status of Policy**

This policy will be reviewed annually in accordance with the requirements of the Local Government Act and Regulations.

**B.202      Councillors – Presentation of Certificates**

Date Adopted: 19/09/1999

Minute Number: 318

**Objective:** To provide for appropriate recognition of the public service provided by councillors.

**Policy:**

Councillors will, on application, be awarded a local Certificate, as currently presented after 8 years in Office, if a Councillor retires after 1 term.

## **Part C**

### **Council Financial Operations**

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### **C.101 Purchasing of Goods and Services and the Disposing of Surplus Goods**

Date Adopted: 30/6/2000

Minute Number:

**Objective:** To define the practices regarded as being acceptable and in the Council's and the public's best interests when dealing with the purchasing of goods and services and the disposal of goods deemed to be surplus to the Council's requirements.

**Policy:**

1. Department heads shall be responsible for the purchasing of routine goods and services related to their particular expenditure votes. Purchases of capital items are to be approved by Council either by prior approval or endorsement of urgent purchases.
2. Competitive prices shall be obtained, where possible, and advantage taken of bulk stock and equipment purchases on the Government Stores list and from specific contract suppliers with due regard to carriage of goods and due consideration being given to local suppliers.
3. An official order shall be prepared prior to entering into any commitment to purchase goods and services.
4. Prices or estimates shall be quoted on the office and book copy of orders, where possible.
5. Used or surplus material, plant or equipment, with an assessed value of \$500 or less, shall be disposed of by auction or tender with disposal of items having an assessed value in excess of \$500 being referred to Council.
6. Items, which fail to sell by auction or tender, may be disposed of at the discretion of the General Manager.

### **C.201 Gravel Royalties – Payment**

Date Adopted: 16/05/1996

Minute Number: 170

**Objective:** To specify reasonable rates for the payment of gravel royalties.

**Policy:**

Gravel Royalties will be paid on the following basis for gravel extracted from private land:

- \* 80 cents per cubic metre for Noonameena, Uri East, Tubbo and Cattnach pits; and
- \* 50 cents per cubic metre for all other pits

### **C.202 Private Works – Payment**

Date Adopted: 20/02/1992

Minute Number: 53

**Objective:** To ensure Council's interests are protected in dealings with previous defaulters.

**Policy:**

Private works shall not be carried out for a person or company who have previously not complied with Council's payment schedules unless payment is received in advance.

### **C.301 Aggregation for Rating Purposes**

Date Adopted: 19/04/2001

Minute Number: 144

**Objective:** To encourage residential and industrial development within Murrumbidgee Shire and provide a level playing field for prospective developers.

**Policy:**

Subdivided blocks be aggregated for rating purposes from the date of subdivision until each lot is

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sold or construction of a dwelling or development of the block commences.

**C.401 Debt Recovery**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To ensure that Council has in place efficient debt recovery procedures that are defensible and applied consistently so as to protect the interests of the Council and its ratepayers.

**Policy:**

- 1) Council requires that all rates are to be paid in accordance with section 562 of the Local Government Act;
- 2) Council requires that all debts, other than rates, are to be paid within thirty days of the date of the invoice;
- 3) Reminder notices shall be forwarded to all outstanding debtors where a debt remains unpaid for thirty (30) days after the due date;
- 4) Notice of legal action shall be forwarded where a debt remains outstanding for a period of thirty (30) days after the date specified in a reminder notice;
- 5) A summons shall be issued fourteen (14) days after the service of the notice of legal action if the debt remains outstanding and satisfactory arrangements have not been entered into for its discharge;
- 6) Where all possible action has been taken to recover outstanding rates without success, properties with more than five (5) years rates outstanding shall be included in a sale of land for overdue rates pursuant to Section 713 of the Local Government Act;
- 7) The General Manager shall be delegated authority to pursue all legal avenues for the recovery of outstanding debts and to approve repayment arrangements, other than under Section 562, where such applications are received.

**C.501 Plant and Vehicles – Replacement of Small Plant**

Date Adopted: 21/03/1991

Minute Number: 94

**Objective:** To have flexibility in Council's procedures for the changeover of sedans and utilities aimed at minimising the replacement cost.

**Policy:**

Small vehicles shall be traded at a time and distance so as to endeavour to minimise the overall cost to Council and the General Manager is authorised to call quotations for replacement prior to that time or distance.

**C.502 Plant and Vehicles – Use on Community Projects**

Date Adopted: 20/02/1992

Minute Number: 53

**Objective:** To provide assistance with suitable community facilities by permitting the use of Council plant free of charge or at a subsidised rate.

**Policy:**

1. The General Manager has the discretionary authority to allow use of Council plant on community projects and levy a suitable charge, if applicable.
2. Council plant shall be operated only by Council operators and the operator must be approved by the General Manager.
3. Costs shall be recorded and reported to Council.

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**C.601 Rates and Charges Hardship Policy**

Date Adopted: 15/03/2007

Minute Number: 62

**Objectives:**

1. To provide assistance to ratepayers experiencing genuine financial hardship of their rates and charges.
2. To provide an administrative process to determine hardship applications.
3. Fulfil the statutory requirements of the Local Government Act with respect to hardship applications.

**Background**

Council recognises that due to exceptional circumstances certain ratepayers do encounter difficulty in paying their rates and charges. The Local Government Act allows Council to provide a range of measures to assist those ratepayers in cases of genuine financial hardship.

**Hardship Provisions**

The Local Government Act, 1993 provides Council with two options for providing assistance to ratepayers who are finding it difficult to pay their rates and charges because of financial hardship. A summary of the options is as follows:-

*Section 601 of the Local Government Act 1993*

Any ratepayer who incurs a rate increase in the first year following a revaluation of land values can apply to Council for rate relief if the increase in the amount of rates payable would cause them substantial hardship.

Council has the discretion to waive, reduce or defer the payment of the whole or any part of the increase in the amount of the rate payable.

Council has set the period of time for when ratepayer applications can be made under this Section to be limited to within three months of receipt of their first instalment notice.

*Section 564 and 567 of the Local Government Act 1993*

Council can enter into payment agreements with ratepayers, who cannot meet their instalments payments due to circumstances beyond their control, and may write off interest charges.

**Policy**

Any ratepayer who cannot pay their rates or charges for reason of financial hardship can apply to Council for assistance at any time (except in the event of financial hardship created by a land revaluation where such application must be made within three months of receipt of the first rate instalment notice). Each individual case will be considered on its merits.

The criteria used to determine eligibility is the following:-

- The amount of any rate increase when compared to the average rate increase for the rate category.
- The amount of rates levied compared to the average rate of the category.
- The ratepayer must own the property and also occupy the property as their principal place of residence.
- The ratepayer will suffer financial hardship if required to pay rates and charges when they fall due.
- The ratepayer is required to provide Council with details of their income and expenses from all sources, with supporting evidence as required by Council.
- The Ratepayer is to provide current bank account statements.
- The Ratepayer is to provide estimated value of ownership of property and investment assets.

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- The ratepayer is to provide reasons and reasonable proof of financial hardship.

The assistance provided will be determined under the legal requirements of the Local Government Act 1993.

### **Review**

This policy may be reviewed at any time but unless otherwise requested, at least every four (4) years from date of adoption.

### **C.602 Interest Free Loans**

Date Adopted: 21/02/1991

Minute Number: 88

**Objective:** To provide assistance to not-for-profit groups in the provision of community facilities and to encourage self-help.

#### **Policy:**

Council shall only consider interest free loans under the following conditions:

- 1) The project must involve a facility for the general public,
- 2) All other avenues of finance must have been exhausted,
- 3) The maximum term of any loan shall be five years, and
- 4) The capacity to repay within the specified period must be demonstrated.

### **C.701 Investment Policy**

Date Adopted:

Minute Number:

#### **Purpose of Policy**

The purpose of this policy is to provide a framework for making decisions concerning appropriate investment of Council funds. The policy establishes a series of limits which Council officers must operate within, when planning and processing investments. In setting these limits Council is determining the general level of risk acceptable for monies managed for the community of Murrumbidgee Shire.

#### **Investment Objective**

To achieve maximum returns from the investment of Council funds while exercising the care, diligence and skill that a prudent person would exercise when investing funds.

#### **Legislative Constraints on Investment**

Council is restricted on how it may invest by Section 625 of the Local Government Act 1993. This section specifies that Council may only use forms of investment notified by the Minister, including the Ministerial Orders and additional investment guidelines, which are issued on a regular basis. The Local Government Act 1993, by way of the Local Government (Financial Management) Regulation 1999 also specifies the reporting required on Council investments (Clause 16). As all Council investments must satisfy these legislative requirements, Council's policy should be reviewed when any of these restrictions are altered to ensure that the policy still complies.

#### **Council's Attitude to Risk**

All forms of investment are to comply with the Ministers Order and Investment Guidelines. Particular reference is made to the fact that all institutions dealt with, must be regulated as an authorised deposit taking institution, by the Australian Prudential Regulation Authority (APRA).

These investment guidelines require Council to 'exercise the care, diligence and skill that a prudent person would exercise in investing council funds. A prudent person is expected to act with a considerable duty of care, not as an average person would act, but as a wise, cautious and judicious person would.'

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For the purpose of this policy, short-term credit quality-rating definitions have been used. Long-term credit ratings may also be required, if in the future Council decides to invest funds over the relevant periods of time.

Council's opinion is that the criteria of acting as a prudent person with a considerable duty of care will be satisfied if all investments are made subject to the following constraints:

- Financial institutions are to be rated according to the short-term credit ratings of Standard & Poor's, or classified as unrated. If an institution quotes a Fitch or Moody's credit rating, then it can be compared as follows:

Standard & Poor's	Fitch	Moody's
A1	F1	P1
A2	F2	P2
A3	F3	P3
B	B	Note Prime
C	C	
D	D	

- At least 40% of the investment portfolio must be held by financial institutions with a short-term credit rating of 'A1'.
- At least 70% of the investment portfolio must be held by financial institutions with a short-term credit rating of 'A1', 'A2' or 'A3'.
- No more than 30% of the investment portfolio can be held by financial institutions without a credit rating.
- None of the investment portfolio is to be held with financial institutions that have a short-term credit rating of 'B', 'C' or 'D'.
- Investments must be diversified across institutions. No more than 30% of the total of the portfolio is to be invested with any one institution with an 'A1' rating while no greater than 20% is to be invested with any other institution.
- At least 10% (but no greater than 20% of the total investment portfolio) is to be invested with the Coleambally Community Bank provided the return on the investment is reasonable, comparable to other institutions.
- The risk/return ratio outlined in the Investment Strategy is to be used as a guide to ensure that adequate returns are being received, comparable to the risk.
- In situations where it is necessary for funds to be recalled from an institution and this contravenes the investment policy, the next available funds or the next investment to mature will be reinvested to ensure compliance as quickly as possible.
- The investment portfolio will be managed in such a way that Council is able to meet its accounts payable and payroll obligations at all times.

#### Investment Strategy

An investment strategy covering the financial year will be developed in conjunction with this policy. The strategy should include:

- Analysis of the existing portfolio
- Level, stability and purpose of investment funds, including the expected positioning of the portfolio
- Economic outlook



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- Recommended strategies
- Forecast of possible returns
- Performance benchmarks

**Reporting Requirements**

As per Clause 16 of the Local Government (Financial Management) Regulation 1999 Council's General Manager will provide Council with a written report to be presented at each monthly, ordinary meeting of Council. This report will be made up to the last day of the month immediately preceding the meeting and include a certificate as to whether or not the investments have been made in accordance with the Act, the regulations and Council's investment policy.

**C.801 Competitive Neutrality – Business Activities**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To meet the requirements of National Competition Policy principles and specify which of Council's activities are to be regarded as business activities.

**Policy:**

1. Council functions classified as a business activity shall be water supply and sewerage services.
2. Cost recovery on the two businesses shall exclude Tax Equivalent Regime payments, Loans/Debt Guarantee Fees and Return on Capital Invested and all such costs shall be regarded as a community service obligation in that it would not be in the interests of the residents and ratepayers of Murrumbidgee Shire to impose such charges.

## **Part D**

### **Staff, Safety and Workplace Related Matters**

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**D.101 Risk Management**

Date Adopted: 15/07/2004

Minute Number: 201

**Policy Statement**

This is the primary Council Policy demonstrating a commitment and a focus on strategies to identify, evaluate and control risks to the Council and the community.

Council is committed to excellence in Risk Management in order to benefit the community and manage the cost to Council. To meet this commitment, risk is to be every employee's business. All employees are required to be competent and accountable for adequately managing risk within their area of responsibility.

Council is committed to risk management as an integral part of its functions and operations. Council's Risk Management will focus on strategies which will provide a safe community and minimise risks.

This policy provides the framework and direction for the development of a suite of Risk Management policies, processes and procedures for the following areas of responsibility:

- Infrastructure
- People (Staff & Community Members)
- Emergencies
- Health & Environment
- Governance

**Objectives**

- To promote and support risk management practices.
- To recognise that successful risk management is the responsibility of all employees.
- To encourage the identification and reporting of potential risks to all stakeholders.
- To implement processes to reduce risk.
- To allow for more effective delivery of Council programs.
- To establish and promote practices which minimise losses and provide a safe environment for staff and the public by:
  - Documenting and reviewing current practices.
  - Adapting current practices to incorporate Risk Management Principles.
  - Continuing to review practices to ensure achievement of industry best practices.
- To protect and enhance Council's image as a professional, responsible and ethical organisation.
- To provide resources to develop, maintain and promote Council's Risk Management Plan

**Roles and Responsibilities**

All Councillors and Council staff have an obligation developing a "RISK AWARE" culture within the organisation.

Council is accountable for ensuring appropriate resources are allocated to Manage Risk.

The General Manager has overall responsibility for Risk Management across Council and is therefore responsible for:

- Demonstrating a commitment to Risk Management.
- Exercising due diligence.
- Ensuring the implementation and ongoing evaluation of appropriate Risk Management systems.

- Ensuring that a safe and healthy working environment is provided and maintained in all situations and at all Council sites. This responsibility is also for employees, independent contractors and their employees who are undertaking work on behalf of the Council, and members of the public.
- Ensuring appropriate resources are allocated to meet Council's Risk Management obligations.

In fulfilling this obligation, there is a commitment to consult with directors, managers, supervisors, employees and the RM Committee to ensure that the systems and policies operate effectively.

Directors, Managers and Supervisors are required to create an environment where managing risk is accepted as the personal responsibility of each employee. They are accountable for the implementation and maintenance of sound Risk Management within their areas of responsibility, in conformity with this Risk Management Policy.

All employees are to be actively involved in the identification assessment and management of Risk to the best of their ability. They are required to communicate to their supervisor any identified Risk associated with faults or errors in Council's assets (owned and/or controlled), activities, procedures or policies as well as any non-compliance with Council controls or requirements that are likely to expose Council to risk.

The Risk Management Committee's role is to:

- Endeavour to provide a safe environment for residents and visitors;
- Proactively manage council risks;
- Establish the future direction of risk management programs.

#### **Risk Management Standard AS/NZ 4360**

Council recognises and is committed to the Australian/New Zealand Joint Standard on Risk Management (AS/NZS4360:1999) as a framework for establishing and implementing the risk management process. The Standard specifies the elements of the risk management process as identification, analysis, evaluation, treatment, communication and monitoring of risks.

#### **Risk Management Strategies**

The development and implementation of risk management strategies is a Council priority that will occur under the guidance of the General Manager and the Risk Management Committee. Consultation with employees, management and stakeholders will be an integral part of the development and implementation process.

Council will manage risk in accordance with the process set out in AS/NZS4360 standard. To assist in the management, identification and control of risk, the Best Practice Manuals prepared by Statewide Mutual will be adopted and implemented. The Best Practice Manuals are prepared in a format that follows the Risk Management Standard AS/NZ 4360

To meet this requirement, risk management is recognised as every employee's responsibility and sound risk management principles and practices must become part of the routine management strategies adopted by all staff.

Accountability for the management of risk, at both management and employee level, should be reflected in performance plans, job descriptions and key performance indicators.

The management of risk will be integrated into Council's existing planning and operational processes and will be recognised in the funding and review reporting mechanisms, on the basis of the evaluation of the level of risk and Council's exposure.

Policies, processes and procedures will be developed in accordance with the Best Practice Manuals and will include but shall not be confined to the following:

- Footpaths
- Roads

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- Trees & Tree Roots
- Certificates and Applications
- Signs As Remote Supervision
- Gathering Information
- Community Events
- Volunteers

**Glossary of Terms**

<b>Risk Assessment</b>	The overall process of risk analysis and risk evaluation.
<b>Risk Management control</b>	The part of risk management which involves the provision of policies, standards and procedures to eliminate or minimise adverse risks.
<b>Risk Management Principle</b>	<p>The culture, processes and structures that are directed towards the effective management of potential opportunities and adverse effects.</p> <p>The Risk Management strategy seeks to support and enable the continuation and expansion of a program through a range of targeted activities that are linked to both specific and general planning processes.</p> <p>The aim of the strategy is to assist Council to prevent and/or minimise the adverse affects of all types of risks within its operations.</p>
<b>Risk Management Strategy</b>	The systematic application of management policies, procedures and practices to the tasks of establishing the context, identifying, analysing, evaluating, treating, monitoring and communicating risks.
<b>Risk Management Process</b>	A selective application of appropriate techniques and management principles to reduce either the likelihood of an occurrence or its consequences, or both
<b><i>Risk Reduction</i></b>	
<b>Accidental loss</b>	A negative consequence, financial or otherwise, which is not deliberate.
<b>Hazard</b>	A source of potential harm or a situation with a potential to cause loss.
<b>Incident</b>	An event or occurrence. A loss from any insured peril. An insured is obligated to report such losses to the insurer or its representative as soon as possible.
<b>Risk Analysis</b>	A systematic use of available information to determined how often specified events may occur and the magnitude of their consequences.
<b>Stakeholders</b>	Those people and organizations who may affect, be affected by or perceive themselves to be affected by, a decision or activity.

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**D.102 Occupational Health and Safety**

Date Adopted: 18/08/2005

Minute Number: 212

**Objectives:**

To formalise Murrumbidgee Shire Council's intent regarding moral and legal responsibilities to provide, where reasonably practical, for the health, safety and welfare of all employees, contractors, volunteers, customers and visitors under the OH&S Act 2000 No 40 and Regulation 2001.

To establish a primary, organisational focus on the elimination and/or control of hazards associated with unsafe conditions and/or practices that could cause injury, illness, or property/environmental damage.

**Obligations:**

Murrumbidgee Shire Council will:

- Establish an environment that facilitates cooperation and consultation with employees and work together to promote continuous improvement in Occupational Health and Safety.
- Provide adequate resources, within Council's capacity, to ensure safety systems and standards are maintained.
- Provide safe plant and systems of work.
- Provide written procedures and instructions to ensure safe systems of work.
- Ensure compliance with legislative requirements and current industry standards.
- Provide information, instruction, training and supervision to employees, contractors and customers to ensure their safety.
- Provide all necessary support and assistance to employees.
- Ensure all OH&S and Risk Management systems are regularly audited and reports developed.
- Ensure via established, award based disciplinary procedures if necessary, that organisational compliance is achieved.

**Responsibilities:**

*(OH&S Act 2000 No 40 Part 2 Div 1 Sect 8)*

Each level of Management is responsible and accountable for the implementation of this policy in their area of responsibility. Managers are required to provide direction, support and guidance to their supervisors and supporting staff, establishing a team based approach to Occupational Health and Safety policy compliance. Performance in this area will be measured via annual reviews.

*Management including engineers and supervisors are responsible for:*

- Providing effective leadership in all facets of Occupational Health & Safety.
- Implementation of all OH&S and Risk Management systems and other safe systems of work.
- The provision and maintenance of a safe workplace.
- The development, promotion and implement of all health and safety policies and safe work procedures.
- Providing training to employees to ensure safe and competent completion of assigned tasks.
- The provision of all necessary resources, as allocated via the management plan, to meet the health and safety commitment of the organisation.
- Ensuring thorough implementation of risk management systems across the entire organisation.

*Supervisors who have first hand knowledge of current work practices and the abilities of the employees under their control are directly responsible for the implementation of this policy in the field.*

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Line managers including, supervisors, foremen, gangers, team leaders and tradesmen are responsible for:

- Legal and Policy compliance of staff under their control.
- Providing effective leadership and direction in all facets of Occupational Health & Safety in the field.
- Promptly attend to any safety matter brought to their attention.
- Carry out regular inspections to ensure that safe working conditions and methods are maintained.
- Ensure that employees under their control receive adequate training and instruction and, if necessary, documentation for the safe and efficient performance of their duties.
- Ensuring safe systems of work, established by the organisation, are in place and operating effectively.
- Ensuring workplace hazards are identified and controlled by using the council's established Risk Management system.
- Ensuring prompt investigations are carried out for all accidents or incidents that result, or could have resulted in, death, injury or damage to property.
- Where necessary, ensure the issue and correct use of personal protective equipment and clothing.
- Arrange for prompt investigation of accidents which result in, or could have resulted in injury to persons or damage to property.
- Advise the relevant manager if an employee is willfully failing to adhere to safety rules and practices.
- Assisting staff during times of change (e.g. new employees, new or different work systems, use of different raw materials, new plant or equipment.)
- Maintaining discipline in the field and minimising disruption to the workflow.

Employees have a responsibility to (OH&S Act 2000 No 40 Part 2 Div 3 Sect 20-25):

- Cooperate with their employer in all matters of health and safety.
- Adhere to and comply with all health and safety rules, practices, policies, procedures and systems of work.
- Be personally responsible for safe working practices, to ensure the safety of others and to fully cooperate with their supervisors and relevant managers on matters of safety and risk management.
- Report all observed or known hazards to their immediate supervisor or manager using the Council's established Risk Management system.
- Report all injuries, damage to property, unsafe conditions or practices to their supervisor.
- Properly use personal protective equipment (PPE) issued for the purpose intended.
- Behave in a manner that does not directly or indirectly create a risk (or the appearance of a risk) to people, plant, equipment or other assets.

*Note: Failure to comply with legal and policy safety requirements may result in referral to professional medical support/rehabilitation agencies or disciplinary action.*

### **1 Disciplinary Action**

- a) Employees found to be disregarding safety policies, rules, systems, procedures and practices will be interviewed by their Manager and/or Director and the Safety Coordinator and may be asked to show cause why they should not be subject to disciplinary action.

- b) Disciplinary action, applied as per the Local Government State Award, will be as determined depending on the seriousness and/or frequency of non-adherence to safety requirements.

**2 Medical Care**

- a) Prompt and appropriate First Aid is to be carried out on all injuries, including minor cuts and abrasions by a suitably qualified person. In the event of serious injury, immediate medical attention must be sought as a matter of urgency.
  - b) Where employees use pesticides or other hazardous substances, pathological tests are to be taken in accordance with Material Safety Data Sheets (MSDS) and/or requirements of relevant Hazardous Pesticides Regulations.
- c) Employees who declare an alcohol and/or prescription or illegal drug problem/dependency will be fully supported by Council via means including but not limited to the organisation and provision of professional counselling, medical services, rehabilitation.

Note: Failure to abide by employee support recommendations may result in disciplinary action.

**General Safety Rules**

- a) All work areas, including vehicles must be kept clean, tidy and free of rubbish.
- b) Passageways, aisles and access to fire extinguishers must be kept clear at all times.
- c) Safety guards or devices are not to be interfered with or removed during normal operation of equipment.
- d) All employees are to present for work in full control of their faculties and in a fit state to carry out delegated duties as required by law and Council's standards and policies.
- e) Only authorised and properly inducted people are to use plant or equipment. Riding on vehicles or plant is prohibited except in the seats provided.
- f) Employees driving or operating Council plant/vehicles must adhere to all Motor Traffic Regulations.

**Consultation** (*OH&S Act 2000 No 40 Part 2 Div 2 Sect 13-19*):

*The organisation is committed to consultation and cooperation between management and its employees. The organisation will consult with all relevant parties including but not limited to employees, elected health and safety committee representatives, union, contractors, visitors/relevant community groups or individuals regarding any workplace change that may affect their health and safety.*

**Policy Review:**

This policy may be reviewed at any time but unless otherwise requested at least every two (2) years from date of adoption.

**D.201 Staff – Safety**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To provide safe working conditions for Council staff and minimise the risk to others coming on to Council work sites.

**Policy:**

- 1. Employees shall be required to wear visibility vests when working in traffic conditions on or near roadways.
- 2. Staff required to perform on-site supervision of works staff shall be issued with safety clothing and footwear under the conditions applying in the Local Government (State) Award.



The occupational health and safety of all persons employed within Murrumbidgee Shire Council and those visiting the organisation are considered to be of the utmost importance. Resources in line with the importance attached to occupational health and safety will be made available to comply with all relevant Acts and Regulations and to ensure that the workplace is safe and without risk to health.

**D.202 Staff – Protective Clothing**

Date Adopted: 17/09/1998, Amended 21/06/2007 Minute Number: 175

**Objective:** To provide a suitable range of clothing to allow flexibility commensurate with specific work conditions to comply with the requirements of the Local Government (State) Award.

**Policy:**

The following terms and conditions shall apply to the issue of protective clothing:-

1. Council will supply employees engaged in the operational band with:-
  - 2 high visibility cotton drill shirts;
  - 2 pair long drill trousers;
  - 2 pair overalls in lieu of 2 shirts & 2 long trousers above;
  - 1 pair safety work boots
  - 1 pair safety glasses;
  - 1 pair work gloveson an annual basis. Items in Item 1 above may be replaced on a “fair wear and tear basis”.
2. Council will initially supply appropriate employees engaged in the operational band with the following items:-
  - High visibility wind/rain-proof jacket with liner;
  - High visibility jumper;
  - Wide brim hat;
  - Ear muffs
  - Hard hat with brim extension.Items in 2 above may be replaced on a “fair wear and tear basis”.
3. Certain alternative clothing will be permitted at the discretion of the Director of Technical Services. These may include 1 pair overalls in lieu of 1 set of shirt & trousers or bib & brace overalls in lieu of 1 pair of trousers for employees engaged in trade duties (e.g. mechanic or building worker) and shorts for trousers for particular duties such as working in wet areas. Any alternative clothing will not be in addition to the standard issue.

**D.203 Staff – Appointment**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To minimise the risk of claims against Council and to ensure that staff are not employed for duties for which they are physically unsuitable.

**Policy:**

All staff must undergo a medical examination, prior to appointment, to ensure suitability of the person for the tasks to be performed.

**D.204 Staff – Provision of Council Residences**

Date Adopted: 16/02/1995

Minute Number: 55

**Objective:** To provide housing as a means of attracting and retaining suitably experienced and qualified staff to senior positions.

**Policy:**

1. Staff housing shall be provided for the General Manager and Directors of Technical Services, Environmental Services and Corporate Services. At least one residence is to be located in Coleambally.
2. Housing rentals shall be increased on 1 January of each year by an amount that approximately equals to CPI movements for the previous year subject to such rental not being incorporated in an Employment Contract.

**D.205 Staff – Motor Vehicle Leases**

Date Adopted: 17/07/1997

Minute Number: 267

**Objective:** To provide a method of calculating the value of the private usage of Council owned vehicles that are reasonable and equitable to all parties.

**Policy:**

Conditions relating to the lease of motor vehicles to staff shall be in accordance with Schedule D of the Senior Staff contracts with the following amendments:

1. Charges for Private Use – the calculation of lease charge shall be in accordance with the method outlined in the Local Government and Shires Associations of NSW Local Government Guidelines for Providing Cars, December 2000, with the exception that opportunity cost shall be excluded from the calculation of the vehicle cost.
2. The lease charge shall be recalculated on the changeover of vehicles.
3. The payment of the lease charges may take the form of salary sacrifice (which is subject to Fringe Benefits Tax) or salary deduction.
4. Vehicles are to be replaced, subject to market testing to obtain optimum changeover price.
5. In the event of an accident whilst on private use, the employee is to be responsible for the payment of any insurance excess applicable.
6. Appropriate security precautions are to be taken by the employee to minimise the possibility of the vehicle being stolen.
7. This agreement may be varied subject to the mutual agreement of both parties.

**D.206 Staff – Office Closure**

Date Adopted: 19/12/1991

Minute Number: 445

**Objective:** To provide a form of compensation for time worked in excess of Award requirements.

**Policy:**

Darlington Point and Coleambally offices shall close between Christmas and New Year and staff shall be granted annual leave or accumulated extra time for the days involved.

**D.207 Staff – Alcohol and Drugs**

Date Adopted: 16/02/1989 & 20/02/1992

Minute Number: 61, 62 & 53

**Objective:** To ensure that staff at all times are capable of performing their duties effectively and do not pose a danger to themselves or others.

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**Policy:**

1. Council employees shall not drive Council vehicles or plant, or operate equipment when affected by or under the influence of alcohol or prohibited drugs.
2. Employees shall be considered unfit for duty when affected by alcohol or any drugs that may affect performance.

**D.208 Staff – Smoke Free Work Areas**

Date Adopted: 18/04/1991

Minute Number: 120

**Objective:** To provide work areas that minimise inconvenience and health risks to workers and visitors and reduce the potential for claims against Council.

**Policy:**

All Council buildings and vehicles shall be “No Smoking” areas.

**D.209 Staff – Occupational Rehabilitation**

Date Adopted: 20/06/1996

Minute Number: 220

**Objective:** To put in place a Policy that assists injured workers to return to the work place in the shortest possible time and concurrently minimises Council's exposure to Workers' Compensation claims.

**Policy:**

Occupational rehabilitation concerns the restoration of the injured worker to the fullest physical, psychological, social, vocational and economic potential achievable. The Murrumbidgee Shire Council is committed to achieving this process as quickly as is safely possible.

In order to do this Murrumbidgee Shire Council has adopted the following code:

1. Murrumbidgee Shire Council is committed to preventing injury and illness by providing a safe, supportive and healthy working environment, in accordance with the requirements of the Occupational Health and Safety Act of NSW (2000)
2. Murrumbidgee Shire Council is committed to ensuring that the safe and earliest possible return to meaningful work by an injured/ill worker is a normal practice and expectation.

To achieve this, Murrumbidgee Shire Council will ensure:

1.
  - a) Facilitation of early access to accredited medical/rehabilitation services.
  - b) Arrange of meaningful work duties is available to the worker to ensure an appropriately graded set of duties, culminating in the achievement of normal duties consistent with medical/rehabilitation opinions. These graded duties will be individually tailored to the injured workers' needs/abilities.
  - c) Where this is not possible, then to return the injured/ill worker by means of vocational rehabilitation to a meaningful and fulfilling role within the community.
2. Strict confidentiality of rehabilitation records is assured. At no time will the Council demand access to the worker's rehabilitation records.
3. Murrumbidgee Shire Council is committed to employee consultation and involvement in order to ensure the rehabilitation programs operate effectively and humanely. In doing so, Murrumbidgee Shire Council recognises consultation and cooperation as essential components in effective rehabilitation.
4. Murrumbidgee Shire Council is committed to ensuring that participation in a rehabilitation program will not prejudice an injured/ill employee. To achieve this, Murrumbidgee Shire Council will ensure:
  - a) Job security is not threatened by participation in a rehabilitation program

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- b) Income and benefits for worker's participating in the rehabilitation programmed will be as outlined in the provisions of the Workers' Compensation Act (1987)
  - c) All offers of a program of modified duties will be in writing and will be consistent with the advice of the rehabilitation provider.
  - d) No alteration to duties/employment will be made without prior consultation with the employee and the rehabilitation provider.
5. Council has a designated Rehabilitation Co-ordinator to ensure all components of this code work effectively.
6. The Rehabilitation staff of Stanbridge, White and Associates will act as the Council's accredited rehabilitation providers, with the proviso that any injured employee retains the right to nominate an accredited provider of his/her own choice.
7. Any disputes over occupational rehabilitation will be handled in the following manner:
- a) Every endeavour will be made to resolve disputes by discussion between management, the employee and the rehabilitation providers.
  - b) Where resolution is not possible, outside advice and assistance will be sought from the Division of Rehabilitation Services of the Department of Industrial Relations and Employment

#### **D.210 Staff – WorkCover Certificates**

Date Adopted: 19/09/1999

Minute Number: 276

**Objective:** To encourage and facilitate staff to obtain the accreditation required to allow the performance of their duties.

**Policy:**

Employees required to obtain WorkCover certificates or heavy vehicle driver's licences as part of their duties, or potentially as part of their duties, as determined by the Director of Technical Services, shall be reimbursed by Council for the successful test costs involved in gaining the necessary qualifications.

#### **D.211 Staff – Exclusion from Work Sites After Hours**

Date Adopted: 19/01/1989

Minute Number:

**Objective:** To provide security for Council assets and facilities.

**Policy:**

All unauthorised employees and all members of the public shall be excluded from Council depots and work sites outside normal working hours and use of Council tools and equipment, other than in the normal working function, shall not be permitted unless specifically authorised by the General Manager.

#### **D.212 Staff – Leave for Union Delegates**

Date Adopted: 15/05/1997

Minute Number: 160

**Objective:** To clarify that leave granted to local delegates for duties associated with union duties is limited to that specified in the Local Government (State) Award.

**Policy:**

Union delegates shall be granted paid leave only in accordance with that specified in the Local Government (State) Award.

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**D.213      Staff – E-mail and Internet Policy**

Date Adopted:

Minute Number:

*Introduction*

Council's computer system provides staff with access to internal and external e-mail as well as the Internet, creating many opportunities in relation to effective communication and access to valuable information.

Unfortunately e-mail and the Internet also presents threats such as the increased possibility of litigation, employees wasting time on personal and unauthorised use, the imitation of personnel and the transmitting of viruses. The Internet is an unsecured environment, which requires security, rules and guidelines to minimise these and other problems.

This policy relates to all employees, Councillors, in-house consultants/contractors and library users of Council's systems.

*Purpose of Policy*

The purpose of this policy is to obtain the best value from the technology at the lowest acceptable risk. This policy and the related information and guidelines aims to:

- Encourage staff and others to use e-mail and the Internet to become more efficient in relation to work practices and customer needs.
- To ensure that appropriate records are kept of Council's business activities that are conducted by electronic means.
- Minimise unproductive e-mail and Internet practices within the organisation.
- Minimise the exposure to Council and employees for possible litigation.
- Provide rules, information and guidelines for employees to clarify what constitutes appropriate use by making clear certain uses, which are and are not appropriate, whilst not exhaustively enumerating all such possible uses.
- Outline the disciplinary action that will be taken if the policy is not adhered to.

*Primary Use*

The e-mail and Internet systems of Murrumbidgee Shire Council are primarily for the business use of Council employees. Incidental personal use is permitted when it is without detriment to the employees work or the business of Council and so long as it:

- does not interfere with employee productivity or business activity,
- does not interfere with Council's operation of information technologies,
- does not consume more than a trivial amount of resources, and;
- complies with this policy and the related guidelines.

*Property*

Council has provided e-mail and Internet access to employees primarily to enable staff to conduct business communication and information efficiently. Therefore all e-mails sent and received, plus any information obtained from the Internet, is the property of Council.

*Rules of Use for E-mail & the Internet*

Employees should adhere to the following rules when using Council's e-mail and Internet facilities:

- Usage must comply with all applicable laws and regulations including copyright and licensing for programs and data.
- Usage should not be for outside personal business or financial gain.
- Usage must be able to survive public scrutiny and/or disclosure. Sites and messages

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that could be deemed abusive, bad taste, defamatory, discriminatory, harassment, intimidation, obscene, offensive, political, pornographic, religious, threatening, tormenting or violent must be avoided.

- E-mail and the Internet is an unsecured environment, thus private, personal, sensitive or legally binding information should not be transmitted electronically.
- E-mails of a non-business related nature should not be sent to any person who does not wish to receive it. If a user is asked to stop sending a recipient e-mail's, the request must be observed.
- E-mails should not be transferred between Councillors and staff, except for the General Manager, Directors and Managers.
- Documents requiring an authorised Council signatory must not be transmitted electronically as Council cannot attach a digitised signature to a document.
- Employees should avoid attaching unnecessary graphics, sound and video files, which can be extremely large and take a long time to transmit.
- Employees must not represent personal opinions as those of Council, attempt to obscure the origin of any message, download material under an assumed Internet address, send unauthorised e-mails from another person's e-mail address or impersonate another person.
- Employees must not break through security controls, access Internet traffic (such as e-mail) not intended for them, intentionally access or transmit computer viruses and similar software, intentionally access or transmit information about, or software designed for breaching security controls or creating computer viruses.
- Internet forums such as relay chat channels, newsgroups or net servers may only be used to conduct work related business or to exchange technical or analytical information.
- The mass distribution of 'junk mail' or electronic chain letters is prohibited, as is the sending of non-urgent messages to large numbers of people.
- The e-mail and Internet Usage Information and Guidelines in relation to etiquette, purging, leave arrangements, records management, prevention of virus attacks, e-mail disclaimers and usage agreement must also be observed.

If an employee or other user receives an unwanted or offensive e-mail, they should advise the sender not to forward similar (or any) material again, informing the sender that it contravenes Council policy. The e-mail should be deleted and in the event of further e-mails being received, the employee should advise their supervisor.

*Rights & Responsibilities*

Council Employees are responsible for the following, in relation to e-mail and the Internet:

- Ensure that their use is appropriate and consistent with this policy, the related information and guidelines and Council's Code of Conduct.
- Ensure others cannot access the system by remaining logged on whilst being away from their desk and only be logged into the Internet when required.
- Report any breach of system or security, including the protection of account passwords and unauthorised use of e-mail or Internet accounts.
- Ensure that e-mail is open at all times when at their desk, so messages will be received as promptly as possible.
- Respond to e-mail in a timely manner and delete items when no longer required.
- If an employee is unsure whether a proposed use violates this policy then they should check with their supervisor.

Manager, Finance and Administration in conjunction with Council's external Computer Consultant is responsible for ensuring that the appropriate work stations have access e-mail and the Internet and have approved anti-virus software and firewall.

The General Manager reserves (or can delegate) the following rights, in regard to Council's E-mail and Internet systems:

- To monitor and review the Internet usage of any individual (on a confidential basis) through automatic access logs, which is a facility designed to review the e-mails sent and Internet addresses visited by each user.
- Designate whom Internet and e-mail services will be provided to, and may revoke access at any time to persons who misuse the system.
- In special circumstances, authorise the use of e-mail and the Internet that contravenes this policy and the guidelines.
- To override an employee's decision regarding the requirement to place particular items of correspondence on Council's official records system.
- Report any illegal activities to the appropriate authorities.

#### *Disciplinary Action*

Any person found to be acting in contravention of this policy may be dealt with in the following manners:

- Forfeiture of unsupervised use of the e-mail and/or Internet facilities whereby authorisation will be required prior to each session.
- Institution of formal disciplinary action according to Council's internal disciplinary procedures.
- Illegal activities will be reported to the appropriate authorities.
- A contractor may have his/her contract terminated.
- A library user may be suspended for a period of time, as determined by the General Manager.

#### **D.214 Staff – Internal Reporting Policy**

Date Adopted: 19/03/1998

Minute Number: 19/03/1998

#### **Protected Disclosures Act 1994**

##### **1. Support For Persons Who Make Disclosures**

*The Murrumbidgee Shire Council (hereafter called "Council") does not tolerate corrupt conduct, maladministration or serious and substantial waste of public money.*

*Council is committed to the aims and objectives of the Protected Disclosure Act. It recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff or Councillors that disclose corrupt conduct, maladministration, or serious and substantial waste of public money.*

Council will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for the making of the disclosure.

##### **2. Purpose Of The Policy**

To be protected by the Act, a disclosure must be made by a member of staff or Councillor to:

- an investigating authority;
- the General Manager; or

- to another nominated officer of the Council in accordance with the Internal Reporting System established under this Policy for the purposes of the Protected Disclosures Act.

*This Policy establishes an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money by Council its staff and Councillors. The system enables such internal disclosures to be made to the Disclosure Coordinator, Nominated Disclosure Officers, or the Mayor, as an alternative to the General Manager.*

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to continue to raise appropriate matters at any time with their supervisors, but as an alternative have the option of making a protected disclosure in accordance with this policy.

### **3. Object Of The Act**

*The Protected Disclosures Act 1994 commenced operation on 1 March 1995. The purpose of the Act is to ensure that public officials who wish to make disclosures under the legislation receive protection from reprisals, and that the matters raised in the disclosures are properly investigated.*

*The Act aims to encourage and facilitate the disclosure - in the public interest - of corrupt conduct, maladministration and serious and substantial waste in the public sector. This is achieved by:*

- enhancing and augmenting established procedures for making disclosures concerning such matters;
- protecting persons from reprisals that might otherwise be inflicted on them because of these disclosures; and
- providing for those disclosures to be properly investigated and dealt with.

### **4. Definitions**

*Three key concepts in the internal reporting system are “corrupt conduct”, “maladministration” and “serious and substantial waste of public money”. Definitions of these concepts are outlined below.*

#### **Corrupt Conduct**

“Corrupt conduct” is defined in the Independent Commission Against Corruption Act 1988 (sections 8 and 9). The definition used in the Act is intentionally quite broad - corrupt conduct is defined to include the dishonest or partial exercise of official functions by a public official. Conduct of a person who is not a public official, when it adversely affects the impartial or honest exercise of official functions by a public official, also comes within the definition.

Corrupt conduct can take many forms, ie. taking or offering bribes, public officials dishonestly using influence, blackmail, fraud, election bribery and illegal gambling are some examples.

#### **Maladministration**

“Maladministration” is defined in the Protected Disclosures Act as conduct that involves action or inaction of a serious nature that is:

- contrary to law; or
- unreasonable, unjust, oppressive or improperly discriminatory; or
- based wholly or partly on improper motives (section 11)

#### **Serious and substantial waste**

The term “serious and substantial waste” is not defined in the Protected Disclosures Act. The Auditor - General provides the following working definition:



- ◆ Serious and substantial waste refers to the uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a loss/wastage of public funds/resources.
- ◆ In addressing any complaint of serious and substantial waste regard will be had, to the nature and materiality of the waste.
- ◆ The following delineation of the definition of serious and substantial waste may be of assistance to public officials and/or public authorities.

Types:

Absolute - serious and substantial waste might be regarded in absolute terms where the waste is regarded as significant, for example \$500,000.

Systemic - the waste indicates a pattern which results from a system weakness within the public authority.

Material - The serious and substantial waste is/was material in terms of the public authority's expenditure or a particular item of expenditure or is/was material to such an extent so as to effect a public authority's capacity to perform its primary functions.

Material By Nature Not Amount - the serious and substantial waste may not be material in financial terms but may be significant by nature. That is it may be improper or inappropriate (alternatively, this type of waste may constitute "maladministration" as defined in the Protected Disclosures Act).

Waste can take many forms, for example:

- ◆ misappropriation or misuse of public property;
- ◆ the purchase of unnecessary or inadequate goods and services;
- ◆ too many personnel being employed in a particular area, incurring costs which might otherwise have been avoided;
- ◆ personnel being remunerated for skills that they do not have, but are required to have under the terms or conditions of their employment;
- ◆ programs not achieving their objectives and therefore the costs being clearly ineffective and inefficient.

Waste can result from such things as:

- ◆ the absence of appropriate safeguards to prevent the theft or misuse of public property;
- ◆ purchasing procedures and practices which fail to ensure that goods and services are necessary and adequate for an intended purpose; and
- ◆ purchasing practices where the lowest price is not obtained for comparable goods or services without adequate and appropriate justification.

## **5. What Disclosures Are Protected Under The Act**

### **1) *What disclosures are protected:***

Disclosures are protected under the Act if they:

- a) are made
  - ◆ in accordance with this Internal Reporting Policy; or
  - ◆ to the General Manager; or
  - ◆ to one of the investigating authorities nominated in the Act; AND
- b) Show or tend to show corrupt conduct, maladministration, or serious and substantial waste of public money by the council or any of its staff or Councillors; AND

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- c) are made voluntarily

**2) What disclosures are not protected?**

A disclosure is not protected under the Act if it is made by a public official in the exercise of a duty imposed by or under an Act.

Protection is also not available for disclosures which:

- are made frivolously or vexatiously;
- primarily question the merits of government policy; or
- are made solely or substantially with the motive of avoiding dismissal or other disciplinary action.

It is an offence to wilfully make a false or misleading statement when making a disclosure.

**6. Reporting Under The Internal Reporting System**

The persons or positions to whom internal disclosures can be made in accordance with the Internal Reporting System (as shown on the attached diagram) are:

- the Disclosure Co-ordinator (Manager Finance & Administration, Mark Johnson on 69684166 ext. 17)
- a Nominated Disclosure Officers (Director Technical Services, Bill Prosser 69684166 ext. 12 and Director Environmental Services, Bob Roach 69544179)
- the General Manager on 69684166 ext. 11; or
- the Mayor (if the disclosure concerns or involves the General Manager or a Councillor).

Where persons contemplating making a disclosure are concerned about publicly approaching the Disclosure Co-ordinator, a Nominated Disclosure Officer or Mayor (or the General Manager), they can ring the relevant official and request a meeting in a discreet location away from the workplace.

*Notes:*

- 1) *A council officer who wishes to make a protected disclosure which involves a Councillor may do so to the Mayor, the General Manager, or an investigating authority (ie the ICAC, Ombudsman).*
- 2) *A councillor who wishes to make a protected disclosure which involves another Councillor may do so to the Mayor, the General manager, or an investigating authority (ie the ICAC, Ombudsman).*
- 3) *If the Mayor wishes to make a protected disclosure he or she may do so the General Manager or an investigating authority (ie the ICAC or Ombudsman)*
- 4) *The Department of Local Government is not an investigating authority under the Act, however, the ICAC, the Ombudsman or Council may refer a protected disclosure to the Department for investigation and in such a circumstance any protection conferred under the Act is maintained.*

**7. Roles And Responsibilities**

This Internal Reporting Policy places responsibilities upon people at all levels within the Council.

**1) Employees**

Employees are encouraged to report known or suspected incidences of corrupt conduct, maladministration or serious and substantial waste in accordance with this Policy.

All employees of Council have an important role to play in supporting those who have made legitimate disclosures. They must abstain from any activity that is or could be perceived to be victimisation or harassment of persons who make protected disclosures. Further, they should protect/maintain the confidentiality of persons they know or suspect to have made disclosures.

**2) *Nominated Disclosure Officers***

The Nominated Disclosure Officers are responsible for receiving, forwarding and or acting upon disclosures in accordance with the Policy. Nominated Disclosure Officers will:

- a) clearly explain to persons making disclosures what will happen in relation to the information received;
- b) when requested, make arrangements to ensure that disclosures can be made privately and discreetly (if necessary away from the workplace);
- c) reduce to writing and date any disclosures received orally (and have the person making the disclosure sign the document);
- d) deal with disclosures impartially;
- e) forward disclosures to the General Manager for assessment;
- f) take all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and the persons the subject of disclosures, are kept confidential; and
- g) support persons who make protected disclosures and protect them from victimisation, harassment or any other form of reprisal.

**3) *Disclosure Coordinator***

The Disclosure Coordinator has a pivotal position in the internal reporting system and acts as a clearing house for disclosures. The disclosure Coordinator will:

- a) provide an alternative internal reporting channel to Nominated Disclosure Officers and to the General Manager;
- b) impartially assess each disclosure to determine:-
  - i) whether the disclosure appears to be a protected disclosure within the meaning of the Act; and
  - ii) the appropriate action to be taken in relation to the disclosure, for example:
    - no action/decline;
    - the appropriate person to take responsibility for dealing with the disclosure;
    - preliminary or informal investigations;
    - formal investigation;
    - prosecution or disciplinary action;
    - referral to an investigating authority for investigation or other appropriate action; or
    - referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct).
- c) consult with the General manager
- d) be responsible for carrying out or coordinating any internal investigation arising out of a disclosure, subject to the direction of the General Manager in carrying out his/her functions;
- e) report to the General Manager on the findings of any investigation and recommended remedial action;
- f) take all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and persons the subject of the disclosures, are kept confidential;

- g) support persons who make protected disclosures and actively protect them from victimisation, harassment or any other form of reprisal; and
- h) report actual or suspected corrupt conduct to the General Manager in a timely manner to enable that officer to comply with the ICAC Act.

**4) General Manager**

Disclosures may be made direct to the General Manager rather than by way of the Internal Reporting System established under this Policy. The General Manager will:

- a) Impartially assess each disclosure to determine:
  - i) whether the disclosure appears to be a protected disclosure within the meaning of the Act;
  - ii) the appropriate action to be taken in relation to the disclosure, for example-
    - no action/decline;
    - the appropriate person to take responsibility for dealing with the disclosure;
    - preliminary or informal investigation;
    - formal investigation;
    - prosecution or disciplinary action;
    - referral to an investigating authority for investigation or other appropriate action; or
    - referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct);
- b) receive reports from the Disclosure Coordinator on the findings of any investigation and any recommendations for remedial action, and determine what action should be taken;
- c) take all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and the persons the subject of disclosures, are kept confidential;
- d) have primary responsibility for protecting staff who make disclosures, or provide information to any internal or external investigation of a disclosure, from victimisation, harassment or any other form of reprisal;
- e) be responsible for implementing organisational reform identified as necessary following investigation of a disclosure; and
- f) report criminal offences to the Police and actual or suspected corrupt conduct to ICAC (under S.11 of the ICAC Act).

**5) The Mayor**

The Mayor may receive internal disclosures from any member of the staff of the council or any Councillor concerning the General Manager or a Councillor. The Mayor will:

- a) impartially assess each disclosure made to him/her about the General Manager or a Councillor to determine-
  - i) whether the disclosure appears to be a protected disclosure within the meaning of the Act;

*Note: in making this assessment the Mayor may seek guidance from the Disclosure Coordinator or General Manager (if appropriate), an investigating authority (ie the ICAC, or Ombudsman), or the Department of Local Government.*

- ii) the appropriate course of action to be taken in relation to the disclosure (in consultation with the General Manager, if appropriate), for example-

- no action/decline;
  - the appropriate person to take responsibility for dealing with the disclosure;
  - preliminary or informal investigation;
  - formal investigation;
  - prosecution or disciplinary action;
  - referral to an investigating authority for investigation or other appropriate action; or
  - referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct);
- b) refer disclosures to the General Manager for appropriate action if they concern the council's administration, within the day to day responsibilities of the General Manager;
- c) protect/maintain the confidentiality of:
- i) the identity of persons who make disclosures (unless any of the criteria in section 22 of the Act apply); and
  - ii) the identity of persons the subject of the disclosures (unless disclosure is required to enable the allegations to be investigated or otherwise appropriately dealt with).

## **8. Alternative Avenues For Disclosures**

Alternative avenues available to staff and Councillors for making a protected disclosure under the Act (other than by means of the Internal Reporting System created under this Policy), are as follows:

- to the General Manager; or
- to one of the investigating authorities under the Act (eg. the ICAC on telephone 1800 463 909 and Ombudsman on telephone 1800 451 524).

### *Notes:*

- 1) *While the Act includes the Auditor General as an external investigating authority, the Auditor General's jurisdiction relates to State Government authorities and not to local councils.*
- 2) *The Department of Local Government is not an investigating authority under the Act, however, the ICAC, the Ombudsman or a council may refer a protected disclosure to the Department for investigation, and in such a circumstance any protection conferred under the Act is maintained.*

Disclosures made to a journalist or a member of Parliament will only be protected if certain condition are met:

- 1) the person making the disclosure to a journalist or member of Parliament must have already made substantially the same disclosure through the Internal Reporting System, or to the General Manager or an investigating authority in accordance with the Act.
- 2) the information provided in the disclosure is substantially true; and
- 3) the investigating authority, public authority or officer to whom the matter was originally referred has-
  - a) decided not to investigate the matter; or
  - b) decided to investigate the matter but not completed the investigation within 6 months of the original disclosure; or

- c) investigated the matter but not recommended any action in respect of the matter;  
or
- d) failed to notify the person making the disclosure, within 6 months of the disclosure, of whether the matter is to be investigated.

## **9. Rights Of Persons The Subject Of Disclosures**

The rights of persons the subject of disclosures will also be protected. In this regard:

- 1) the confidentiality of the identity of persons the subject of disclosures will be protected/maintained (where this is possible and reasonable);
- 2) disclosures will be assessed and acted on impartially, fairly and reasonably;
- 3) responsible officials who receive disclosures in accordance with this Policy are obliged to-
  - protect/maintain the confidentiality of the identity of persons the subject of the disclosures;
  - assess disclosures impartially; and
  - act fairly to persons the subject of disclosures;
- 4) disclosures will be investigated as discreetly as possible, with a strong emphasis on maintaining confidentiality both as to the identity of persons making protected disclosures and the persons the subject of disclosures.
- 5) where investigations or other enquires do not substantiate disclosures, the fact the investigation/enquiry has been carried out, the results of the investigation/enquiry and the identity of persons the subject of the disclosures will be kept confidential, unless the persons the subject to the disclosures request otherwise;
- 6) the persons the subject of disclosures (whether protected disclosures under the Act or otherwise) which are investigated by or on behalf of a council, have the right to -
  - a) be informed as to the substance of the allegations;
  - b) be informed as the substance of any adverse comment that may be included in a report/memorandum/letter or the like arising out of any such investigation; and
  - c) be given a reasonable opportunity to put their case (either orally or in writing) to the persons carrying out the investigation for or on behalf of the council.

before any decision/determination/report/memorandum/letter or the like is made or finalised:

- 7) where the allegations in a disclosure have been investigated by or on behalf of a council, and the person the subject of the allegations is aware of the substance of the allegations, the substance of any adverse comment, or the fact of the investigation, he or she should be formally advised as to the outcome of the investigation, regardless of the outcome; and
- 8) where the allegations contained in a disclosure are clearly wrong or unsubstantiated, the person the subject of the disclosure is entitled to the support of the council and its senior management (the nature of the support that would be reasonable and appropriate would depend on the circumstances of the case, but could include a public statement of support or a letter setting out the council's views that the allegations were either clearly wrong or unsubstantiated)

## **10. Protection Available Under The Act**

### **1) Protection Against Reprisals**

The Act provides protection by imposing penalties on a person who takes "detrimental action" against another person substantially in reprisal for a protected disclosure. Penalties can be imposed by means of fines and imprisonment. "Detrimental action" means action

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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 proceeding.

Any member of staff or Councillor who believes that “detrimental action” is being taken against them substantially in reprisal for the making of an internal disclosure to the General Manager or in accordance with this Policy should immediately bring the allegations to the attention of the General Manager or Mayor (as appropriate).

If a member of staff or Councillor who made an internal disclosure feels that such reprisals are not being effectively dealt with, they should contact the ICAC, or the Investigations and Review Branch of the Department of Local Government.

If an external disclosure was made to an investigation authority, that body will either deal with the allegation or provide advice and guidance to the person concerned.

**2) Protection Against Actions, Etc**

The Act provides that a person is not subject to any liability for making a protected disclosure and no action, claim or demand may be taken or made of or against the person for making the disclosure. This provision has effect despite any duty of secrecy or confidentiality or any other restriction on disclosure by a public official.

A person who has made a protected disclosure has a defence of absolute privilege in proceedings for defamation.

A person who has made a protected disclosure is taken not to have committed any offence against an Act which imposes a duty to maintain confidentiality with respect to any information disclosed.

**3) Confidentiality**

The Act requires investigating authorities, public authorities and public officials to whom protected disclosures are made or referred, not to disclose information that might identify or tend to identify the person who made the disclosures. The exceptions to the confidential requirement are where:

- the person consents in writing to the disclosure of that information; or
- it is essential, having regard to the principles of natural justice that the identifying information be disclosed to a person whom the information provided by the disclosure may concern; or
- the investigating authority, public authority, officer or public official is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively; or
- disclosure is otherwise in the public interest.

Decisions about natural justice, effective investigation and public interest will be made by the (General Manager). In all cases the person who made the disclosure will be consulted before such a decision is made.

*Note: If guidance is needed in relation to the requirements of natural justice, effective investigation and public interest, this may be sought from an investigating authority or the Department of Local Government.*

**4) Freedom of information exemption**

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Under the Freedom of Information Act 1989, a document is exempt from release if it contains matter the disclosure of which would disclose matters relating to a protected disclosure within the meaning of the Act.

**11. Notification Of Action Taken Or Proposed**

A person who makes a protected disclosure must be notified, within 6 months of the disclosure being made, of the action taken or proposed to be taken in respect of the disclosure.

*If a disclosure is made in accordance with this Policy, the Disclosure Co-Ordinator is responsible for the 6 month notification to the person who made the disclosure, unless this responsibility has been retained by or allocated to another officer by the General Manager.*

If a disclosure is made to the Mayor under this Policy, the Mayor is responsible for such notification to the person who made the disclosure, unless he or she directs the General Manager, Disclosure Co-ordinator or another nominated officer to assume this responsibility.

The notification provided to the person who made the disclosure should contain sufficient information to demonstrate that adequate and appropriate action was taken, or is proposed to be taken, in respect of the disclosure. This should include a statement of the reasons for the decisions made or action taken in response to the disclosure.

The notification should include sufficient information to enable the person who made the disclosure to make an assessment as to whether the circumstances listed in section 19(3)(a)-(C) of the Act (relating to disclosures to members of parliament and journalists) apply, ie. whether;

- 1) a decision was made not to investigate the matter; or
- 2) a decision was made to investigate the matter, but the investigation was not completed within 6 months of the original decision being made; or
- 3) a decision was made to investigate the matter, but the investigation has not been completed within 6 months of the original decision being made; or
- 4) the matter was investigated but no recommendation was made for the taking of any action in respect of the matter.

Without such information it would be difficult for the person to be able to properly assess whether it is appropriate or warranted to make a disclosure to an MP or journalist.

**12. Review**

This Policy shall be reviewed annually to ensure that it meets the object of the legislation, and facilitates the making of disclosures under the Act.

**D.215 Staff Uniforms**

Date Adopted: 19/07/2007

Minute Number: 197

Council endorses the concept of a standard uniform and as a matter of policy, contribute the amount of \$240 per annum, annually indexed by the Consumer Price Index, to permanent employees not covered by the existing Protective Clothing policy.

**D.301 Works – Contractors and Others**

Date Adopted: 15/08/2002

Minute Number: 234

**Objective:** To ensure that all contractors employed by Council or other authorities and others, including volunteers carrying out work on road reserves or other Council property have suitable OH&S qualifications.

**Policy:**

All contractors or other people working on property under the control of Council be required to



have an Occupational Health and Safety Induction Certificate and have an Occupational Health and Safety Management Plan and Environmental Management Plan approved by Council prior to commencement of work

**D.401 Complaints Handling Procedures**

Date Adopted: 24/06/1999

Minute Number: 221

**Objectives:**

- \* To respond effectively to customer concerns about the condition of Council assets;
- \* To provide Council with the opportunity to improve its services;
- \* To help resolve customer dissatisfaction about Council services;
- \* To assist decisions regarding particular instances of dissatisfaction;
- \* To reduce dissatisfaction and complaints in the future; and
- \* To ensure compliance with National Competition Code guidelines and principles.

**Definition:**

Murrumbidgee Shire Council's definition of a complaint is:

"An expression of dissatisfaction with Council's policies, procedures, charges, staff, agents, or quality of service, presenting an opportunity to improve in these areas."

**Policy:**

Murrumbidgee Shire Council welcomes complaints (and compliments) as a way of improving services to the community:

1. All staff are prepared to receive complaints, whether presented in person, in writing or by telephone. They will listen courteously, record faithfully, and initiate appropriate action immediately.
2. All complaints will be recorded and examined so that, where justified, action can be taken to avoid the problem occurring again, and ensure the service Council provides meets local community needs.
3. If Council is unable to resolve the complaint, the complainant will be assisted to refer the matter to an appropriate authority.
4. All complaints against a Councillor or employee of Council shall be in writing and signed by the complainant.

*Procedure:*

Council has developed the following approach to dealing with complaints received from customers. As resource (staff) difficulties may occur from time to time, Council staff will prioritise all complaints received in order to ensure that public health and safety issues are dealt with as a priority:

*(A) Screening and Referral*

Staff will:

- a) Screen and separate complaints from other communications and correspondence received;
- b) Refer the complainant to the right person, with the right delegations in the appropriate Department.

*(B) Recording/Logging*

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- a) Staff will record details of the complainant and enter the complaint into Council's complaints handling system.
- b) Where a complaint is received in writing the complainant will be provided with a written acknowledgment which records how the contact was made, the nature of the complaint, action taken to address the complaint received, or who the matter has been referred to (action officer) and a file reference number.
- c) Telephone complaints will be replied to by telephone with staff required to make appropriate file notes concerning the conversation.

### **(C) Action to be Taken**

The action officer will investigate the complaint and take the action appropriate for the particular circumstances. If the matter is not able to be satisfactorily or quickly resolved, it will then be referred to a more senior staff member and/or Director and/or General Manager to review/investigate the unresolved complaint.

### **(D) Follow Up Information Required**

- a) Where a complaint is made in writing the complainant will be provided with a letter advising of action(s) taken and any outcomes or proposed rectification action.
- b) Details of the investigation, action taken and advice provided to the complainant will be recorded on that file noted in the complaints recording system.

### **(E) Reviewing and Analysing Complaints as a Planning Tool**

The responsible officer in each Department shall provide the Department Director and General Manager with monthly statistical reports on complaints received. These will be reported to Council from time to time and to the public annually.

### **(F) Special Categories of Complaint**

Some types of complaints need to be treated in special ways:

- a) A complaint about criminal or corrupt conduct should be referred to the General Manager for investigation and will be reported to the appropriate authority (eg. Police, ICAC).
- b) A complaint regarding competitive neutrality, the basis of which must be:
  - i) a complaint that Council has not met its requirements under the "Code Statement of Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality". This includes a concern that Council has not established an effective complaints handling mechanism;
  - ii) a complaint that Council has not abided by the spirit of competitive neutrality in the conduct of a business activity;

is to be referred to the Public Officer/General Manager for investigation. These complaints will receive the highest Council priority.

### **Independent Review**

Should a complaint be unable to be resolved to the satisfaction of the complainant, the following recourse should be offered:

- a) alternative dispute resolution procedures (eg mediation, the costs of such being mutually agreed upon);
- b) the complaint being referred to an external public sector agency (eg Ombudsman or Department of Local Government);
- c) complainant being informed of appeal rights to the courts or other legal remedy.

### **National Competition Code Competitive Neutrality**

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Council shall determine if it is a NCP Competitive Neutrality complainant. If not, complaint will be dealt with through the normal procedures.

If the complaint is determined to be a NCP Competitive Neutrality complaint, then:

- a) If legitimate, Council shall investigate/review business activities and will change the relevant business practice if the complaint is justified, and
- b) The complainant will be advised of the outcome and state and federal agencies roles in this area.

All National Competition Code competitive neutrality complaints will be actioned within twenty-eight (28) days of receipt.

**D.501      Gathering Information Policy**

Date Adopted: 20/10/2005

Minute Number: 292

Reviewed 22/12/2010

**Background**

Council requires a formal policy supporting the consistent and systematic treatment and collection of information systems and procedures. From time to time Council may be asked to provide information that is to be used to defend a public liability or professional indemnity claim. The information is often valuable and needs to be formatted so that it is not rendered inadmissible when defending claims in court.

**Policy Objective**

To document the required standard of council generated information and data needed to assist in defending a public liability or professional indemnity claim and ensure that information and data constitute admissible evidence.

To support the procedures for the gathering of information for such purposes.

**Principles**

- 1) To meet council operational needs, accountability requirements and community expectations.
- 2) The protection of Council's financial position through risk management.
- 3) To facilitate the minimum data requirements for information required to be used defending possible public and professional liability claims.

This policy, together with the procedures, provides the minimum data standards for the gathering of information.

**Policy Statement**

Murrumbidgee Shire Council aims to work safely with the community to improve the quality of life and create an environment for future development within the Shire. Murrumbidgee Shire Council has recognised that the management of risk is an essential element of good management and impacts on every facet of Council activity.

This policy, together with the procedures, provides the minimum data standards for the gathering of information. It is aimed at reducing the information supplied by Council to its lawyers that is currently inadmissible, together with either information or data that is not sufficiently detailed or contains unwanted admissions that may render the information of little value in the defence of a potential claim.

Listed information source documents from the checklist must be appropriately recorded and archived in accordance with Council's records management policy and in accordance with the State Records Act 1998 and associated standards.

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Council will, within its budgetary constraints and using existing information systems available to it, endeavour to ensure accurate and systematic information is maintained and stored appropriately.

**Source Documents Checklist**

The source documents checklist specifies the minimum data requirements of Council.

**Review of Checklist**

The checklist is to be reviewed by the Risk Management (Officer) for compliance with the Best Practice Guide to Gathering Information. This review is to take place annually, or when advice is received of changes to the best practice guide.

A record of the review shall be maintained.

**Review of Information Sources**

Information sources listed in the checklist are to be reviewed annually for compliance with the requirements. All staff are to consult the requirements when making alterations to the detail recorded in the listed information sources.

A record of the review is to be kept.

**Additional Information Guidelines**

*Incident Procedure Flow Chart*

The incident procedure flow chart specifies the minimum data requirements and internal forms to be used for incident reporting and record keeping.

*Standards*

To meet the requirements of section 11 of the checklist Council must maintain a list of standards or documents referred to whilst undertaking Council business. Standards may include Australian Standards, standards set by contracting organisations (eg RTA), internal guidelines, best practice guidelines or legislation. This list must comply with section 11 of the checklist and include uses of the documents.

(A list of documents relating to this policy may be found at G:\Management\policies\policy register attachments\D501.doc)

**D.... Workplace Grievance and Dispute Policy**

Date Adopted: 15/04/2010

Minute Number: 65

**Introduction**

An employee with a problem or complaint is encouraged to raise the issue immediately or as soon as possible with their immediate Supervisor/Manager to ensure that management is aware of any concerns and can take remedial action where appropriate.

This policy applies to any employment-related grievances for which there are no alternative resolution procedures.

**Policy**

1. Council and Management will address the resolution of grievances in a prompt, fair and consistent manner, following the process as laid out in the Workplace Grievance and Dispute Handling Procedure
2. Parties have a responsibility to resolve the grievance by conciliation.

3. If an alleged dispute or grievance is in the process of being resolved, work practices existing prior to the dispute or grievance shall as far as practicable, proceed as normal. This should in no way influence or prejudice the outcome.
4. Documentation relating to grievance and dispute handling processes will be registered in Council's records management system.

#### **D.... Noisy Plant Policy**

Date Adopted: 15/04/2010

Minute Number: 65

##### **Introduction**

Murrumbidgee Shire Council is committed to safety and providing a safe work place; this includes the reduction of noise in the work environment. This policy applies to all plant owned or hired by The Murrumbidgee Shire Council and operated by Council staff.

##### **Policy**

The Murrumbidgee Shire Council will identify noise hazards in the workplace and will

- minimise noise-induced hearing loss and tinnitus by using engineering control measures and where possible purchase quieter equipment/plant. All Large plant items purchased must meet the NSW Code of Practice and the local requirement, that operators positions record no greater than the range of 72-75dB during the normal standing test . The normal test is done while the plant is standing, running at a high idle.
- provide PPE hearing equipment and monitor its use, where noise exceeds the acceptable limit of the range 80-85dB and cannot be easily controlled by other means (for example small plant items like chainsaws)
- inform workers of the harmful effects of noise through training and information sharing
- promote consultation with workers, external providers, and management.
- enforce compliance with safe work practice;  
the Occupational Health & Safety Act and OHS Regulations;  
and any other legal requirement.

#### **D.... Workplace Bullying and Harassment Policy**

##### **Introduction**

Bullying and harassment is unreasonable behaviour that is repeated over time, directed towards a worker, or group of workers, that creates a risk to health and safety. Single incidents of unreasonable behaviour can also create a risk to health and is also not acceptable as part of Murrumbidgee Shire Council's work culture.

Bullying and harassment includes behaviour such as screaming at someone, initiation practices, interfering with work and/or repair processes and putting down someone's opinions.

##### **Policy**

1. Murrumbidgee Shire Council is a bullying, harassment and violence-free workplace. Bullying and harassment are not an acceptable part of Murrumbidgee Shire Council's work culture.
2. Murrumbidgee Shire Council will deal with bullying and harassment in the workplace. All reports will be treated seriously and investigated promptly, confidentially and impartially.

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Council encourages all employees and contractors to report bullying and harassment in the workplace.

3. Managers and supervisors must ensure that workers who make reports, and anyone else who may be involved, are not victimised. Action, following the Murrumbidgee Shire Council's Disciplinary Procedure, may be taken against anyone who bullies or harasses a co-worker.

## **Part E**

### **Roads, Roadworks and Ancillary Matters**

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**E.101 Roads – Risk Management**

Date Adopted: 15/05/1997

Minute Number: 170

**Objective:** To introduce procedures that will appropriately manage the Council's risk exposure on roads and ancillary facilities.

**Policy:**

Guidelines provided in the Statewide Best Practice Manuals relating to "Roads" and "Footpaths, Nature Strips and Medians" shall be adopted as standard practice for Murrumbidgee Shire.

**E.102 Roads – Maintenance Standards**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To specify standards for the maintenance of Council's road system that are achievable within Council's resources and provide a reasonable service to the road users.

**Policy:**

*Unsealed Roads*

- \* The severity intervention level for periodic maintenance shall be ruts, potholes and corrugations that are greater than 50 mm deep.
- \* The formation grading of bus routes, involving the grading of the pavement and the shoulders (including watering and compaction and possibly including restoring table drains and cut-off drains), shall be undertaken once per year. Work on roads affected by the rice harvest shall be undertaken after such harvest.

*Sealed Roads*

- \* Council shall maintain all sealed roads within the shire
- \* Sealed roads are to be regularly rated by staff and a program developed to maintain the existing network
- \* Agreement is **to** be reached with Coleambally Irrigation on the action to be taken against landholders who allow water to escape onto road reserves

*General*

- \* Bus routes shall be given highest priority for maintenance works. The priorities of other roads shall be determined by vehicle counts and with reference to previous rating.

**E.103 Roads – Fencing Materials**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To preserve the amenity of the area and safeguard the safety of road users by acting against the dumping of fencing materials on road reserves.

**Policy:**

Where landholders or occupiers dump fencing materials on roadsides, a notice to remove the material shall be issued and if no action is taken within the specified period Council shall remove the netting and the offender will be charged for the costs involved at sundry debtor rates.

**E.104 Roads – Wire Rope Barriers**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To remove obstacles that could impose a danger to road users.

**Policy:**

Wire rope barriers shall be prohibited on all roads within the Murrumbidgee Shire.



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**E.105 Roads – Contributions to Works**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To ensure that there is a clear understanding of an acceptance of contributions required from property owners in advance of works commencing.

**Policy:**

Where contributions to works are required from landholders for Council works, the landholders shall be provided with the details prior to the commencement of works.

**E.106 Roads – Works within Town Road Reserves**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To safeguard Council's road reserves by prohibiting works other than of a minor beautification nature.

**Policy:**

In the townships of Darlington Point and Coleambally:

- a) no works other than lawn planting shall be carried out within the road reserve without prior consultation with Council and approval being granted;
- b) fixed underground sprinkler systems may be installed in accordance with the requirements of Council and metered;
- c) Council accepts no liability in respect of such works;
- d) householders shall be responsible for any necessary maintenance and repairs, with any defective items to be removed.

**E.107 Roads – Grazing of Stock on Local Roads**

Date Adopted: 15/03/2007

Minute Number: 61

**Objective:** To provide a framework to control grazing of stock on Shire Roads other than Travelling Stock Routes and minimise the potential danger and inconvenience to other road users.

**Policy:**

Approvals will only be granted in times of extreme drought to graze local roads with such approvals stipulating the period and type of stock (sheep only to be considered for grazing in the Coleambally Irrigation Area).

*Roads Suitable for Grazing:-*

Anderson Road	Argoon Road	Bonnars Road
Bull Road	Cattanach Road	Channel 9 Road
Cockeys Lane	Commins Road	Conargo Road
Culley Road	Davis Road	Donald Ross Drive
Durnan Lane	Egan Road	Ercildoune Road
Eulo Road	Forge Road	Fraser Road
Gaston Road	Geyers Road	Gum Creek Road
Gum Creek/Conargo Road	Harveys Well Road	Jim Cattanach Road
Kook Road	Main Canal Road	Manning Lane
Martin Bell Road	McDougall Road	McGrath Road
McLeay Road	Mellington Road	Morley Road
Morundah Road	Muntz Lane	O'Neill Road
Pike Lane	Ringwood Road	Sheppard Lane
South Boundary Road	Steele Road	Uroleys Road
Wallace Road	Wallin Road	

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*Roads Unsuitable for Grazing:-*

Bencubbin Avenue	Britts Road	Burke Lane
Citrus Drive	Clifford Downs Lane	Hogans Lane
Jimmy Cull Road	Kent Road	Kyola Road
Lovegrove Road	Old Hay Road	Oolambeyan Road
Pine Drive	Prickley Road	Rosewood Road
Ryan Road	Sunshower Road	

**E.108 Roads – Drainage of Roadsides**

Date Adopted: 20/02/1992

Minute Number: 66

**Objective:** To establish an equitable cost sharing arrangement in circumstances where drainage on farms is used to drain roadsides.

**Policy:**

Where farm drainage is used to drain roadsides the following agreement shall be entered into with the owner in relation to costs:-

- |  |                     |
|--|---------------------|
| a) Dredging: Council/Owner                                 | 50/50               |
| b) Soil Sterilisation: Council/Owner                       |                     |
| - Chemical   | 50/50               |
| - Labour   | Full Share to Owner |
| c) Noxious Weeds:  | Full Share to Owner |
| d) Remedial maintenance (rabbit burrows, yabbie holes etc) | Full Share to Owner |

**E.109 Roads – Farm Drainage onto Roads**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To prevent practices that have a detrimental impact on Council's road system.

**Policy:**

- a) Council will not approve applications to drain farm water onto a public road reserve.
- b) Any person who allows farm water to drain onto a public road reserve shall be served a notice to effectively rectify the problem within 14 days.

**E.110 Roads – Damage**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To recover the cost of repairs to damage caused to Council roads from the party or parties responsible for such damage.

**Policy:**

When the Council becomes aware of damage to a public road, the Director of Technical Services or his representative shall take immediate action to determine the responsible party and every endeavour shall be made to ascertain the following information:

- \* vehicle registration number or if not registered an identification number or description of the vehicle
- \* the name and address of the owner of the vehicle
- \* the name, address and licence number of the driver or operator

- \* the name and address of any witnesses. Where the witness is a Council employee, efforts should be made to obtain an additional independent witness
- \* the exact time and date that the damage occurred
- \* the exact location where the damage occurred
- \* photographic or video evidence

Immediately after the collection of this data the owner and the driver of the vehicle shall be served with a notice that they are held responsible by Council for the cost of repairs to the road in accordance with the provisions of the Local Government Act and the Roads Act.

**E.111 Roads – Removal of Roadside Vegetation**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To remove obstacles that could hinder the vision of motorists, pose a potential danger to road users and interfere with road maintenance works.

**Policy:**

Trees within a distance of three (3) metres of the edge of the bitumen seal shall be cleared.

**E.112 Roads – Landscaping**

Date Adopted: 10/12/2002

Minute Number: 367

**Objective:** To encourage residential landholders to improve the amenity of the towns whilst at the same time ensuring that any landscaping of road reserves does not impose an inconvenience or danger to others.

**Policy:**

Council will permit urban landholders to carry out landscaping on the road reserves adjacent to residential properties subject to the following conditions:

1. A thoroughfare of a minimum width of two (2) metres is to be maintained unobstructed at all times for pedestrian traffic.  
  
Such pedestrian thoroughfare is to be aligned with the established pedestrian movements in the street.  
  
No obstacles such as garden borders, water sprinklers, stepping stones, exposed tree roots, etc, or any other item that could present a trip hazard are to be permitted on the pedestrian thoroughfare.
2. The landholder is to accept ongoing responsibility for the maintenance of the landscaped area, including costs associated with watering and control measures for noxious plants.
3. No species are to be planted that are likely to hinder the vision of motorists or pedestrians or in any way pose a danger to others.
4. No trees or shrubs are to be planted that have the potential to impact adversely on utility services, including water and sewer mains and overhead power lines.
5. The species and number of trees planted are to be in accordance with Council's Street Tree policy.

**E.113 Roads – Tree Planting on Road Reserves**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To police the planting of trees on road reserves so as to minimise the potential for obstacles that could pose an inconvenience or danger to other road users or hinder road maintenance and/or drainage.

**Policy:**

Every application to plant trees within rural road reserves shall be considered on its merits taking into consideration the following:

- a) the road reserve width,
- b) the requirement for a 3 metre clearance from the outside top of any table drain,
- c) the clearances required by any utility authority, and
- d) the width of the reserve required for travelling stock on travelling stock reserves.

**E.114 Roads – Traffic Control Plans**

Date Adopted: 12/12/1996

Minute Number: 462

**Objective:** To take up a suitable standard for traffic control plans.

**Policy:**

The current RTA Code of Practice shall be adopted as the standard for designing traffic control plans for works on public roads within Murrumbidgee Shire.

**E.115 Roads – Leasing of Closed Roads**

Date Adopted: 16/04/1994

Minute Number: 46

**Objective:** To introduce consistent and equitable terms and conditions under which closed roads may be leased to adjoining landholders.

**Policy:**

Closed roads over which Council is the responsible roads authority may be leased to an adjacent landholder under the following conditions:

- 1. the period of the lease shall be five (5) years with provision to terminate or vary with one month's notice;
- 2. the land shall be securely fenced at the lessee's cost;
- 3. the enclosed area must be kept in a clean and tidy condition;
- 4. noxious weeds and pests must be eradicated;
- 5. no buildings are to be erected on the land;
- 6. rental is payable annually in advance and land is to be rated; and
- 7. no valid objections to leasing are raised.

**E.201 Footpath Maintenance and Repairs**

Date Adopted: 18/11/04

Minute Number: 327

**Objective:** To ensure that Murrumbidgee Shire Council has in place suitable procedures for inspecting and maintaining footpaths so as to minimise inconvenience and risk of injury to pedestrians.

**MURRUMBIDGEE SHIRE COUNCIL**  
**POLICY REGISTER**

**Policy:**

Murrumbidgee Shire Council shall inspect, maintain and repair its footpath network in accordance with the following procedures. A flow-chart indicating the procedures to be followed forms part of this policy.

**Regularity and Recording of Inspections:** A formal inspection of all paved (concrete, pavers, asphalt and other fixed permanent surfaces) footpaths is to take place each three months.

All other formed footpaths in urban areas are to be inspected each six months.

Such inspections are to be documented and to record all significant cracks, raised surfaces, uneven surfaces, slippery surfaces and other obstacles and trip hazards that could pose a danger to pedestrians.

The officer carrying out the inspections will, at that time, evaluate any defects detected in accordance with the criteria below and record the results on the inspection sheet provided for that purpose.

The inspection sheets are to be provided as soon as practicable to Council's Overseer. The Overseer, if in agreement with the rating allocated to the footpaths, is to organise the remedial works required by this policy.

Completion of the works is to be noted on the inspection sheets and returned to Council for retention as a Council record.

**Evaluation of Hazards:** All hazards detected are to be evaluated to determine the risk they pose to footpath users. The following criteria are to be used in assessing the risk posed and the response required from Council.

1. **High Risk** – a footpath will be categorised as being a high risk where it has a trip hazard greater in height than 25 mm or where a paved footpath contains substantial cracks that could, for example, entrap a pedestrian's shoe, or the surface is uneven or slippery to a degree that it represents an immediate threat to the safety of users.
2. **Medium Risk** – a footpath will be categorised as being of medium risk where it has a trip hazard greater in height than 10 mm but not exceeding 25 mm or where it is detected as having a surface that as a consequence of cracking, unevenness or slipperiness could post a future threat to the safety of pedestrians.
3. **Low Risk** – a footpath will be categorised as being of low risk where it does contain one or more trip hazards however they do not exceed 10 mm in height or where the characteristics of the surface are such that they could impose a slight risk to the footpath users.
4. **No Risk** – a footpath will be categorised as being of no risk where no defects are detected that could post an immediate or foreseeable risk to the footpath users.

**Repairing of Footpaths:** The results of all footpath inspections are to be provided as soon as practicable to Council's Overseer who is to organise remedial works in accordance with the following schedule:-

1. **High Risk Sections** – permanent repairs or replacement of high risk sections of footpaths will be effected within one month of the problem being detected and reported. Where the risk is very high because of the footpath's situation (eg proximity to school, retirement home or in an area of high usage), barricading the section or implementing temporary repairs is to be considered until permanent repairs or replacement can be put in place.
2. **Medium Risk Sections** – repair or replacement of medium risk sections is to be scheduled into Council's works program and the work effected within six months of the problem being detected and reported.
3. **Low Risk Sections** – low risk sections are to be considered for inclusion in Council's normal works program as resources permit. Once potential hazards are detected they are to be incorporated within the normal quarterly inspections so as to ensure the situation does not

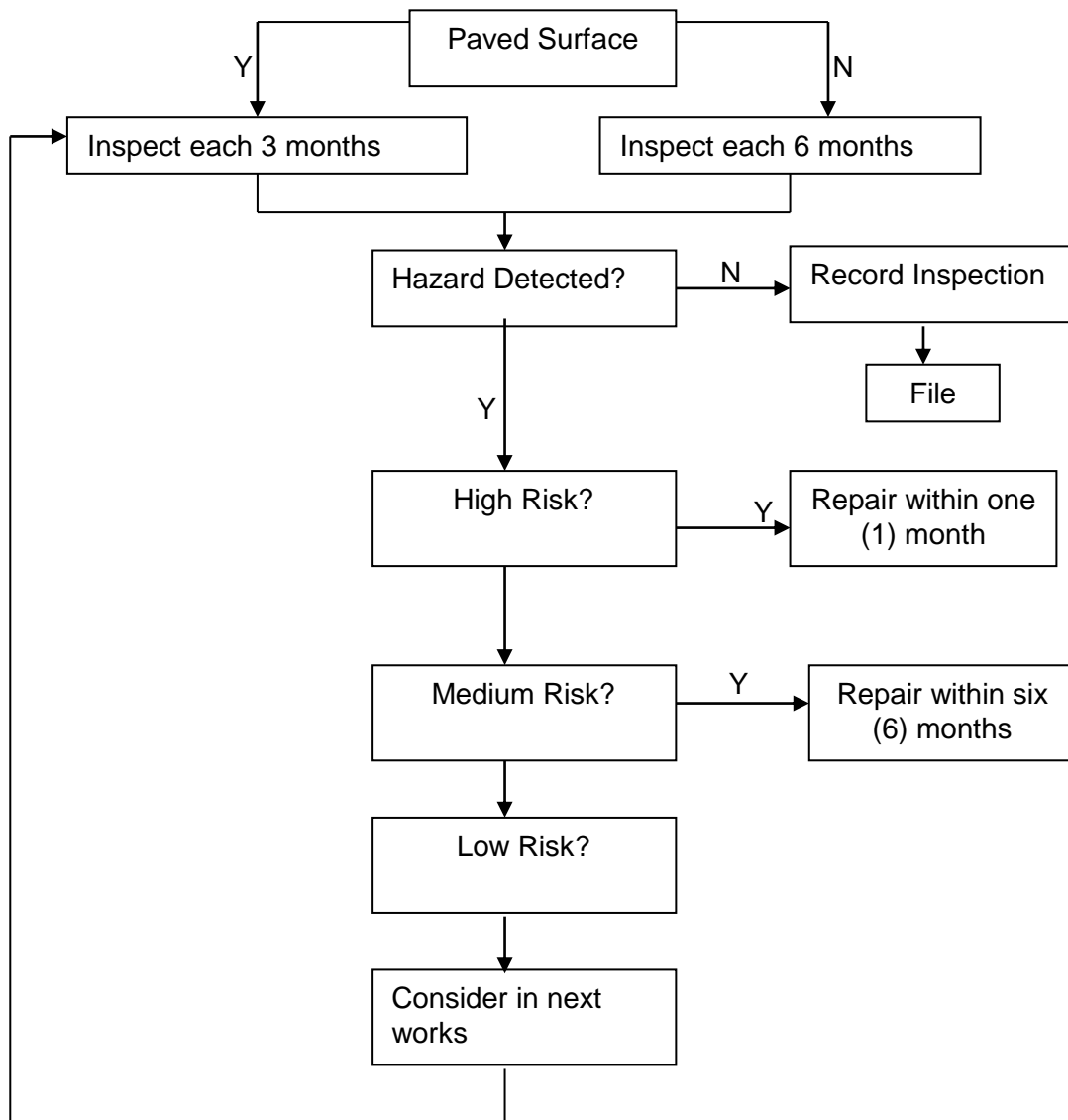
**MURRUMBIDGEE SHIRE COUNCIL**  
**POLICY REGISTER**

deteriorate to an extent where more immediate action is required.

**Handling of Complaints:** Personal or written complaints relating to footpaths are to be referred to the Overseer for action in accordance with this policy. The action taken is to be noted in Council's records and the complainant notified accordingly.

**Opening of Council's Footpath:** Any person or authority wishing to open a council footpath for the laying of a water service, utility service and the like, is to first obtain the permission of Council. All surfaces are to be restored to the satisfaction of Council.

Any works in progress that could pose a danger to footpath users are to be appropriately barricaded.



**E.301 Rural Addressing**

Date Adopted: 20/05/04 Amended 13/12/2007 Minute Number: 137/350

**Objective:** To standardise the allocation of rural addresses.

**Policy:**

That AS/NZS 4819:2003 Geographic Information – Rural and Urban Addressing for Council Use be adopted for addressing properties in Murrumbidgee Shire and further that rural address intervals be included on new and replacement rural road signs.

## **Part F**

### **Rural Fire Service and Fire Control**

**MURRUMBIDGEE SHIRE COUNCIL**  
**POLICY REGISTER**

**F.101 Fire Break Requirements**

Date Adopted:

Minute Number:

**Objective:** To minimise Council's exposure to litigation for non-compliance with a fire break policy and burden on landholders in times of drought.

**Policy:**

Section 66 of the Rural Fires Act, 1997, relating to the construction of firebreaks, shall not be imposed in the Shire of Murrumbidgee.

**F.102 Fire Breaks – Road Reserves**

Date Adopted: 20/08/1998

Minute Number: 298

**Objective:** To impose conditions on the construction of fire breaks on road reserves aimed at minimising inconvenience to others and protecting and preserving native vegetation.

**Policy:**

Firebreaks on road reserves shall be permitted only under the following terms and conditions:

1. The width of the road reserve for a 9 metre fire break shall be a minimum of 40 metres and for a 6 metre fire break shall be a minimum of 30 metres;
2. Significant remnant vegetation areas shall be protected;
3. The landholder shall be responsible for eradication of noxious weeds on such breaks;
4. Notices shall be issued under Section 102 of the Roads Act in relation to ploughing of road shoulders;
5. The General Manager is delegated authority to approve applications for fire breaks on road reserves

**F.201 Fire Fighting – Equipment Issues**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To limit the type of bush fire equipment issued to that considered most suitable for conditions within Murrumbidgee Shire.

**Policy:**

1. Issues of equipment shall be restricted to tankers, slip-on units and village protection;
2. Designated Brigade Units shall be maintained through the Rural Fire Fighting Fund;
3. Brigades or landholders shall maintain all other equipment. Such equipment when worn out is to be written off and not replaced.

**F.202 Fire Fighting – Use of Council Plant**

Date Adopted: 15/12/2005

Minute Number: 331

**Objective:** To define, in conformity with the requirements of the Rural Fires Act 1997, Council Service Agreement with the Rural Fire Service and the Council's financial means, a policy on the use of Council plant.

**Policy Statement:** That, having regard to the policies of the NSW State Government in funding arrangements through the Rural Fire Fighting Fund, and in an endeavour to provide local area brigades with sufficient resources to meet identified fire threats and further to clarify arrangements for the supply of said resources and responsibilities for meeting operational costs.



**MURRUMBIDGEE SHIRE COUNCIL**  
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**Policy:**

**1. Use of Council Plant**

In the event of a major fire, a fire in a situation of very high risk or a fire where use of plant is particularly necessary, Council will endeavour to make plant (grader, dozer, water carts etc.) available on request.

Rural Fire Service personnel are asked to bear in mind the cost, disruption of work and other effects before asking for assistance. Generally the plant will be made available when the following conditions apply:

- a. The fire is of such a magnitude or type that it is unlikely to be controlled in a reasonable period by other means;
- b. That it is likely that the plant can be of significant benefit in controlling the fire;
- c. That the plant is not endangered or operated in conditions or a manner inconsistent with its design or normal operational constraints;
- d. The plant operator will have the final say regarding the safety of the machine and the operator. The plant will only be used for indirect fire suppression as described in the various Rural Fire Service training materials;
- e. The Rural Fire Service Captain, in charge of the fire, having assessed the situation requests that the plant be made available and the Incident Controller/Zone Manager, through whom such a request must be made, agrees with the request.

The Plant is economically and safely available, and that in holiday periods during bushfire danger period the tankers be left full of water and heavy plant fuelled and serviced for emergencies.

The following points should be noted with regard to the use of Council plant:

- a. An early decision is to be made regarding requirements. For plant, commitment is necessary as a time delay of approximately 2 hours may occur between the making of a request for plant and plant arriving on the fire site. This could be 3-4 hours for out of work hours.
- b. Considerable delays may be avoided if the Manager of Technical Services is advised before "knock off time" (4.00pm) that certain items of plant could be needed. (Plant can be serviced, fuelled and the operator alerted, etc.)

All Council plant involved in bushfire operations shall be directed by the Rural Fire Service Captain, through the Manager of Technical Services (or his representative) who shall have the ultimate control of the plant (and make all decisions as to where and how plant is to be used or when it is to be withdrawn). To this end it is expected that the Rural Fire Service Captain shall set up some form of liaison between his site control centre and the Manager of Technical Services or his representative.

Should a fire start on a landholder's property due to natural causes and Council plant and equipment be necessary to contain that outbreak, Council will incur the costs. Should such fire occur due to the negligence of the landholder, then he will be liable for the costs of such plant and equipment as required.

Should a fire start and escape from any Council managed land, including any highway, road, street, land or thoroughfare, Council will provide plant and equipment (as defined in 1.1) as required to assist dedicated plant of other authorities in the suppression and containment of the fire. Council will be liable for costs incurred for the provision of plant and equipment under its direct control.

**2. Notes**

- 2.1 Each plant unit should be equipped with 2 men (operator and offsider) a radio, first aid kit, a knapsack, and if possible heavy plant should be accompanied by a Rural Fire

Service fire unit. The second man should be another operator or the normal supervisor of the operator or driver.

- 2.2 Plant should always be checked, fuelled and serviced before being dispatched to the fire. No machine with any mechanical defect liable of rendering it inoperative while in the fire area shall be used.
- 2.3 Some simple SOP's in fire fighting techniques i.e. which direction to throw the windrow, width of fire breaks, need to keep clear of trees etc. should be given to grader operators.
- 2.4 Operators and/or drivers should be changed at reasonable periods. 4-6 hours worked on a fire fighting site is seen as a practical limit.
- 2.5 Plant should be checked for safety by a competent person before entering a fireground.
- 2.6 Operators of plant should be suitably trained before entering a fireground.
- 2.7 In the case of Council plant being unavailable, contractors will be utilised.

### **F.203 Fire Fighting – Use of Council Resources**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To specify the conditions and circumstances under which Council staff and equipment are to be engaged in the fighting of bush fires.

#### **Policy:**

Council shall make available resources to fight bushfires under the following conditions:

1. Staff may, on a voluntary basis only, attend fires on:
  - a) Road reserves when a supervisor is available
  - b) Private property when working in proximity to a fire and such action will assist in containing the fire and a supervisor is available to monitor movement of fire. Staff shall cease fighting fires on private property immediately local brigades have sufficient resources to contain the fire.
  - c) Private property for serious fires which are not in proximity to the work site with such attendance requiring the approval of the Mayor, General Manager or Director Technical Services or, in their collective absence, their deputies. Volunteers must be under Council Staff supervision at all times.
2. Plant and vehicles shall be provided only with volunteer Council operators on the same conditions applying to provision of manpower.

### **F.204 Fire Fighting – Local and Regional Assistance**

Date Adopted: 17/09/1998

Minute Number:

**Objective:** To specify the conditions to apply when Council staff engage in fire fighting in the local region.

#### **Policy:**

Council employees shall be permitted to attend incidents in Murrumbidgee and adjoining Shires subject to the approval of the General Manager and such approval shall include a determination of the type of leave granted (with pay, annual leave or leave without pay).

**F.205 Fire Fighting – Assistance in Fire Fighting Out of the Region**

Date Adopted: 21/11/02

Minute Number: 338

**Objective:** To specify the conditions that are to apply if and when Council staff are engaged in fire fighting outside the Council area.

**Policy:**

Council employees shall be permitted to attend out of region incidents under the following conditions:

1. No more than two (2) employees are to be absent at any one time;
2. The approval of the relevant director is to be obtained;
3. Staff attending Section 44 fires in the Sydney region and southern part of New South Wales and any incident that is declared a national disaster shall be granted paid leave subject to such leave granted being restricted to twenty (20) days in total in any one financial year.
4. Periods of absence for incidents not qualifying under (3) are to be covered by annual leave or leave without pay.

**F.206 Fire Fighting – Volunteer's Personal Accident Insurance**

Date Adopted: 18/09/03

Minute Number: 306

**Objective:** To provide financial assistance to volunteers to offset some of the cost of personal accident insurance.

**Policy:**

That an annual contribution of \$400, in total, be made to Volunteer Personal Accident Insurance premiums.

**F.301 Fire Hydrant Maintenance and Repairs**

Date Adopted: 18/11/04

Minute Number: 327

**Objective:** To ensure that Murrumbidgee Shire Council has in place suitable procedures for inspecting and maintaining fire hydrants so that they are easily located, free of debris and in working order.

**Policy:**

Murrumbidgee Shire Council shall inspect, maintain and repair its fire hydrants in accordance with the following procedures.

**Regularity and Recording of Inspections:** A formal inspection of all fire hydrants is to take place every twelve months.

Such inspections are to be documented and to record missing or damaged signs and/or indicators, worn paint surfaces and damaged or broken hydrants.

The inspection sheets are to be provided as soon as is practicable to Council's Overseer. The Overseer is to organise the remedial works required by this policy.

Completion of the works is to be noted on the inspection sheets and returned to Council for retention as a Council record.

**Time for Inspections:** Inspections of fire hydrants in Darlington Point are to be carried out during the quarterly water main flushing in August.

Inspections of fire hydrants in Coleambally are to be carried out during the annual water main flushing in September.

**Timeframe for Repairs:** Clearing around fire hydrants and clearing debris out of the hydrant box are to be carried out at the time of flushing the mains.

Repairs to hydrants are to be carried out, where possible, at the time of flushing the mains. If it is not possible e.g. because parts are not available, repairs are to be carried out as soon as is practicable after mains flushing.

Replacement of missing or damaged signs and/or indicators and repainting of worn areas are to be completed within one month of the report of the defect.

## **Part G**

### **Council and Community Services**

**MURRUMBIDGEE SHIRE COUNCIL**  
**POLICY REGISTER**

**G.101 Charges – Shire Hall Rentals**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To establish guidelines applicable to the hire of the shire halls and their contents.

**Policy:**

1. Tables in all halls shall not be let for hire outside the halls.
2. Charges for hire of the Coleambally or Darlington Point Halls shall be two-thirds the normal hire rate (to the nearest dollar) where the halls are booked on a regular basis of at least once per week and for a minimum period of three months.
3. Council will not hire premises for purposes that directly conflict with established local businesses.

**G.102 Charges – Council Facilities Hire**

Date Adopted: 21/10/2004

Minute Number: 293

**Objective:** To provide assistance to community organisations conducting community functions.

**Policy:**

Council will consider applications to waive hire charges on Council facilities only under the following circumstances:

1. The function must be open to the general public;
2. No entry/participation fee is required by the organisation;
3. No assistance is required of Council;
4. Premises/grounds are to be left in original condition.

**G.103 Charges – Junior Sporting Competition Ground Fees**

Date Adopted: 21/09/2006

Minute Number: 241

**Objective:** To promote the participation of juniors in sporting competitions.

**Policy:**

When an organisation conducts a competition specifically for juniors, no ground fees for the use of Council sporting grounds will be levied.

**G.104 Sporting Grounds – Open Fires**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To reduce the risk of damage to Council facilities and inconvenience and injury to other patrons.

**Policy:**

Private open fires are banned within the bounds of Council sporting grounds.

**G.105 Swimming Pools – Sun Protection**

Date Adopted: 19/06/2003

Minute Number: 208

**Objective:** The health and safety of swimming pool staff and pool users is of concern to the Murrumbidgee Shire Council. Council acknowledges that skin cancer is a major public health

problem with 2 out of every 3 people who have spent their childhood in Australia requiring treatment for skin cancer in their lifetime. Exposure to ultraviolet radiation (UVR) from the sun has been identified as the major cause of skin cancer.

**Policy:**

Council will actively seek to promote, encourage and support sun protection at training, competition and during everyday activities at Council swimming pools. It will also encourage swimming clubs and other organisations that use the facilities to follow your SunSmart guidelines prepared by the NSW Department of Health.

The aim of this policy is to reduce swimming pool staff and patrons exposure to UVR. Where possible council will:

**1. *Improve sun protection for swimming pool staff:***

**1.1 Require staff to use personal protective clothing and equipment including:**

- Collared elbow length or long sleeved shirts
- Trousers or knee length shorts
- Broad brimmed hats
- Sunglasses that comply with standard AS 1067
- Broad spectrum water resistant SPF 30+ sunscreen.

**1.2 Provide shade**

- Provide and encourage the use of permanent shade for shelter from direct sunlight (eg when staff are observing the pool).
- Erect portable structures when permanent shade is not possible (eg umbrellas and shade tents).
- Increases natural shade through planting trees that will provide a dense canopy and using vines over pergola structures.

**1.3 Consider scheduling**

- Schedule working hours (eg Learn to Swim class times) to minimise UV exposure during peak UV times 10am - 2pm (11-3pm daylight saving time).
- Where it is essential for staff to be exposed to direct UVR during peak UV times rotate staff regularly, use portable shade and ensure they are using personal protection.

**1.4 Provide training**

- Provide training for all employees, supervisors and managers about the effects of UVR and the importance of the sun protection strategies.

**2. *Support sun protection for swimming pool patrons;***

**2.1 Support the use of personal protective clothing and equipment**

- Sell broad brimmed and legionnaire hats and broad spectrum SPF 30+ sunscreen at any merchandise outlets.
- Recognise that pool staff act as SunSmart role models and help provide an environment where wearing sun protection clothing is acceptable.
- Use awareness raising strategies to increase pool users' appreciation of the need for SunSmart behaviour. These may include displaying sun protection posters and signage, distributing pamphlets and other information, making public address announcements, conducting competitions and providing giveaways.

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- Encourage staff to identify pool users that have signs of over exposure (eg sunburn) and suggest they avoid the sun to prevent further damage.

### **2.2 Provide shade**

- Increase natural shade through planting trees that will provide a dense canopy and using vines over pergola structures in areas where patrons congregate.
- Provide permanent shade for shelter from direct sunlight where ever and whenever possible and encourage its use. This includes placing seating under trees and artificial shade over pools where possible.
- Erect portable shade structures when permanent shade is not possible (eg outdoor pool patios and other areas surrounding pools).
- Consider providing shade over children's pools or the shallow end of a large pool.

### **2.3 Reschedule activities and events**

- Encourage groups to schedule special events outside of peak UV times (eg. Twilight swimming competitions).

## **3. Review and Evaluate**

Council will review the content, application and implementation of this policy annually to ensure it provides up to date and appropriate guidelines for sun protection for both staff and patrons.

### **G.106 Medical Services**

Date Adopted: 19/03/1998

Minute Number: 87

**Objective:** To facilitate the establishment and operation of a medical practice in both Coleambally and Darlington Point and to encourage community support in achieving this aim.

#### **Policy:**

Council has determined that the minimum medical services required in the Shire as being one resident doctor in each of Coleambally and Darlington Point. It is Council Policy to take the following actions aimed at achieving this objective:-

- \* Provide one (1) surgery and one (1) residence in each town
- \* Charge subsidised and negotiable rental for the surgery and commercial rental for the residence
- \* Encourage the community to provide funding for surgery equipment and ancillary needs
- \* Obtain access to Griffith Base Hospital for both doctors
- \* Provide acute care facilities in the doctors' surgeries

### **G.107 Lawn Cemeteries – Conditions**

Date Adopted: 20/02/1992

Minute Number: 53

**Objective:** To introduce standards to ensure that the lawn cemeteries are developed and maintained in keeping with the community's expectations and commensurate with the appropriate reverence.

#### **Policy:**

The following conditions shall apply to lawn cemeteries in Darlington Point and Coleambally:-

- a) Flush plaques shall be obligatory on all graves and will be of a basic design and be of a size of



380 mm x 215 mm. Where provision is made for two persons to be buried in the one grave, the plaque shall remain the basic uniform design and size.

- b) Facilities for interment of cremated remains will be provided with memorialisation to be by a standard niche plate 125 mm x 100 mm.
- c) Plots shall be 2.4 m x 1.2 m.
- d) The cemeteries shall be non-denominational.
- e) An area of 600 mm of unexcavated soil shall be left between the end of the graves to allow for the placement of the plaques on firm ground.
- f) Fresh flowers shall be permitted in the lawn cemetery in a bronze container set into the grave, such container to be supplied by Council.
- g) Excess soil shall be removed from gravesites for the duration of burial services.

**G.108 Lawn Cemeteries – Plot Reservations**

Date Adopted: 16/02/2006, Amended 21/05/2009 Minute Number: 40 & 204/205

**Objective:** To allow reservation of plots in Lawn Cemeteries.

**Policy:**

1. That on payment of the relevant internment fee and agreement to pay the indexed cost of the relevant interment fee when the reserved lawn cemetery plot is utilised, reservations of plots in lawn cemeteries be allowed.
2. That on payment of the relevant internment fee and agreement to pay the indexed cost of the reservation when the reserved Cinerarium niche is utilised, reservations for niches in the Cinerarium at the Coleambally cemetery be allowed.

**G.109 Garbage Service Containers**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To minimise the risk of injury to Council's garbage collection staff and reduce the potential for littering.

**Policy:**

Sulo type garbage bins shall be the only containers considered for collection of garbage.

**G.201 Commemorative Days**

Date Adopted: 15/08/1996

Minute Number: 302

**Objective:** To record those days that Council has officially determined it wishes to acknowledge and quantify the level of Council assistance to be provided.

**Policy:**

1. Purchase plaques, medallions and certificates for Australia Day celebrations in both Coleambally and Darlington Point.
2. Acknowledge and promote International Volunteer Day and shall provide appropriate means of recognising the valuable contribution to the community made by local volunteers.
3. Acknowledge the sacrifices of servicemen and women by laying of a wreath on ANZAC Day.

**G.301 Community – Sharps Management**

**MURRUMBIDGEE SHIRE COUNCIL**  
**POLICY REGISTER**

Date Adopted: 16/03/2006

Minute Number: 59

***Background***

Needles, syringes, lancets and other community sharps are generated in a wide range of non-clinical situations, including residential and commercial property, public areas and public facilities. Inappropriate disposal may represent a risk to council employees, contractors, the community, and the environment.

Council is committed to maintaining high standards of workplace and public health and safety and environmental management.

To fulfil these objectives it is necessary to properly manage the disposal of community sharps to provide safe and healthy environments for our workers, residents and visitors.

The aim of this Policy is to clearly articulate that Council is responding to community sharps management issues through the effective management of associated public and workplace risks.

***Policy Statement***

The Community Sharps Management Policy outcomes for public and workplace health and safety are to work in partnership with the community and other stakeholders to:

- provide and maintain high standards of public and workplace health and safety that comply with or exceed the requirements of all relevant legislation, through the effective management of community sharps
- provide services and infrastructure that maximize appropriate community sharps disposal and minimise the potential for needlestick injuries to occur to workers, community members, or visitors
- regularly monitor and review the effectiveness of objectives, strategies and actions for the management of community sharps.

***Risk Management***

There have been very few reports by workers or community members of finding sharps in public places in the Murrumbidgee Shire Council area. Council needs to monitor the number of such reports and when sharps are deemed to pose an unacceptable risk to the public appropriate control measures need to be put in place (for instance – sharps disposal containers placed in public toilets).

***Community Complaints of Syringe Litter***

The members of the public in the Murrumbidgee Shire Council area need to be aware that complaints or reports of drug activity and/or inappropriate disposal of community sharps should be lodged with the Darlington Point or Coleambally Council Offices.

***Community Sharps in the Workplace***

Employees and contractors (particularly waste, recycling, and cleaning contractors) need to be informed that their exposure to community sharps in the workplace need to be reported to the Overseer. Employees also need to be trained in the safe disposal of community sharps.

***Community Concerns***

Negative reaction towards community sharps management initiatives by councils usually results from a lack of knowledge about the community benefits a proactive approach can provide.

Providing facilities for the safe disposal of community sharps may be seen as encouraging the unlawful and anti-social activities of injecting drug users. This can lead to the development of a not-in-my-back-yard (NIMBY) attitude by some community members.

The reality is that residents and visitors generate significantly more community sharps from the legitimate treatment of a range of medical conditions than do injecting drug users in most areas. Safe disposal is the critical objective.

**10 basic procedures for handling community sharps**

1. Never place hands into any hidden areas (eg drains, cavities or garbage bags) where the hands or fingers are not clearly visible.
2. Wear puncture resistant work gloves. Disposable gloves should be worn under puncture resistant work gloves where appropriate to prevent contamination of the skin with blood or body substances.
3. Do not attempt to recap, break or bend needles.
4. Use a sharps container for collection of needles / syringes.
5. Make sure no one is standing nearby when collecting needles / syringes to avoid accidental injury.
6. Place the container on the ground beside the needle / syringe to be collected (never hold the container) and pick up the needle / syringe by the barrel using appropriate tongs or similar equipment issued for this purpose.
7. Place the needle / syringe in the sharps container, sharp end first. If disposable gloves have been used, place them in the sharps container (or in a waste container), and securely close the lid.
8. Wash hands and tongs or other collection equipment with warm water and soap, and if contaminated with blood or body substances treat with a suitable disinfectant solution.
9. Complete the data collection form, noting the location and quantity of community sharps found.
10. Dispose of sharps container to a community sharps disposal bin.

**Immediate action for a needlestick injury or exposure**

- Stay calm.
- Immediately after a needlestick injury or blood / body substance exposure, take the following action:
  - if the skin is penetrated wash the area well with soap and running water (alcohol based hand rubs or wipes can be used when soap and water are not available)
  - if blood contacts the skin, irrespective of whether there are cuts or abrasions, wash well with soap and water
  - if the eyes are contaminated, rinse the area gently with water or normal saline solution while the eyes are still open
  - if blood gets into the mouth, spit it out and then rinse the mouth with water several times.
- Pat-dry the area around a skin penetration injury and apply a sterile adhesive dressing.
- Ensure the needle / syringe involved in the injury is safely collected in a secure container using established procedures.
- Report the injury immediately to your Supervisor or OHS officer. In all instances where the skin is penetrated or blood or body substances enters the mouth, nose, eyes or any cuts or abrasions, the affected person is to receive medical advice from a registered health professional as soon as possible.
- Complete the appropriate workplace injury form.

**G.302 Community – Transport Volunteers**

Date Adopted: 18/03/2004

Minute Number: 86

**Objective:** To reimburse volunteer drivers a reasonable amount to cover out-of-pocket expenses for meals purchased away from their home.

**Policy:**

That payment of meal allowances be made where volunteer Community Transport drivers, working away from home, commence duty more than one hour before and finish duty more than one hour after 7am (breakfast), 1pm (lunch) or 7pm (dinner), with such payment being at cost on the production of a receipt, up to the maximum of the set rate, or at the set rate of Breakfast \$10, Lunch \$10 and Dinner \$15 and further that the set rates to be indexed annually in accordance with movements in the Consumer Price Index.

**G.303 Community – Project Funding**

Date Adopted: 20/03/2003

Minute Number: 78

**Objective:** To determine community projects that are to receive financial support from Council and ensure that appropriate funding is provided in the Management Plan.

**Policy:**

That Council advertise in March/April for expressions of interest from sporting and community organisations for funding for projects proposed during the forthcoming financial year and only contribute to those projects that are recognised in the Management Plan.

**G.304 Volunteers**

Date Adopted: ?/05/2007

Minute Number: ?

**Objectives**

- a) To ensure that volunteering remains a mutually beneficial activity
- b) To recognise the important contribution volunteers make to achieving Council and community goals
- c) To clarify the relationship between Council staff and volunteers
- d) To provide a safe and healthy workplace for volunteers
- e) To identify training requirements to ensure associated activities are undertaken in a safe manner
- f) To provide appropriate supervision to ensure activities are satisfactorily performed.

**Scope of Policy**

- a) Committees of Council set up under the provisions of Section 355 of the Local Government Act
- b) All individuals applying to volunteer with Council
- c) Work experience students
- d) All individuals and organisations undertaking work on Council property, but not under the direction of Council i.e. Service Clubs, Roadside Clean Up Campaigns, environmental groups, sport and recreation groups.

**Definitions**

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<b>Organisation</b>	Not-for-profit organisations such as service clubs, charitable organisations, Rural Fire Service and the like that carry their own insurance and manage the involvement of their volunteers through their organisation (See Independent Organised Group Questionnaire).
<b>Department Director</b>	Paid employee of Council with delegated responsibility to manage the functions of a Department within Council.
<b>Project Manager</b>	Paid employee of Council who is responsible to manage the project.
<b>Volunteer Leader</b>	Volunteer leader with the group and is also the spokesperson for the Volunteer Organisation.
<b>Volunteer</b>	Any person from the community who offers to do work for Council without monetary compensation.

### Overview

Murrumbidgee Shire Council is committed to providing the community with the best possible service delivery. To achieve this requires a high level of commitment and competence from all those who provide that service, including volunteers. The volunteer policy addresses the need to formalise roles and responsibilities of all involved in the volunteering process. Council is required to fulfil its duty of care to potential volunteers and to the existing workforce.

### Responsibilities

- a) *General Manager* is responsible for ensuring that:
  - i) The Volunteer Policy is effectively implemented
  - ii) OH&S principles are enforced in the work place.
- b) Department Directors are responsible, and will be held accountable for, ensuring that:
  - i) The Volunteer Policy is effectively implemented in their area of control
  - ii) Supervisors have the support necessary, and are held accountable for, their specific responsibilities
  - iii) Employees under the Director's control are consulted about issues affecting their health and safety
  - iv) Prompt action is taken to eliminate unsafe or unhealthy conditions or behaviour.
- c) Project Managers, including Volunteer Leaders, are responsible, and will be held accountable, for:
  - i) Taking all practical measures to ensure that the area under the Project Manager's control is safe and without risks to health and that the Volunteer Policy is adhered to
  - ii) Inducting volunteers to ensure that persons at the workplace are behaving in a safe manner
  - iii) Volunteers are supervised and trained sufficiently to perform the required tasks
  - iv) Detecting and promptly remedying risks to health and safety where Project Managers have the necessary authority, or promptly reporting these risks with a proposed solution to their supervisor who has the necessary authority to fix the problem
  - v) Referring volunteers' health and safety concerns to their manager if they cannot be resolved.
- d) *Volunteers* are responsible, and will be held accountable, for:

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- i) Taking reasonable care for the health and safety of themselves and others
- ii) Co-operating and complying with the Volunteer Policy and Program Manager
- iii) Promptly reporting all incidents, accidents, illnesses and any risks to health and safety.

**Documentation / Council and External References**

Volunteer Application Form

Volunteer Sign On Register

Volunteer Tool and Protective Equipment Register

Specified Personnel Policies and Procedures, for e.g.: OH&S, EEO, and Grievance

Activity Specifications

Independent Organised Group Questionnaire

**Procedures**

- a) Individuals or organisations who offer voluntary assistance to Council must complete the appropriate application form and lodge it with the relevant Project Manager prior to commencement.
- b) Assessment of the suitability of an individual or the organisation for the specified project will be undertaken by the relevant Project Manager.
- c) Council will undertake an assessment of the group's activities according to the Volunteer Activity Safety Rating. This will identify any associated risk and Activity Specifications required.
- d) Working hours will be agreed to and complied with for the purposes of communication and contact, and in the event that there is any claim made by or against a volunteer. Volunteers must advise the Project Manager they are working with if they cannot commit to the agreed hours on any occasion. Volunteers must use the Sign On Register when commencing and ending work.
- e) Volunteers are to complete the Tool and Protective Equipment Register whenever appropriate.
- f) Any breach of the volunteer agreement will result in a verbal warning from the Project Manager to the volunteer. A second breach shall be reported to the Department Director and may result in cancellation of the agreement for the volunteer to work on this project.
- g) Volunteers are expected to maintain the same standards of confidentiality, courtesy and organisational discipline as Council's paid employees.
- h) Volunteers are expected to work in a constructive and co-operative way with Council staff.
- i) Volunteers must comply with all Council workplace policies including OHS, Anti-discrimination, no smoking and no harassment and will attend an appropriate induction program provided by Council.
- j) Volunteers may work under the guidance of Council staff. Guidance may be intermittent, depending on the nature of the project.
- k) In the event that a volunteer has an issue concerning the project they are involved in, the volunteer is required to raise the matter with the Project Manager, for referral to the Director of the Department if the matter remains unresolved.
- l) Appropriate recognition will be given to all volunteers who assist with Council projects. Such recognition is at the discretion of the relevant Department Director.
- m) Volunteering will not be a process for recruiting new employees as it is a breach of the Equal Employment Opportunity Act.
- n) Volunteers will be required to wear appropriate personal protective equipment at all times during volunteer activities where identified in the Activity Specification/s. The Project

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Manager will determine what Personal Protective Equipment (PPE) requirements are appropriate on a project by project basis. The Project Manager will determine responsibility for provision of PPE in consultation with the volunteer/s.

- o) A first aid kit is to be present during all volunteering activities.

### Volunteer Activity Safety Rating

#### **How is Risk Assessed?**

Risk assessment is simply asking:

- How bad could the result be?
- How likely is it that this will happen?

Information gained from the sources above is used to better answer the following questions, and then to read off the 'level' of risk from the table below:-

How likely? How bad?	<b>Very likely:</b> <i>could happen at any time</i>	<b>Likely:</b> <i>could happen at some time</i>	<b>Unlikely:</b> <i>could happen, but very rarely</i>	<b>Very Unlikely:</b> <i>could happen, but probably never will</i>
Kill or cause permanent disability or ill health	<b>High</b>	2.i. <u>High</u>	<b>High</b>	Medium
Long term illness or serious injury	<b>High</b>	<b>High</b>	Medium	Medium
Medical attention and several days off work	<b>High</b>	Medium	Medium	Low
First aid needed	Medium	Medium	Low	Low

<b>Matrix Reading</b>	<b>The following actions are to be initiated</b>
<b>High</b>	Health and safety to be a very important consideration in undertaking the activity Selection and training is considered important A risk control plan to be prepared and to be approved by Council before the volunteer commences activities A high level of supervision is to be maintained over the volunteers Regular audits and safety reviews to be undertaken by a responsible Council officer Strict compliance by volunteers required of the Risk Control Plan Breaches are to be subject disciplinary action
<b>Medium</b>	Health and safety to be an important consideration in undertaking activity Activity Specifications to be prepared and available to volunteer before commencing activity Volunteer to be trained in safe work methods A moderate level of supervision to be kept Audits to be undertaken in consultation with volunteers High level of compliance with Activity Specifications Breaches to be subject to disciplinary review

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Low	<p>Health and safety to be considered in the undertaking of the activity but is not a major consideration</p> <p>Safe systems of work to be discussed with volunteers and agreed upon before commencing work</p> <p>Council safety procedures are to be followed at all times</p> <p>A lower level of supervision to be kept</p> <p>If considered necessary, safety audits may be carried out</p> <p>Volunteers to comply with the safe systems of work</p> <p>Breaches are to be dealt with disciplinary review</p>
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## **Part H**

### **Water Supply and Sewerage Services**

**MURRUMBIDGEE SHIRE COUNCIL**  
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**H.101      Water Position Statement**

Date Adopted: 24/06/1999

Minute Number: 222

**Objective:** To enunciate the position of Murrumbidgee Shire Council on the major issues relating to irrigation water.

**Policy:**

*Position Statement on Water*

Irrigation water is the fundamental ingredient in the continuing success of the region. A guaranteed, predictable and affordable water supply is crucial to the viability of irrigation farming and the communities that have been founded on that activity.

Murrumbidgee Shire has a traditional and ongoing history associated with water from the following:

1. River pumping (1920's)
2. Diverted Irrigation (Gogeldrie Weir - CIA 1958)
3. Groundwater – Urban, Industrial, Agricultural (Production Bores), and Stock and Domestic (25 years)

*Code*

The following represents the position of the Murrumbidgee Shire Council on various issues relating to water.

1. *The Murray-Darling Basin Ministerial Council's Cap on Diversions*
  - (a) A more workable and flexible system must be introduced to replace the cap, one that gives due recognition to the individual needs of the Murrumbidgee river system, current use, economic impacts and variations between seasons.
2. *Water Access and Usage*
  - (a) Access Rights be issued in perpetuity to landholders.
  - (b) Urban centres be guaranteed a secure high security water allocation.
  - (c) Permanent transfers outside of a valley not be permitted.
3. *Water Pricing*
  - (a) In determining pricing policies, all beneficiaries (including the public benefit) must be identified and bear an appropriate share of costs.
  - (b) Water users should pay only for the transparent costs directly associated with water delivery.
  - (c) Levies for the implementation of land and water management plan programs should be incorporated as a component of water charges and levied on all water users on a usage basis proportionately.
  - (d) Efficiencies introduced within the DLWC are to be reflected in reduction in water costs to the users.
  - (e) There should be no cross subsidies between regions or to head office.
  - (f) The cost of environmental measures and other external costs must be transparently reported.
4. *Water Management*
  - (a) Water management must provide for complete regional autonomy, customer involvement and the removal of cross subsidies.
  - (b) Murrumbidgee Valley should have autonomous management and be controlled by a commercially focused Board of Directors.

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5. *Environmental Flows*

- (a) Environmental flows be based on scientific research arising from comprehensive and accurate data developed by or in consultation with River Management Committees or appropriate valley management groups representing key stakeholders.
- (b) In determining environmental flows in a river system, due consideration and recognition is to be given to the socio-economic impact of that determination.
- (c) Minimum percentage in Burrinjuck Dam before activation of environmental flows be at least 40 percent of capacity.

6. *Asset Management*

- (a) The irrigation delivery and drainage infrastructure is an important national and community investment which must be protected and the use of which must be optimised, with costs shared equitably amongst all stakeholders and beneficiaries.

**H.102 Urban Water Management**

Date Adopted:

Minute Number:

**Preamble:** Murrumbidgee Shire Council acknowledges the importance of an adequate water supply to the ongoing prosperity and well-being of our region. In doing so, it is also acknowledged that water is a finite resource that must be managed effectively in an equitable partnership with all stakeholders.

**Objective:** To administer appropriate water management plans for the urban areas that encourage and promote water use efficiency and provide an acceptable balance between the desired environmental outcomes and their socio-economic impacts.

**Policy:**

- 1. An access and consumption charge, as determined by Council and specified in the Pricing Policy, shall be levied on all properties connected or with the potential to be connected to the town water supplies.
- 2. Standard services connected to town Water Supplies shall be a single 20mm connection per parcel of land and only one service shall be provided to each property.
- 3. Non-standard connections may be permitted subject to approval of the General Manager and the following conditions:
  - a) the service shall be metered and the additional costs of the meter, fittings and installation when such costs are compared to the provision of a standard 20mm service shall be met by the landowner
  - b) the owner shall be responsible for the payment of appropriate access and volumetric charges.
- 4. Separate unmetered fire service may be provided subject to the following conditions:-
  - a) The landowner undertaking to maintain the fire service separate from the property service and in the event of a breach of the agreement to meet the cost of metering the complete service;
  - b) Fire outlets shall be sealed against unauthorised use with periodic inspections by Council staff to monitor the seals;
  - c) Owners shall be charged the full cost of the installation of a fire service.
- 5. A service may be provided to a temporary activity that meets the community benefit criteria subject to the following conditions:-
  - a) The organisers shall meet the installation and removal costs.

- b) No access charge will be applied and in all instances, the relevant volumetric charges will be applied on the metered volumes or estimated volumes where metering is not practicable
  - c) Council may cancel or modify the assistance, if Council considers the intent of the assistance or agreement is not being honoured.
- 6. Council properties and worksites shall be metered wherever practicable with all applicable costs charged to the relevant fund and works.
  - 7. All connections are required to be fitted with a non-return valve so as preserve the integrity of the supply by preventing contamination resulting from flow reversal. Such valve may be incorporated in the water meter.
  - 8. Council shall charge 50% of the relevant access fee for schools, churches, retirement complexes and nursing lodges.
  - 9. Developers shall be required to contribute an equitable amount to capital costs for future augmentation users by being required to pay the head works charges in force from time to time. Payment of a head works charge shall apply when a supply is extended to a parcel of land that has not previously attracted water rates and/or in cases where the development involves the creation of additional allotments.
  - 10. Council shall regularly engage in public promotions aimed at increasing public appreciation of the value of the water resource and the need for its use in a sustainable manner. Water conservation promotions shall include such topics as water conservation in the home, water efficient appliances, the planting of native vegetation and water thrifty species, etc. Dual flush cisterns are to be a requirement in new and renovated buildings.

#### **H.201 Extension of Water and Sewerage Mains**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To establish responsibility for the cost of the extension of water and/or sewer mains.

**Policy:**

Water and Sewerage mains extensions shall be undertaken on the following basis:

- 1. where the allotment has been subject to a water and/or sewerage rate and the mains extension is in accordance with the projected extension of the service, the Council shall meet the cost of the works;
- 2. where the allotment has not been subject to a water and/or sewerage rate or the site is not in accordance with the projected extension of the service, the landowner shall be responsible for the actual cost of the works.

#### **H.202 Sewerage Headworks Charges**

Date Adopted: 18/05/1989

Minute Number: 181

**Objective:** To require an equitable contribution from owners connecting to the service to compensate capital costs met previously by others and fund future major augmentations.

**Policy:**

Sewer headworks charges shall be levied on each allotment within Darlington Point and Coleambally that gains the benefit of sewer availability as a result of new or expanded headworks.

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**H.203      Water Holding Tanks**

Date Adopted: 19/02/1998

Minute Number: 67

**Objective:** To protect Council's water supply and the public health of residents by prescribing conditions to apply to holding tanks connected to the Council's water supply.

**Policy:**

The following conditions shall apply to water holding tanks on premises connected to Council's town water supplies:

- a) only standard mains tapping size shall be permitted
- b) any pumps are to be connected to the holding tank only and not to Council's mains
- c) the top water level of the holding tank is to be regulated by a suitable ball valve or similar means, and an air gap of at least 150 mm must be maintained between this level and the inlet valve
- d) the holding tank shall be mosquito proofed and the protection maintained at all times
- e) any water service connected to a holding tank shall be fitted with an appropriate meter and be subject to Council access and consumption water charges.

**H.204      Rainwater Tanks – Installation**

Date Approved: 18/07/2002

Minute Number: 204

**Objective:** To ensure that rainwater supplies do not cross-contaminate the reticulated water supply.

**Policy:**

Council's consent shall be required prior to the installation of any rainwater tank proposed to be located in either Darlington Point or Coleambally reticulated potable water supply areas, and that those installations be required to comply with the "Guidelines for the Installation of Rainwater Tank Systems".

**H.301      Sale of Water from Standpipes**

Date Adopted: 19/09/1999

Minute Number: 290

**Objective:** To specify the conditions relating to sourcing water from Council's mains so as to protect the asset and ensure the beneficiaries make a reasonable contribution.

**Policy:**

The following terms and conditions shall apply to water sourced from standpipes:

- 1) private filling of tankers from Council standpipes shall be by prior arrangement with Council staff;
- 2) the cost of each tanker load shall be as specified in the Pricing Policy;
- 3) a sign shall be maintained at each standpipe advising the public of the procedure and unauthorised users will be prosecuted;
- 4) standpipes may be used for emergency use as required without charge;
- 5) standpipes may be used for Council construction works only on occasions when no other source of supply is available and the approval of the General Manager has been obtained.

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**H.302 Trade Waste Discharges**

Date Adopted: 15/02/1996

Minute Number: 45

**Objective:** To ensure the efficient operation of Council's treatment works and protect Council's assets by controlling the standard of discharges to the sewer system.

**Policy:**

The model "Policy of Discharge of Liquid Waste to Sewers" shall be adopted with the current rates, charges and fees to be as follows:

	Application Fee	Connection Fee	Annual Service Charge or Rate
Category 1	\$50	Available on application	Included in Sewer Rate
Category 2	\$50	Available on application	Included in Sewer Rate
Category 3	\$80	Available on application	
Volume			0.50 \$/KL
BOD5			- \$/KL
Suspended Solids			- \$/KL
Oil and Grease			- \$/KL
COD			- \$/KL
Nitrogen			- \$/KL
Phosphorus			- \$/KL
Others			By negotiation

*Non-compliance service charge* - when the discharge does not comply with the conditions specified in the service contract, the normal service charge shall be increased by application of the following formula:

Increased (Actual Value) K x Normal Service Charge

Service Charge    Approved Value

Value - may relate to any component of trade waste discharge such as the volume, the concentration of the pollutant or the total load.

K – a constant determined by Council for each component (eg K=1.5 might apply to all components).

Non-compliance penalty charge shall be as defined in section 3.6 of the policy.

The special capital contribution rate and/or availability rate or charge shall apply only to Category 3 and shall be advised on application.

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**H.303      Grey Water Re-use**

Date Adopted: 17/05/2007

Minute Number: 142

The purpose of the Policy is to,

1. Be consistent with “ Grey Water Reuse in Sewered Single Domestic Premises” – April 2000, issued by the New South Wales Health Department
- 3**    2. Integrate the regulatory requirements for grey water management.
3. Provide guidance for users of grey water by avoiding any adverse or cumulative impact on the environment and its sustainability
4. Provide Council officers with specific standards and guidelines to enable them to answer inquiries or assess applications on grey water use.

The Aims and Objectives of the Policy are,

1. Maintain ecologically sustainable practice through long term management of grey water
2. Protect the environment
3. Ensure that human, animal and vegetation communities are not at risk in the long term.
4. Ensure that lands, surface and ground waters are protected.

Grey Water is defined as domestic grey water that is the waste water which originates from non-toilet plumbing fixtures such as showers, baths, spas, hand basins, laundry, washing machines, sinks and dishwashers.

There are two methods for using grey water.

**1. Diversion**

The grey water (excluding kitchen waste water) is diverted to the garden as it is produced. No permit is required from Council if a licensed plumber carries out the necessary modifications to the plumbing system. The water must not flow into neighbouring properties or cause a nuisance to other residents. If not, Council may take enforcement action under the Protection of the Environment Operations Act.

**2. Storage/treated water.**

Water that is stored for reuse, or is treated in any way, is classified as a septic system. The system will require approval from Council before any work is carried out and final approval is also required before the system is commissioned.

## **Part I**

### **Noxious Plants and Pests**



**MURRUMBIDGEE SHIRE COUNCIL**  
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**I.101 Noxious Plants Control**

Date Adopted: 30/06/2000

Minute Number:

**Objective:** To outline Council's responsibilities in the control of noxious plants and the practices to be employed to meet those responsibilities.

**Policy:**

1. *General*

Council is required under the Local Government Act to control and eradicate noxious plants in the Murrumbidgee Shire from:

- \* Council owned land;
- \* Privately owned land;
- \* Crown Land on behalf of the State Government.

Council submits an annual application for a NSW Government Grant to the Noxious Plants Advisory Committee to supplement Council funds for noxious plant control work.

Financial resources for noxious plant control are limited, so Council will:-

- a. Aim to obtain maximum landholder co-operation and participation in the effective implementation of the Noxious Plant Control Program. Landholder means owners, occupiers and lessees; and
- b. Place great emphasis on those noxious plants that are likely to cause greatest economic loss either because of their widespread presence, or ability to spread rapidly.

*Declared Noxious Plants*

Acacia Karoo	Karoo Thorn	W1
Alternanthera Philoxeroides	Alligator Weed	W1
Cannabis sativa	Indian Hemp	W1
Chromolaena Odorate	Siam Weed	W1
Eichhornia Crassipes	Water Hyacinth	W1
Equisetum arvense	Horsetail	W1
Erythroxylum coca	Coca Leaf	W1
Gymnocoronis spilanthoides	Senegal Tea Plant	W1
Kochia scoparia	Kochia	W1
Lagarosiphon Major	Lagarosiphon	W1
Parthenium hysterophorus	Parthenium Weed	W1
Pistia Stratiotes	Water Lettuce	W1
Prosopis spp	Mesquite	W1
Salvinia Molesta	Salvinia	W1
Cenchrus incertus	Spiny Burrgrass	W2
Cenchrus longispinus	Spiny Burrgrass	W2

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Cuscuta spp	Dodder	W2
Hypericum Perforatum	St John's Wort	W2
Ibicella Lutea	Devil's Claw (Yellow Flower)	W2
Lycium ferocissimum	African Boxthorn	W2
Papver somniferum	Opium Poppy	W2
Proboscidea louisianica	Devil's Claw (Purple-Flower)	W2
Sclerolaena birchii	Galvanised Burr	W2
Sorghum halepense	Johnson grass	W2
Sorghum spp. Hybrid	Silk forage Sorghum	W2
Toxicodendron succedaneum	Rhus Tree	W2
Zanthium spp.	*Bathurst/Noogoora/Californian/Cockle Burrs	W2/W3
Ailanthus altissima	Tree of Heaven	W3
Alternanthera pungens	Khaki Weed	W3
Emex australis	Spiny emex	W3
Marrubium Vulgare	Horehound	W3
Solanum elaeagnifolium	Silverleaf Nightshade	W3

<i>Control Categories for</i>	<i>Noxious Weeds</i>
W1 - Noxious Weed	The presence of the weed on land must be notified to Council within 24 hours of awareness that the notifiable weed is on the land. The weed must be fully and continuously suppressed and destroyed.
W2 - Noxious Weed	The weed must be fully and continuously suppressed and destroyed.
W3 - Noxious Weed	The weed must be prevented from spreading and its numbers and distribution reduced.
W4 - Noxious Weed	The action specified in the declaration must be taken in respect of the weed.
* W2	Within CIA and associated irrigation drainage areas, W3 in remainder of Shire.

## 2. Resources

At the present time, Council employs one Noxious Plants Inspector whose duties include:-

- a. inspection of all properties and land under Council control to locate infestations of noxious plants;
- b. prevent the spread of noxious plants and reduce existing infestations as required by the Local Government Act;

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- c. implement Council's Code and Noxious Plants Control Program;
- d. alert Council to any significant change in noxious plants situation in the Shire;
- e. liaison with Officers of the Department of Agriculture.

### 3. *Work Methods - Inspections and Notices*

- a. In accordance with the provision of Section 68 of the Noxious Weeds Act, authority is delegated to the Noxious Plants Inspector to serve Notices under the Act;
- b. Council's Code in regards to Inspections and Service of Notices is as follows: -
- c. An Inspection shall be made of the property and where it is found that noxious plants are present, a First Notice under Section 18 of the Noxious Weeds Act shall be issued stating a reasonable period of time for control given the infestation and the relevant methods of control;
- d. Should the follow-up inspection after the issue of the First Notice reveal either total inaction or in any way unsatisfactory action by the property owner to comply with the First Notice, a Second Notice will be issued under Section 18 giving seven (7) days to eradicate and stating relevant methods of control;
- e. A full report will be submitted to Council upon failure to comply with a Second Notice at which time Council may resolve to implement proceedings under Section 63 of the Noxious Weeds Act.

### 4. *Entry Onto Private Property*

If it is found that the owner or occupier has not taken reasonable eradication measures following successful prosecution, Council will consider the implementation of Section 20 of the Noxious Weeds Act.

*Note: Section 20 of the Act enables Council Staff to enter private property and carry out noxious plant control where the owner has failed to do so. Costs are recoverable from the Owner.*

Section 17 of the Act requires the landholder or occupier within an irrigation area, ie Coleambally Irrigation Area, to control and eradicate noxious plants from land which joins the property boundary, be it a Public Road or irrigation channel, for a distance of 20 metres from the boundary line.

### 5. *Technical Advice*

The Noxious Plants Inspector can assist landholders by advising of the best method of treatment to suit each infestation, eg cultivation, pasture or chemical means. Staff are in regular contact with the Department of Agriculture regarding the latest recommended control measures and advice.

Noxious plants are not controlled by haphazard use of chemicals. Council will aim to progressively reduce noxious plants by the active co-operation and participation of landholders in the development of practical, reasonable and effective whole farm plans for noxious plant control.

### 6. *Noxious Plant Free Areas*

The Department of Agriculture maintains that the most positive and economic long term results can be achieved by clearing up lightly scattered infestations first and then the next season the same area must be treated for re-infestation and a further section of the property treated. This system would then continue until the entire property was free of noxious plants.

## **I.102 Class 4 Weed Management**

Date Adopted:

Minute Number:

**PLAN TITLE:** Murrumbidgee Shire Class 4 Weed Management Plan

**PLAN PROPONENTS / APPLICANT CONTACT DETAILS**

**MURRUMBIDGEE SHIRE COUNCIL**  
**POLICY REGISTER**

Regional Weeds Advisory Committee: Murrumbidgee Shire Council

Telephone number: Ph (02) 69684166, Mobile 0427 684458

Address: 21 Carrington St Darlington Point NSW 2706

Email address: wo@murrumbidgeeshire.com.au

Facsimile number: (02) 69684252

Contact person: Stephen Goodsall

Council Endorsement:..... Date:.....

**NAME OF PLANTS**

**Common Name**

**Botanical Name**

African Boxthorn	Lycium ferocissimum
Bathurst Burr/ Noogoora Burr	Xanthium spp
Blackberry	Rubus fruticosus
Columbus Grass	Sorghum x alnum
Devil's Claw (purple flower)	Proboscidea louisianica
Devil's claw (yellow flower)	Ibicella lutea
Harrisia cactus	Harrisia
Horehound	Marrubium vulgare
Johnson Grass	Sorghum halepense
Perennial ground cherry	Physalis virginiana
Prickly pear	Cylindropuntia
Rhus tree	Toxicodendron succedanea
Sagittaria	
Silk forage sorghum	Sorghum species
Silver-leaf Nightshade	Sollanum elaeagnifolium
Spiny burrgrass	Cenchrus incertus
Spiny burrgrass	Cenchrus longispinus
Tree-of Heaven	Ailanthus altissima

**PLAN PERIOD**

Starting date: 01/03/2006

Completion date: 28/02/2011

**AREA OF OPERATION:** The management plan will take affect on properties within Murrumbidgee Shire. These areas will include road reserves, parks, crown land, shire land, irrigation channel banks, irrigation storages and reserves, revegetation areas, and private land.

**Purpose**

This management plan has been developed to minimise the negative impact of class 4 noxious weeds on the economy, community or environment of NSW.

Class 4 noxious weeds are plants that pose a threat to primary production, the environment or human health, are widely distributed in an area to which the order applies and are likely to spread into other places.

This plan supports, regional, state and national weed management plans and strategies

**MURRUMBIDGEE SHIRE COUNCIL**  
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**STAKEHOLDERS**

- Murrumbidgee Shire Council
- Private land owners
- Public land managers

**Failure to Comply with Plan**

If failure to manage weeds as specified in the table below, council will enforce compliance under the Noxious Weed Act 1993 (as amended in 2005).

**Control Measures**

The weed must be controlled according to the measures specified in the table below.

<b>Plant</b>	<b>Measures specified</b>	<b>Distribution in Shire</b>
African Boxthorn	Reduce existing infestations and prevent the spread of plants. Acceptable control options include; <ul style="list-style-type: none"> <li>• Chemical control</li> <li>• Mechanical removal</li> <li>• Council approved property management plans</li> </ul>	<ul style="list-style-type: none"> <li>• Plants are found widespread throughout shire</li> <li>• Core areas are found on properties around Coleambally, Morundah rd and Gum Creek rd</li> </ul>
Bathurst / Noogoora / Californian / Cockle burrs	Reduce existing infestations and prevent spread. Acceptable control options include: <ul style="list-style-type: none"> <li>• Keep a 80m buffer zone from neighbours boundary</li> <li>• Chemical control</li> <li>• Mechanical removal</li> <li>• Reduce seed by burning areas</li> </ul>	<ul style="list-style-type: none"> <li>• Plants are widespread throughout the shire:</li> </ul>
Blackberry (Rubus fruticosus)	Control infestations when they occur prior to seed set. The plant may not be sold, propagated or knowingly distributed. Acceptable control options include: <ul style="list-style-type: none"> <li>• Chemical control</li> <li>• Mechanical removal</li> <li>• Biological control</li> <li>• Council approved property management plan</li> </ul>	<ul style="list-style-type: none"> <li>• Plants may be found growing along the river bends of the Murrumbidgee River.</li> </ul>
Columbus grass (Sorghum x alnum) Johnson grass (Sorghum halepense) Silk Forage sorghum	Reduce existing infestations and prevent spread. Acceptable control options include: <ul style="list-style-type: none"> <li>• Chemical control</li> <li>• Mechanical removal</li> </ul>	<ul style="list-style-type: none"> <li>• Plants are found growing along the Kidman way north of Darlington Point and east along the Whitton road</li> <li>• Plants are in rare and isolated patches.</li> </ul>
Devil's claw	Reduce existing infestations and prevent	<ul style="list-style-type: none"> <li>• Plants are found on</li> </ul>

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<b>Plant</b>	<b>Measures specified</b>	<b>Distribution in Shire</b>
(yellow flower) (Ibicella lutea) Devil's claw (purple flower) Proboscidea louisianica)	spread. Acceptable control options include: <ul style="list-style-type: none"> <li>• Chemical control</li> <li>• Mechanical removal</li> </ul>	properties and roadsides throughout the shire in dry arid areas.
Harrisia cactus	Reduce any infestations and prevent spread. The plant may not be sold, propagated or knowingly distributed. Acceptable control options include: <ul style="list-style-type: none"> <li>• Chemical control</li> </ul>	<ul style="list-style-type: none"> <li>• No plants have been discovered in the shire</li> </ul>
Horehound	Reduce existing infestations and prevent spread. Acceptable control options include: <ul style="list-style-type: none"> <li>• Chemical control</li> <li>• Bio-logical control</li> <li>• Mechanical removal</li> </ul>	<ul style="list-style-type: none"> <li>• Heavy infestations along roadsides and neglected areas.</li> <li>• Heavy infestations are found on private land where areas are neglected</li> </ul>
Prickly pears	Reduce existing infestations and prevent spread. Acceptable control options include: <ul style="list-style-type: none"> <li>• Chemical control</li> </ul>	<ul style="list-style-type: none"> <li>• Plants are rare and isolated around the shire</li> </ul>
Rhus tree	Reduce any infestations and prevent spread. Acceptable control options include: <ul style="list-style-type: none"> <li>• Chemical control</li> <li>• Mechanical removal</li> </ul>	<ul style="list-style-type: none"> <li>• No plants have been discovered in the shire</li> </ul>
Sagittaria	Reduce any infestations and prevent spread. The plant may not be sold, propagated or knowingly distributed. Acceptable control options include: <ul style="list-style-type: none"> <li>• Mechanical removal</li> </ul>	<ul style="list-style-type: none"> <li>• No plants have been discovered in the shire</li> </ul>
Silverleaf nightshade	Reduce existing infestations and prevent spread. The plant may not be sold, propagated or knowingly distributed. Acceptable control options include: <ul style="list-style-type: none"> <li>• Chemical control at flowering</li> <li>• Quarantine infestations</li> <li>• Council approved property weed management plan</li> </ul>	<ul style="list-style-type: none"> <li>• Infestations found growing around shire in small isolated patches.</li> </ul>

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<b>Plant</b>	<b>Measures specified</b>	<b>Distribution in Shire</b>
Spiny burrgrass	<p>Reduce existing infestations and prevent spread through movement of produce, soil, livestock, equipment and vehicles. The plant may not be sold, propagated or knowingly distributed. Acceptable control options include:</p> <ul style="list-style-type: none"> <li>• Chemical control</li> <li>• Mechanical control</li> <li>• Sowing competitive species</li> <li>• Burning</li> <li>• Manual removal</li> <li>• Council approved property weed management plans</li> </ul>	<ul style="list-style-type: none"> <li>• Plants are widespread throughout the shire and found growing mainly in sandy soils.</li> </ul>
Spiny Emex	<p>Reduce any infestations and prevent spread. Acceptable control options include:</p> <ul style="list-style-type: none"> <li>• Chemical control</li> <li>• Mechanical removal</li> </ul>	<ul style="list-style-type: none"> <li>• No plants have been discovered in the shire</li> </ul>
Tree of heaven	<p>Reduce existing infestations and prevent spread. Acceptable control options include:</p> <ul style="list-style-type: none"> <li>• Chemical control</li> <li>• Mechanical removal</li> </ul>	<ul style="list-style-type: none"> <li>• Isolated plants found in shire.</li> </ul>

### **MONITOR AND REVIEW PROCESS**

The areas where noxious weeds are found they will be treated on council land and inspected by Murrumbidgee Shire councils noxious weed officer on private land. These plants will be mapped on the shire's mapping system so that a record can be shown if the plants are spreading or decreasing in their size.

After the first twelve months these control measures will be reviewed and modified if necessary. A progress report will be sent to Murrumbidgee Shire's council meeting to give the counsellors some information about what control is going and what problems that may have occurred.

Each year the areas where management plans have been put in place the area will be inspected. If the stakeholder has not complied with what was to be achieved than the plan will be reviewed and a new course of action will be taken. This could be a modification of the management plan or other action maybe needed to be taken under the noxious weed act.

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**I.201 Notification of Pesticide Use in Public Places**

Date Adopted: 15/02/2007

Minute Number: 29/2007

**1. Introduction**

This pesticide use notification policy has been prepared in accordance with the requirements of the Pesticides Regulation 1995 (the Regulation). The policy sets out how Murrumbidgee Shire Council will notify members of the community of pesticide applications it makes or allows to be made to public places that it owns or controls.

This policy describes:-

- what public places are covered by the plan
- who regularly uses these public places and an estimate of the level of use
- how and when Council will provide the community with information about its pesticide applications in public places (i.e. what notification arrangements will be used)
- how the community can access this plan and get more information about Council's notification arrangements
- how future reviews of the plan will be conducted
- contact details for anyone wishing to discuss this plan with Council

**2. Public Places Covered By This Plan**

Murrumbidgee Shire Council proposes to use or allow the use of pesticides in the following categories of outdoor public places that are owned or controlled by Council in the Murrumbidgee Shire:-

- public gardens
- parks
- playgrounds
- picnic areas
- sporting fields and ovals
- public land owned or controlled by the Murrumbidgee Shire Council, including:
  - road verges and reserves
  - laneways and pathways
  - roads, water, sewer and drainage easements accessible to the public
  - drains
  - tennis courts
  - skateparks

Although not required by the Regulation, this notification policy will also provide information on how notice will be provided to the community on pesticide use in the interiors of the following Murrumbidgee Shire Council buildings or throughout the listed facilities:

- sports stadiums
- amenity blocks
- public halls
- council office buildings



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Murrumbidgee Shire Council estimate of the level of community use, regular user groups and types of pesticide use in each of these categories of public places is summarised in the following table:-

<i>Public Places</i>	<i>Regular User Groups</i>	<i>Level of use</i>	<i>Types of Pesticide used</i>
Public parks and gardens	<ul style="list-style-type: none"> <li>• Children and young families</li> <li>• Elderly people</li> <li>• General recreation</li> </ul>	High	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Spot spray insecticide</li> <li>• Broad scale selective herbicide</li> <li>• Broad scale insecticide</li> <li>• Fungicide (usually garden beds)</li> <li>• Spray ant control</li> </ul>
Picnic areas	<ul style="list-style-type: none"> <li>• Families</li> <li>• Young couples</li> <li>• Other social groups</li> </ul>	High	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Spot spray insecticide</li> </ul>
Playgrounds	<ul style="list-style-type: none"> <li>• Young families</li> <li>• Children</li> </ul>	High	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Spot spray insecticide</li> </ul>
Sporting fields and ovals	<ul style="list-style-type: none"> <li>• Sporting clubs and organisations</li> <li>• Local schools</li> <li>• Casual Hirers</li> </ul>	High	<ul style="list-style-type: none"> <li>• Broad acre selective herbicide spraying</li> <li>• Non- selective herbicide spraying</li> <li>• Spraying insecticides</li> <li>• Spot spraying noxious weeds</li> <li>• Spot spraying other weeds</li> </ul>
Road verges and reserves	<ul style="list-style-type: none"> <li>• General Public</li> <li>• Travelling stock</li> </ul>	High	<ul style="list-style-type: none"> <li>• Spot spraying noxious weeds</li> <li>• Broad acre non-selective spraying</li> <li>• Broad acre insecticide spaying</li> </ul>
Laneways and pathways	General public	High	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Spot spray insecticide</li> </ul>
Easements accessible to the public (e.g. road, water, sewer)	<ul style="list-style-type: none"> <li>• Murrumbidgee shire employees</li> <li>• General public</li> </ul>	Medium	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Spot spray insecticide</li> </ul>
Drains	<ul style="list-style-type: none"> <li>• Murrumbidgee shire employees</li> </ul>	Low	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Broad acre non-selective spraying</li> </ul>
Asset Protection Area	<ul style="list-style-type: none"> <li>• General public who walk</li> </ul>	Medium	<ul style="list-style-type: none"> <li>• Spot spraying noxious weeds</li> </ul>
Other sporting facilities; Tennis courts Skate parks	<ul style="list-style-type: none"> <li>• Coleambally tennis club</li> <li>• Children and teenagers</li> </ul>	High	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Spot spray insecticide</li> </ul>

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<i>Public Places</i>	<i>Regular User Groups</i>	<i>Level of use</i>	<i>Types of Pesticide used</i>
Commons	<ul style="list-style-type: none"> <li>• Lessee</li> <li>• General Public</li> </ul>	Medium	<ul style="list-style-type: none"> <li>• Spot spray herbicides</li> <li>• Spot spray insecticide</li> </ul>
Crown land	<ul style="list-style-type: none"> <li>• Land owners</li> <li>• General public</li> </ul>	Low	<ul style="list-style-type: none"> <li>• Spot spraying noxious weeds</li> </ul>
Interiors of public buildings Sports Stadium Amenity blocks Public Halls Council office buildings	<ul style="list-style-type: none"> <li>• Sporting clubs and organisations</li> <li>• Local schools</li> <li>• Community organisations</li> <li>• Casual Hirers</li> </ul>	Medium	<ul style="list-style-type: none"> <li>• Spot spraying insecticides</li> </ul>
Swimming pool buildings and grounds	<ul style="list-style-type: none"> <li>• General public</li> </ul>	High	<ul style="list-style-type: none"> <li>• Spot spraying selective and non-selective herbicides</li> <li>• Spot spraying insecticides</li> </ul>

### 3. Notification Arrangements

This section of the policy describes how and when Murrumbidgee Shire Council will provide notice of pesticide use in public places and where notice will not be given.

These notification requirements are based on Murrumbidgee Shire Council, assessment of:-

- The level of usage by the public where pesticides may be used
- The extent to which members of the public who are most likely to be sensitive to pesticides
- The extent to which activities generally undertaken in these areas could lead to contact with pesticides
- Types of pesticides used

Notice of pesticide use will be provided by a combination of;

- Signs
- Information on council's website and newsletter
- Letters
- Phone contact

Council will also allow persons and organisations to nominate to have their details placed on a central register which would allow them to be notified of certain types of pesticide uses in particular places, as described in this section of the plan.

Council uses small quantities of some pesticides that are widely available in retail outlets and ordinarily used for domestic purposes (including home gardening). Council does not intend to provide notice for such pesticide applications other than by way of this description in this plan (or general information on Council's website). This will apply to minor control of indoor and outdoor insect pests using baits or aerosol spray cans and spot weed control using a wand or hand-held spray *bottle*.

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The notification for each area where pesticides will be used will be given as follows;

<i>Category</i>	<i>Location</i>	<i>Notification</i>	<i>Other Comments</i>
Outdoor Recreation areas	Public gardens Playgrounds Picnic areas Sporting fields Parks	For broad acre spraying erect signs 24hrs prior to spraying and then at least 48hrs after application. Notify any organisations by phone or letter who may have these areas booked within the next seven days after application	For any spot non-selective spraying no notification will be necessary
Council roads, easements, laneways, pathways and drains	Local roads State roads Regional roads Bike tracks and pathways in each town	Council's road spraying schedule will be printed in the quarterly newsletter prior to the commencement of spraying. It will also be placed on the councils website  Signs will be placed up 24hrs prior to and after for the spraying of pathways	Drains and laneways will require no notification of spraying
Other land areas	Asset protection areas Commons Crown land	No notification will be required for these areas	
Other sporting areas	Tennis courts Skate parks Swimming pools	Signs will be placed 24hrs prior to and after application	
Council buildings	Sports stadium Amenities block Public halls Council offices	Signs will be placed 24hrs prior to and after application	
Noxious weed control	Murrumbidgee Shire	No notification is required	
Contractors/ Other employees	Murrumbidgee Shire	They will abide by the councils notification plan	
Emergency Pesticide application	Any location within the shire where public health can be affected.	Signs will be placed during application and left up for 24hrs	

#### **4. Information To Be Provided**

The information that will be provided in notification of pesticide use will include the following;

- Full product name of the pesticide used
- The purpose of the use

- The proposed dates or date range of the pesticide use
- The place where the pesticide will be used
- Contact details
- Any warnings regarding re-entry

#### **5. Review**

This policy will be reviewed 12 months after it is adopted by Council then every 2 years after that. The review will include;

- A report on the progress of implementing the plan
- Placing the plan on public exhibition for an comments or proposed changes

and making any recommendations for changes to the plan

#### **5. Contact Details**

Further information may be obtained by contacting Council's Darlington Point office on 02 6968 4166 or Coleambally office on 02 6954 4179.

## **Part J**

### **Codes**

**MURRUMBIDGEE SHIRE COUNCIL**  
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**Code J.101      Irrigation Culvert Crossings of Shire Roads**

Date Adopted:

Minute Number:

**Objective:** To provide a standard set of guidelines for installation of irrigation culverts across Shire roads and to provide a safe environment during the construction stage.

**Policy:**

1.    *General*

This code covers the approval and construction of irrigation channel culverts across shire roads. It applies generally to pipe culvert crossings where no reduction in the formation width is permitted. Box culverts, either under the road or having the deck at road level, will generally require specific consideration.

2.    *Applications*

Applications are to be in writing to the General Manager and accompanied by the fee set by Council.

Applications are to be supported by plans detailing the proposed works and shall include, at least, the following:

2.1) A plan view of the site showing:

- a) North point
- b) Road name
- c) Distances from intersections
- d) Location of channels
- e) Lots - showing lot numbers, boundaries and ownership

2.2) A long section of the road extending 50 metres either side of the culvert showing:

- a) Existing road levels
- b) Proposed new road levels
- c) Invert and obvert levels of the culvert

2.3) A cross section of the road at the culvert site showing:

- a) Existing road levels
- b) Proposed new road levels
- c) Invert and obvert levels of the culvert
- d) Natural surfaces and existing and proposed table drain levels
- e) Channel bed levels and grade
- f) Location of headwalls and other necessary structures

The application shall include details of the proposed construction program, indicating the time for completion of each stage, and details of traffic arrangements proposed while the crossing is under construction.

Council has a standard plan (Appendix A) that may be used for this purpose provided all relevant details are or can be completed.

Council will prepare these plans for a fee. Plans generally prepared by Council will not assess the hydraulic capacity of the culvert - this is a matter for the applicant.

3.    *Approvals*

- a) Approvals will be in writing and may be subject to any of the general conditions detailed in this code or any conditions considered necessary at the time of approval.

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- b) The approval granted is site specific and any proposal to relocate the crossing is, at the discretion of the Council or delegated person, subject to a new application.

### **4. Fees**

The following fees, as set by Council, will be payable at the time indicated:

#### **4.1 Application**

Application Fees	At time of application
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#### **4.2 Plan approval**

Plan inspection fees	At time of lodgement of Plans (where separate plans are required)
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#### **4.3 Inspection**

Works inspection fees	Prior to commencement of any works
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### **5. Bonds**

The following bonds (\$\_\_\_\_\_) for the reason indicated below and as determined at the time of approval, shall be paid prior to commencement of any works and will be refunded as indicated below. The bonds may be paid in cash, by cheque or by Banker's Guarantee as approved by the General Manager.

#### **5.1 Satisfactory Completion**

To ensure the works are carried out and completed to a satisfactory and safe standard within a reasonable time from their commencement:

- a) Where it is necessary, in the opinion of the Council or delegated person, to carry out works to make safe, complete to a further stage or remove incomplete works for whatever reason, the Council may carry out such works, without reference to the applicant, and the cost of such works will be a cost against the applicant and the bond may be applied against such debt.
- b) When the works have been completed in accordance with this specification and approved plans, to the satisfaction of the Council or delegated person, bond monies not expended will be refunded.

#### **5.2 Satisfactory Performance**

To ensure the completed works perform their designed function to a satisfactory standard:

- a) Where it is necessary, in the opinion of the Council or delegated person, to carry out additional works to make safe, repair or remove works due to the works not, for whatever reason, performing satisfactorily within six months of satisfactory completion of the works the Council may carry out such works without reference to the applicant and the cost of such works will be a cost against the applicant and the bond may be applied against such debt.
- b) Upon the expiry of a six month period, during which there has been no need for any of the above works whether carried out by Council or the applicant, any unexpended bond monies will be refunded by Council.

### **6. Provision for Traffic - Utility Services**

The applicant is responsible for all traffic control and safety and shall provide an approved plan and all necessary men, barriers, signs, fencing etc to satisfactorily and safely carry out the work.

The applicant is responsible for determining the location of all services and shall exercise great care during the progress of the works to avoid damage to any service. The applicant will be held responsible for any damage resulting from his, or his agents, activities.

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**7. *Applicant's Liability For Injury To Adjoining Lands, Property etc***

The applicant shall effectively protect all adjoining properties and owners thereof against any loss, damage or injury resulting from the works. If such loss, damage or injury does occur the applicant shall make full compensation for any loss resulting and shall pay all reasonable costs incurred by Council where compensation is ordered against Council in the first instance.

**8. *Insurance***

**8.1 Public Liability**

The applicant shall effect public liability insurance of not less the \$20,000,000 with an insurance company approved by Council against any legal liability of the applicant or the Council in respect of claims for damages to persons or property in or about the works.

Details of the insurance are to be provided to the General Manager prior to commencement of any works.

**8.2 Worker's Compensation**

The applicant is responsible for all insurance in respect of worker's compensation.

**9. *Safety***

All work shall be carried out as safely as possible and in accordance with relevant standards and with regard to the Occupational Health and Safety Act.

**10. *Construction of Culvert***

**10.1 General**

The culvert shall be constructed in accordance with the approval.

**10.2 Pipes**

- a) If concrete pipes shall be rubber ring joint of an appropriate class (minimum class 3) given the site condition, available cover and other relevant design criteria or other specification as specifically detailed in the approval. All pipes under the trafficked section of the road shall be minimum 2.4m individual lengths.
- b) All lifting holes shall be sealed with a mortar mix. (3 sand: 1 cement).
- c) Pipes shall be laid true to line and level on a uniform grade with a maximum deviation in any one direction of 10mm.

**10.3 Headwalls & Pits**

Headwalls and pits shall be cast in place using minimum 20MPa concrete.

**10.4 Backfill Material**

Backfill material shall be clean local natural material free from contamination by vegetable matter.

The material shall be laid and compacted in layers not exceeding 150mm compacted thickness. Compaction shall be not less than 98% (standard).

**11. *Earthworks and Road Formation***

Where redesign of the approach grade has been approved the earthworks, road formation, shoulders and table drains shall be constructed to the levels shown on the approved drawings and compacted to not less than 98% (standard).

**12. *Longitudinal Drainage and Shoulders***

Provision for longitudinal drainage (if warranted refer Applications section 2. 2) and shoulders shall be made irrespective of whether specifically detailed in the approved drawings.

**13. *Pavement***



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Gravel and sealed pavements will be restored by Council. The cost of this will be a charge to the applicant and be included in any approval and be paid prior to commencement of any works.

#### **14. *Guard Fence***

Guard rail or chain wire fencing may be specified in the approval as warranted by Roads and Traffic Authority, Road Design Guide. If specified this work will be carried out by Council and the cost of this will be a charge to the applicant and be included in any approval and be paid prior to commencement of any works.

#### **15. *Supervision of Works***

The whole of the works are to be carried out in accordance with this code and accepted engineering principles. The Council or delegated person shall have free and uninterrupted access to the site to inspect and assess the works.

The applicant shall obtain the necessary approvals by arranging an inspection with the Council or delegated person with 24 hours notice, at the following stages prior to proceeding:

- 1) When the site has been sign posted and prior to any other works.
- 2) When the pipes have been laid and lifting holes filled prior to filling above the spring line.
- 3) When the works have been totally completed, excluding work to be carried out by Council, prior to removing signs.

#### **16. *Clearing Up***

The whole of the works area shall be left in a clean and tidy state.

#### **17. *Maintenance***

- a) The channel and the culvert are to be maintained by the applicant in such order that no damage shall be caused to the road. Repair of any such damage shall be a charge against the applicant or the benefiting landholder.
- b) Any damage to the structure suffered at the hands of persons or vehicles using or maintaining the road shall be made good by the applicant or benefiting landholder at no cost to Council.
- c) Should the crossing not be satisfactorily maintained it may be removed at the discretion of Council with such work and necessary restoration being a charge against the applicant or the benefiting landholder.

#### **18. *Re-Alignment***

Should the Council, at some future date, decide to realign the road the full cost, of any new crossing required, will be a charge against the benefiting landholders.

**POLICY REGISTER**

**Code J.102: Water Service Crossings of Shire Roads**

Date Adopted:

Minute Number:

**Objective:** To provide a standard set of guidelines for installation of water service crossings across Shire roads and to provide a safe environment during the construction stage.

**Policy:**

1. *General*

This code covers the approval and construction of water service crossings across shire roads. It applies generally to small diameter water services and excludes irrigation style pipe structures (see separate code J.101). No structure is visible on the road surface.

2. *Applications*

Applications are to be in writing to the General Manager and accompanied by the fee set by Council.

Applications are to be supported by plans detailing the proposed works and shall include, at least, the following:

- 1) A plan view of the site showing:
  - f) North point
  - g) Road name
  - h) Distances from intersections
  - i) Location of crossing
  - j) Lots - showing lot numbers, boundaries and ownership of adjacent land.

The application shall include details of the proposed construction program, indicating the time for completion of each stage, and details of traffic arrangements proposed while the crossing is under construction.

Council has a standard plan (Appendix A) that depicts a typical installation.

3. *Approvals*

- c) Approvals will be in writing and may be subject to any of the general conditions detailed in this code or any conditions considered necessary at the time of approval.
- d) The approval granted is site specific and any proposal to relocate the crossing will be subject to a new application.

4. *Fees*

The following fees, as set by Council, will be payable at the time indicated:

4.1 *Application*

Application Fees	At time of application
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4.2 *Inspection*

Works inspection fees	Prior to commencement of any works
-----------------------	------------------------------------

5. *Bonds*

The following bonds (\$\_\_\_\_\_) for the reason indicated below and as determined at the time of approval, shall be paid prior to commencement of any works and will be refunded as indicated below. The bonds may be paid in cash, by cheque or by Banker's Guarantee as approved by the General Manager.

5.1 *Satisfactory Completion*

To ensure the works are carried out and completed to a satisfactory and safe standard within a reasonable time from their commencement:

# **MURRUMBIDGEE SHIRE COUNCIL**

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- c) Where it is necessary, in the opinion of the Council or delegated person, to carry out works to make safe, complete to a further stage or remove incomplete works for whatever reason, the Council may carry out such works, without reference to the applicant, and the cost of such works will be a cost against the applicant and the bond may be applied against such debt.
- d) When the works have been completed in accordance with this specification and approved plans, to the satisfaction of the Council or delegated person, bond monies not expended will be refunded.

### **5.2 Satisfactory Performance**

To ensure the completed works perform their designed function to a satisfactory standard:

- b) Where it is necessary, in the opinion of the Council or delegated person, to carry out additional works to make safe, repair or remove works due to the works not, for whatever reason, performing satisfactorily within six months of satisfactory completion of the works the Council may carry out such works without reference to the applicant and the cost of such works will be a cost against the applicant and the bond may be applied against such debt.
- b) Upon the expiry of a six month period, during which there has been no need for any of the above works whether carried out by Council or the applicant, any unexpended bond monies will be refunded by Council.

### **6. Provision for Traffic - Utility Services**

The applicant is responsible for all traffic control and safety and shall provide an approved plan and all necessary men, barriers, signs, fencing etc to satisfactorily and safely carry out the work.

The applicant is responsible for determining the location of all services and shall exercise great care during the progress of the works to avoid damage to any service. The applicant will be held responsible for any damage resulting from his, or his agents, activities.

### **7. Applicant's Liability For Injury To Adjoining Lands, Property etc**

The applicant shall effectively protect all adjoining properties and owners thereof against any loss, damage or injury resulting from the works. If such loss, damage or injury does occur the applicant shall make full compensation for any loss resulting and shall pay all reasonable costs incurred by Council where compensation is ordered against Council in the first instance.

### **8. Insurance**

#### **8.1 Public Liability**

The applicant shall effect public liability insurance of not less the \$20,000,000 with an insurance company approved by Council against any legal liability of the applicant or the Council in respect of claims for damages to persons or property in or about the works.

Details of the insurance are to be provided to the General Manager prior to commencement of any works.

#### **8.2 Worker's Compensation**

The applicant is responsible for all insurance in respect of worker's compensation.

### **9. Safety**

All work shall be carried out as safely as possible and in accordance with relevant standards and with regard to the Occupational Health and Safety Act.

### **10. Construction of Culvert**

#### **10.1 General**

The pipe crossing shall be constructed in accordance with the approval.

**10.2 Backfill Material**

Backfill material shall be clean local natural material free from contamination by vegetable matter.

The material shall be laid and compacted in layers not exceeding 150mm compacted thickness. Compaction shall be not less than 98% (standard).

10.3 The water service pipe line shall be laid in a conduit with a width minimum of 30mm greater than the longest outside dimension of the water service and the conduit must extend a minimum of 5m beyond the top of the back cut (outer edge of table drain on toe of fill embankment).

10.4 Sealed pavements will be restored by Council. The cost of this will be a charge to the applicant and be included in any approval and be paid prior to commencement of any works.

**11. Supervision of Works**

The whole of the works are to be carried out in accordance with this code and accepted engineering principles. The Council or delegated person shall have free and uninterrupted access to the site to inspect and assess the works.

The applicant shall obtain the necessary approvals by arranging an inspection with the Council or delegated person, with 24 hours notice, at the following stages prior to proceeding:

- 1) When the site has been sign posted and prior to any other works.
- 2) When the pipes have been laid immediately prior to back filling.
- 3) When the works have been totally completed, excluding work to be carried out by Council, prior to removing signs.

**12. Clearing Up**

The whole of the works area shall be left in a clean and tidy state.

**13. Maintenance**

- d) The water service crossing is to be maintained by the applicant in such order that no damage shall be caused to the road. Repair of any such damage shall be a charge against the applicant or the benefiting landholder.
- e) Any damage to the structure suffered at the hands of persons or vehicles using or maintaining the road shall be made good by the applicant or benefiting landholder at no cost to Council.
- f) Should the water service crossing not be satisfactorily maintained it may be removed at the discretion of Council with such work and necessary restoration being a charge against the applicant or the benefiting landholder.

**14. Re-Alignment**

Should the Council, at some future date, decide to realign the road the full cost, of any new crossing required, will be a charge against the benefiting landholders.

(APPENDICES A - Standard Plan and B – Inspection Form for completion of crossing under Shire road; ATTACHMENTS 1 – Consent to Undertake Works – Section 138 of Roads Act, 2 – Condition of Consent, 3 – Extract from Roads Act 1993 No 33, 4 – Induction and training for construction for contractors and employees and 5 – Safe work method statement information may be found at G:\Management\policies\files\J101.doc)

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**Code J.201      Off-Street Car Parking**

Date Adopted:

Minute Number:

*Generally*

1. This Code shall apply to all land within the Shire of Murrumbidgee and is to be read in conjunction with the Policies, Guidelines and Procedures for Traffic Generating Developments issued by the Traffic Authority of New South Wales.
2. This Code shall apply to all development within the area and consent will not be given to alter, enlarge, convert or increase the capacity of any existing buildings, or to erect new buildings, or to use any land unless provision is made for off-street parking in accordance with this Code.
3. In the case of existing buildings, the off-street parking requirement will be calculated only on the basis of development in addition to that existing or differing from that which already exists.
4. In every case there shall be an adequate driveway connecting each parking space with a public road.
5. Council is required by Statute to refer certain classes of development for comment to the Traffic Committee or the Traffic Authority. Council reserves the right to refer any application for comment and to assess the development in light of any representations made.

*Definitions:*

“COUNCIL” shall mean the Murrumbidgee Shire Council.

“CODE” shall mean the Murrumbidgee Shire Off-Street Parking Code.

“DEVELOPMENT” in relation to any land includes the erection of any building and the carrying out of any works and any use of the land or building or work thereon for a purpose which is different from, or an extension of, the purpose for which the land or building or work was last used.

“ERECT, ERECTION” and similar expressions in relation to building include any structural work or any alteration, addition or rebuilding.

“GROSS FLOOR AREA” shall mean the sum total of the areas of all floors calculated from the overall dimensions of a building, but does NOT include the area of ramps, stairways or landings connecting floors on different levels, fixed corridors and lobbies, lift wells or air conditioning rooms.

“PARKING SPACE” shall mean any garage, carport or open area within a site, or on land adjoining a site, not being a public road, specifically reserved for the purpose of parking vehicles associated with the users, occupiers or owners of land or of premises erected on the land.

*Contribution in Lieu of Physical Provision:*

In cases of development where in the opinion of Council the provision of off-street parking is not physically possible and where Council has established or proposes to establish carparking facilities in the vicinity, Council will give consideration to acceptance of a cash contribution in satisfaction of part, or all, of the requirements under this Code.

*Layout:*

The layout of off-street car parking shall comply with Council’s standards and shall be accessible at all times. Council’s design standards are indicated in Annexure “A”.

*Construction:*

1. The off-street car parking spaces and access driveways are to be constructed, paved, linemarked, signposted and maintained to Council’s standards.
2. Signposting shall include:-

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- a) A directional sign if the car parking area is not visible at the entrance of the development;
- b) In the car parking areas a suitable sign shall be erected with wording to the effect that motor vehicles shall be parked in the marked parking bays;
- c) Where a separate visitor's off-street parking area has been provided a suitable sign shall be erected to indicate visitor's parking.

3. Details of signposting are to be submitted for approval by Council.

For further details re construction standards, footpath crossings, developers should contact Council's Technical Service Department.

*Number of Spaces:*

The number of off-street parking spaces to be provided shall be in accordance with the attached schedule.

LAND AND BUILDING USE	OFF-STREET CAR PARKING REQUIREMENT
Auditorium	One (1) space per 10 seats
Bowling Alleys	Three (3) spaces per alley PLUS one (1) space per three (3) employees
Bulk Stores	One (1) space per ninety five (95) m <sup>2</sup> of gross floor area.
Car Repair Station	Five (5) PLUS one ever 93m <sup>2</sup> of floor area PLUS one (1) each employee
Car Wash (Automatic)	Twenty (20) spaces PLUS one (1) space per employee
Caravan Park	One (1) space per ten (10) car/caravan spaces
Catering and Reception	One (1) space per (3) guests (with a minimum of twenty (20) spaces) PLUS one (1) space per two (2) employees
Church Halls	One (1) space per the (10) seats OR one (1) space per fifteen (15) m <sup>2</sup> of gross floor area
Clubs (Licensed)	One (1) per 5m <sup>2</sup> bar, lounge, beer garden dining room, PLUS one (1) for Manager PLUS one (1) per 3 employees
Clubs (Non-Licensed)	One (1) space per six (6) m <sup>2</sup> of dancing, dining and entertainment space
Commercial Premises	One (1) space per forty five (45) m <sup>2</sup> of gross floor area, exclusive of floor area used for parking and storage
Drive-In Liquor Store	Five (5) spaces PLUS one (1) space per employee
Drive-In Take-Away Food	Thirty (30) spaces PLUS one (1) space per employee
Dwelling Houses	Up to three (3) bedrooms – one (1) space; over

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LAND AND BUILDING USE	OFF-STREET CAR PARKING REQUIREMENT
	three (3) bedrooms - two (2) spaces
Hospitals (Private) and Nursing/Convalescent Homes	One (1) space per five (5) beds PLUS one (1) space per three (3) staff PLUS one (1) space for resident Matron/Doctor.
Hospitals (Public)	One (1) space per five (5) beds PLUS one (1) space per three (3) staff PLUS one (1) space per three (3) consultative staff
Hotels (Licensed)	One (1) space per 4m <sup>2</sup> of bar, PLUS one (1) space per 5m <sup>2</sup> lounge, dining room, beer garden PLUS one (1) space per two (2) bedrooms PLUS one (1) space per three (3) employees
Hotels, Taverns (No accommodation)	One (1) space per 4m <sup>2</sup> bar PLUS one (1) space per five and a half (5.5) m <sup>2</sup> of lounge, beer garden, dining room, snack bar, PLUS one (1) space per Manager PLUS one (1) space per six (6) employees.
Industries (Heavy, Local Light, etc)	One (1) space per one hundred (100) m <sup>2</sup> of gross floor area
Motels	One (1) space per unit PLUS one (1) space for Manager PLUS one (1) space per two (2) employees PLUS one (1) space per 5m <sup>2</sup> bar, lounge – restaurant
Motor Sale Yards	One (1) space per forty five (45) m <sup>2</sup> of display area
Motor Showrooms	One (1) space per forty five (45) m <sup>2</sup> of display area
Offices (General)	One (1) space per forty five (45) m <sup>2</sup> of display area
Places of Assembly	One (1) space per fifteen (15) m <sup>2</sup> of dancing or entertainment area OR one (1) space per ten (10) seats as decided by the Council
Places of Worship	One (1) space per ten (10) seats
Professional Chambers	One (1) space per forty five (45) m <sup>2</sup> of gross floor area
Professional Consulting Rooms	Six (6) spaces PLUS one (1) space for each practitioner
Public Halls	One (1) space per fifteen (15) m <sup>2</sup> gross dance floor area OR one (1) space per ten (10) seats. As decided by council
Residential Buildings (Boarding Houses, Lodging Houses, Hostels, etc.)	One (1) space per three (3) guest rooms PLUS one (1) space for Manager
Residential Flats and Home Units	One (1) space per flat plus one (1) space for every five (5) flats for visitors

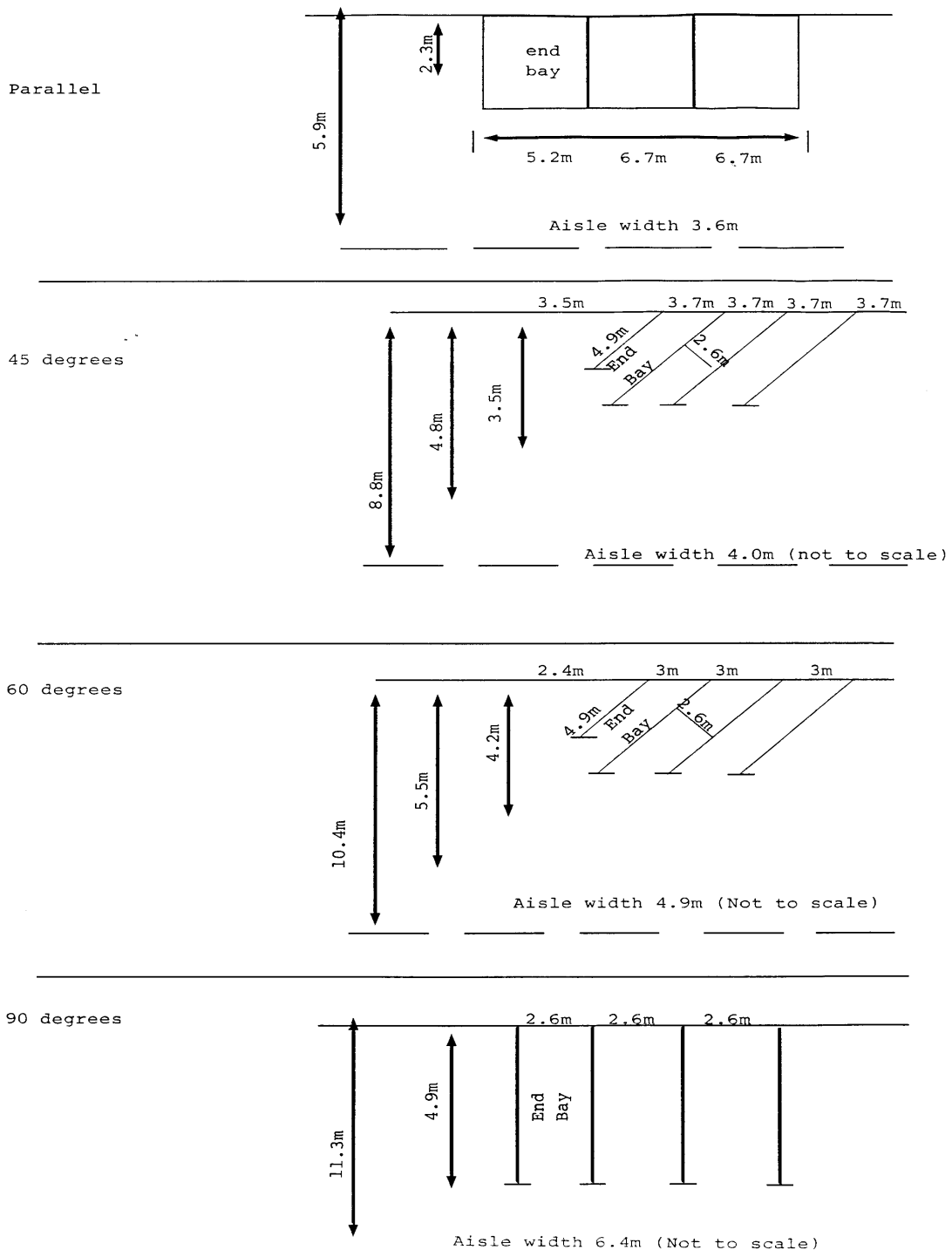
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LAND AND BUILDING USE	OFF-STREET CAR PARKING REQUIREMENT
Restaurants, Cafes	One (1) per six and half (6.5) m <sup>2</sup> service area OR one (1) per six (6) seats PLUS one space per three (3) employees
Service Stations	Five to ten (5-10) spaces per lube or service bay depending on location and size
Shops (Retail)	One (1) space per forty five (45) m <sup>2</sup> of gross floor area
Squash Courts	Three (3) spaces per court
Theatres	One (1) space per ten (10) seats OR one (1) space per ten (10) m <sup>2</sup> of gross floor area excluding stage, storage and the like. As decided by Council
Transport Terminals	One (1) space per two (2) employees PLUS one (1) space per vehicle used in business PLUS four (4) spaces for company visitors
Warehouses	One (1) space per one hundred (100) m <sup>2</sup> of gross floor area



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**Annexure "A"**



The dimensions shown are for minimum sized bays. Delineator lines are 75-100 wide and are painted white.

requirements as set out in the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Model Provisions 1980, Local Government Act 1993 and Regulations, and the Building Code of Australia.

- c) This Code is for the general guidance of applicants and expresses the policies of the Council in so far as the standard which the Council is seeking to achieve; notwithstanding the

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provisions of this Code, each application will be dealt with on its merits.

*Application for Development*

It is advisable that a Development Application be submitted to Council before detailed plans and specifications are prepared. The application should be accompanied by:

- a) A block plan showing the location of the building, distances from boundaries, size of allotment, provision for car parking, driveways, clothes drying area, appurtenant buildings etc.
- b) A floor plan of the building showing room sizes etc.
- c) An elevation drawing or perspective sketch.
- d) A landscape plan to detail as specific as that shown in Figure 1 at the rear of this Code.
- e) An indication of the proposed method of disposing of waste water and roof water.
- f) Residential Flat Buildings will not be permitted in unsewered areas.

The Council upon receipt of a development application for a residential flat building, shall under the provisions of the Local Environmental Plan advertise such proposed development as well as advise landholders whom the Council considers could be affected by the development and allow a period of 14 days for the submission of objections. The Council will then consider the application in the light of any objections received.

*Definitions*

For the purposes of the Code, the following definitions apply:

- a) *Flat* - means a suite of rooms occupied or used or so constructed, designed or adapted as to be capable of being occupied or used as a separate domicile.
- b) *Residential Flat Building* - means a building containing two or more flats.
- c) *Home Units* - for the purpose of this Code these shall be regarded as flats.
- d) *Allotment* - the area to which Title is held, but shall not include the area of any access corridor in the case of a battle-axe shaped allotment.
- e) *Landscaped Area* - that portion of the site which is for the enhancement of appearance and the enjoyment of its occupants. It includes all naturally planted gardens, enclosed pedestrian terraces and the like but excludes car parking areas, driveways and drying areas.
- f) *Area of Individual Flats* - means that area contained within the internal walls of the flat but shall exclude private balconies not enclosed above the height of 1.22m from the floor on any external side or sides.
- g) *Storey* - shall mean any floor containing any habitable room or rooms or containing any rooms occupied or used or so constructed, designed or adapted as to be capable of being occupied or used as a shop, office or factory.

*Zoning*

- a) Residential flat buildings may only be erected within the Village areas as defined by Murrumbidgee Local Environmental Plan 1994.
- b) In a residential area, the minimum allotment size for the erection of residential flat units shall be 1,000 m<sup>2</sup> exclusive of any area restricted from use by the nine metre Building Line.
- c) A residential flat building within a section of the zone allocated to business uses may be approved provided that the ground floor of such a building is used for shops, commercial or professional purposes, or designed to permit the use of the frontage area for such a shop, commercial or professional purpose.

*Site Occupancy*

The maximum number of flats that may be provided on a particular site is fixed by reference to the

requirements hereunder and the requirements of this Code as regards setbacks from boundaries, landscaped areas, car parking and minimum floor areas.

The residential flat building shall not occupy more than the following proportion of the area of the allotment upon which the building stands:-

- in the case of a one-storey building, fifty per centum;
- in the case of a two-storey building, forty per centum;
- in the case of a building containing more than two storeys, thirty-five per centum.

The total floor plan area shall not exceed one and one-half times the total area of the site.

*Landscaped Area*

- a) In this clause, “landscaped area”, in relation to a site, means that part of the area of the site which is not occupied by any building and includes so much of that part as is used or to be used for swimming pools or open-air recreation facilities, but does not include so much of that part as is used or to be used for driveways, parking areas or drying yards.
- b) A person shall not erect a residential flat building on a site comprising land to which this Policy applies unless the landscaped area of the site, when measured in square metres, is not less than the number calculated by multiplying by 20 the number of dwellings contained in the building.
- c) A landscaped plan, to detail similar to that shown in Figure 2 at the rear of this Code, is to be submitted with the building plans. The landscaped design should place emphasis on the use of native Australian trees and shrubs to provide privacy for the occupants of the building.

*Setbacks*

- a) In this clause, a reference to any point on the external wall of a building includes a reference to any point on a balcony attached to the building.
- b) Front Boundary - a minimum setback of 9 m will be required on the front boundary and side boundary with street frontage.
- c) Subject to subclause (d), a person shall not erect a residential flat building on land to which this Policy applies unless the minimum distance between any point on any external wall of the building and a side or rear boundary of the land on which the building is to be erected is not less than -
  - in the case of a point that is not more than 3 metres above ground level - 3 metres; and
  - in the case of a point that is more than 3 metres above ground level - a distance calculated in accordance with the following formula:

$$S = 3 + \frac{H - 3}{4}$$

where -

S is the distance in metres; and

H is the height of the wall at that point (measured in metres above ground level)

- d) Where, in respect of a residential flat building, the minimum distance between any point on an external wall and a side boundary is less than the minimum distance required under subclause (c), Council may grant development consent if it is satisfied that any development on adjoining land will not be adversely affected by the erection of the building and -
  - i) the point is not more than 7.2 metres above ground level and -
    - the wall, at that point, does not contain a window facing that boundary; or
    - where the wall, at that point, does contain a window facing that boundary, the minimum distance is not less than 1.2 metres, and the window sill is not less than

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1.7 metres, above the floor level of the room or other space inside the building in which the window is contained; or

- ii) the minimum distance is not less than 50% of the minimum distance required under subclause (b) and, in the opinion of Council the loss of space between the wall and the boundary by reason of the failure to comply with the requirement in subclause (b) is compensated for by reason of another wall or another part of that wall being set back from a side boundary by more than the minimum distance required under subclause (c).
- e) For any residential flat building containing two flats only, or for detached villa units the setbacks to side and rear boundaries as previously set out in the Local Government (Approvals) Regulation for class 1 dwellings shall apply. i.e. the minimum distance from any wall to the boundary shall be 900mm with a minimum distance of 675mm from the edge of the eaves to the boundary.

### *Car Parking*

- a) To be provided in accordance with Council's Off Street Parking Code, as hereunder:  
Residential Flats/Home Units One (1) space per one or two bedroom flat, two (2) spaces per three bedroom or larger flat plus one (1) extra space for every 10 flats for visitors.
- b) *PARKING SPACE* shall mean any garage, carport, or open area within a site, or on land adjoining a site, not being a public road, specifically reserved for the purpose of parking vehicles associated with the users, occupiers or owners of land or of premises erected on the land, concrete or bitumen paved.
- c) Each space referred to in Clause (a) and (b) shall have access between it and a public street, road or lane unobstructed by other vehicular parking spaces.
- d) No vehicular parking space shall be located between the front wall of a residential flat building and a street alignment nor, additionally in the case of a corner allotment, between the side of the building and the side street allotment. Provided that, where the peculiarities of the site or design are such that it is warranted, Council may permit such parking spaces subject to the erection of suitable screening etc, to its satisfaction.
- e) The minimum requirement for driveways to parking areas shall be concrete wheel-tracks.
- f) Where there are 8 flats or more on one block of land with only one access, a dual carriageway at least 4.86 m wide shall be provided.

### *Minimum Areas of Flats*

- a) *Total Area* - the minimum area of a flat shall not be less than:

Single bedroom flat	-	42 sq m internal measurement
Two bedroom flat	-	56 sq m internal measurement
Three bedroom flat	-	74 sq m internal measurement
- b) *Habitable Rooms* - each flat shall have at least one room of 13.89 sq m. Where a flat contains only one habitable room (not counting any fully enclosed kitchen) such room shall have a floor area of 18.5 sq m.
- c) The Building Code of Australia provides for minimum room sizes and heights generally.

If a flat has more than two bedrooms and the bathroom or shower is combined with the laundry, the water closet shall be installed in a "separate compartment". "Separate compartment" means a room which is accessible from a hallway or other open area and not by means of the bathroom.

External toilet - an outside accessible toilet with wash basin shall be provided for each residential flat building containing more than ten (10) flats in accordance with clause F2.1 of the Building Code of Australia.

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*Building Services*

- a) *Plumbing and Drainage* - all plumbing and drainage lines serving the various flats in the building must be carried in suitable ducts within the building. In buildings exceeding two (2) storeys in height the ducts shall be sealed at each floor level with material having an equivalent fire resistance rating to the floor of the building. Where the wall of a duct forms part of the divisional wall between separate flats or between a flat and a common hall or stairway etc, the wall of the duct shall be constructed of material having a fire resistance rating of at least two (2) hours and openings into the duct shall be so constructed that the required fire resistance rating is maintained.
- b) *Drainage of Roof and Surface Waters* - all water from the roof of the building and from appurtenant buildings, from the yard area and from paved parking areas shall be connected to an adequate drainage system and carried to a street gutter or alternatively where available, this drainage may be connected to a Council stormwater line. Where because of adverse fall of the land or other factors, stormwater cannot be directly connected to the street gutter or to a Council stormwater pipeline, it will be necessary to make arrangements to carry a suitable stormwater pipeline through adjoining properties. On no account will Council permit the connection of roof and surface waters to dispersal pits constructed in the yard.
- c) *Water Interceptor to Driveway* - a water interceptor complying with Council's requirements must be provided across the driveway at the street boundary in all cases where it is possible that surface waters from driveway can flow over Council's footpath.

*Laundry and Clothes Drying Facilities*

- a) *Clothes Drying Facilities* - Council requires *Laundries* - separate clothes washing facilities complying with the provisions of the Building Code of Australia are to be provided to each sole occupancy unit.
- b) that provision be made in the yard area for a suitable external clothes drying area. The dimensions of the area and number of clothes drying hoists to be provided will be determined by Council on the basis of one clothes hoist for each four flats where mechanical clothes dryers are not provided. At least 7.5 m of clothes line to be provided for each flat.

Such clothes drying yard shall be situated at the rear of the residential flat building and shall be screened to the satisfaction of the Council from view of all street frontages.

*Refuse Disposal*

In residential flat buildings, Council will require that a suitable paved and drained area, positioned and constructed to the satisfaction of Council's Building Inspector, be provided for the reception of garbage bins, such area to be sufficiently large to accommodate one (1) 240 litre capacity mobile garbage bin for each flat in the building.

Complete details of any proposed incinerator installation must be submitted to and approved by Council prior to Council's consideration of the general structural details.

*Footpath Crossing and Access Ramps*

- a) *Width of Kerb Openings* - wherever possible, access should be planned on the basis of a single kerb opening of 3.66 m. Where in Council's opinion, this is not possible, Council may permit two kerb openings of 3.66 m each.
- b) In any case, where a property has more than one street frontage, position and size of kerb openings will be determined by Council on merit.
- c) *Type of Gutter Crossing* - gutter crossings shall be of the dish type which do not cause any obstruction to traffic adjacent to the kerb or to stormwater flow.
- d) *Construction of Vehicular Access Ramps across Footways* - in general, such construction will be undertaken by Council on prior payment of the estimated cost of the work required. However, Council may, at its discretion authorise the work to be carried out privately by an

experienced concrete contractor under Council's supervision, which is necessary, particularly to ensure that the grading of the access ramp is such as to ensure vehicular clearance at changes of grade.

- e) *Location of Kerb Openings and Access Ramps across Footpaths* - kerb openings and access ramps shall be located opposite the boundary of the property concerned. Where it is considered that special circumstances warrant extension opposite the boundary of adjoining property a special application will be required, setting out such circumstances in detail, together with a statement from the owner of the adjoining property as to whether or not he objects to the ramp being so located and in the case of an objection, setting out the reasons therefore. A decision in such cases will be made by Council after considering all circumstances.
- f) *Grading of Access Ramps* - in general, and in order to ensure clearance for most vehicles, the initial grading of an access ramp must not exceed 1 in 6 for the first 3.05 measured square with the street gutter where the property is above gutter level.

Where the property is below gutter level, special grading is necessary for the purpose of retaining street water in the gutter, while at the same time allowing satisfactory vehicle clearance and grading of such ramps must be adopted only after discussion with the Shire Engineer's representative. The grading of the remaining lengths of vehicle access ramps within the street boundaries will be considered on merit with a maximum of 1 in 4.

#### *Sound Proofing*

Dividing walls and floors between each flat unit to comply with the provisions of Par F5 - Noise Transmission and Insulation of the Building Code of Australia.

#### *General Compliance*

Any residential flat building shall, subject to the requirements of this Code comply in all other respects with such provisions of the Local Government Act 1993, Regulations made thereunder, the Shire of Murrumbidgee Local Environmental Plan and any regulations made under any Act or Regulation, as are applicable to such buildings.

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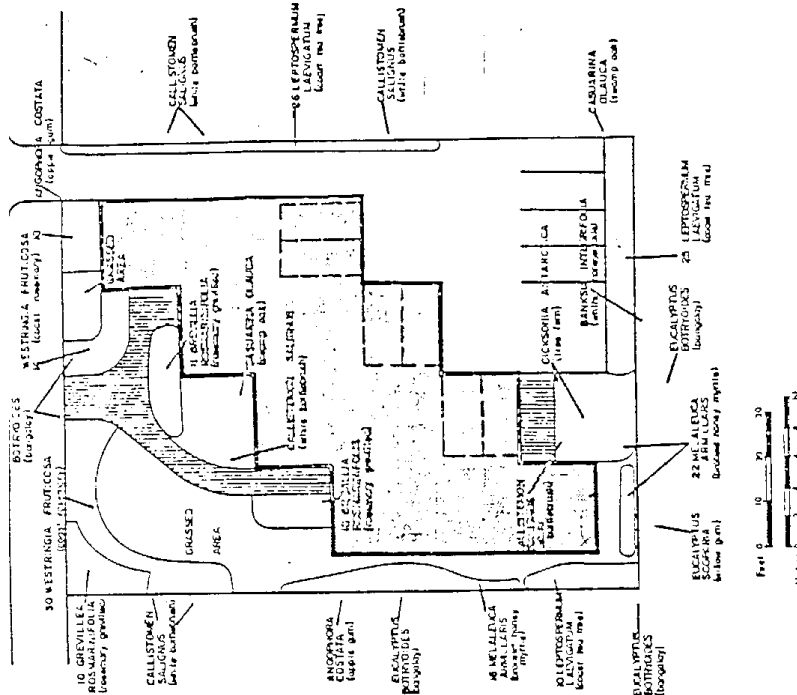


FIGURE 2. EXAMPLE OF LANDSCAPE PLAN SUITABLE FOR BUILDING APPLICATION.  
This shows quantity and species of plant material, paving etc

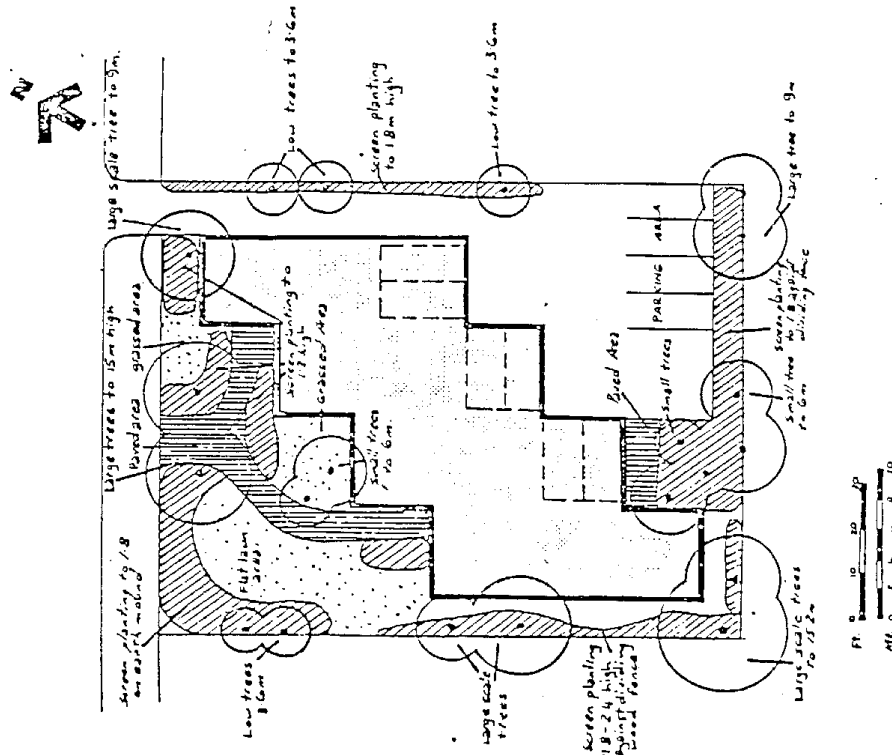


FIGURE 1. EXAMPLE OF PRINCIPLES LANDSCAPE PLAN SUITABLE FOR DEVELOPMENT APPLICATION.  
Shows only broad intentions.

-C-16-

**MURRUMBIDGEE SHIRE COUNCIL**  
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**Code J.401      Council Code of Conduct**

Adopted: 16/06/2005

Minute Number: 159

**1 Introduction**

The *Local Government Act 1993* requires every council to adopt a code of conduct that incorporates the provisions of The Model Code of Conduct for Local Councils in NSW. Murrumbidgee Shire Council has adopted the Model Code as the minimum standard for behaviour of Council officials

Councillors, members of staff of Council and delegates of the council must comply with the applicable provisions of the Model Code of Conduct. It is the personal responsibility of Council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind. Council contractors and volunteers will also be required to observe the relevant provisions of the code of conduct.

Failure by a Councillor to comply with an applicable requirement of Code of Conduct constitutes misbehaviour. Failure by a member of staff to comply with Code of Conduct may give rise to disciplinary action.

**2 Definitions**

In Model Code of Conduct the following definitions apply:

Council official includes councillors, staff members of Council and delegates of Council

Delegates of Council a delegate of Council is a person or body to whom a function of Council is delegated, including contractors, consultants, volunteers, members of advisory and section 355 committees and community representatives

Designated person General Manager, Director Technical Services and/or Director Environmental Services

Act of disorder see the definition in clause 256 (1) of the Local Government (General) Regulation 2005

The Act the Local Government Act 1993

The term "you" used in the Code of Conduct refers to Council officials.

References to sections in the Code of Conduct are references to sections in the Local Government Act 1993.

**3 Purpose of the Code of Conduct**

The Model Code of Conduct for Local Councils in NSW sets the minimum requirements of behaviour for Council officials in carrying out their functions. The model code is prescribed by regulation.

The Model Code of Conduct has been developed to assist Council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.

**4 Key Principles**

The Model Code of Conduct for Local Councils in NSW is based on the following key principles:

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

Leadership



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You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the council. *This means promoting public duty to others in the council and outside, by your own ethical behaviour.*

**Selflessness**

You have a duty to make decisions solely in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. *This means making decisions because they benefit the public, not because they benefit the decision maker.*

**Objectivity**

You must make decisions solely on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. *This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.*

**Accountability**

You are accountable to the public for your decisions and actions and must consider issues on their merits, taking into account the views of others. *This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.*

**Openness**

You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. *This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.*

**Honesty**

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. *This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.*

**Respect**

You must treat others with respect at all times. *This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.*

**5 General Conduct Obligations**

**General conduct**

You must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, you must avoid conduct that:

- contravenes the Act, associated regulations and council's relevant administrative requirements
- is detrimental to the pursuit of the charter of a council
- is improper or unethical
- is an abuse of power or otherwise amounts to misconduct
- causes, comprises or involves intimidation, harassment or verbal abuse
- causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
- causes, comprises or involves prejudice in the provision of a service to the community. *(Schedule 6A of the Act)*

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You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*)

You must treat others with respect at all times.

### Fairness and equity

You have an obligation to consider issues consistently, promptly and fairly. This involves dealing with matters in accordance with established procedures, in a non-discriminatory manner.

You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

### Harassment and discrimination

You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination, on the grounds of sex, pregnancy, age, race (including their colour, nationality, descent, ethnic or religious background), political affiliation, marital status, disability, homosexuality or transgender.

### Development decisions

It is your duty to ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid impropriety. You must also avoid any occasion for suspicion and any appearance of improper conduct.

In determining development applications, it is essential that you are highly conscious of the potential for even the slightest impropriety to lead to suspicion of misconduct. This means you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide concessions or preferential treatment.

### Guide to ethical decision-making

If you are unsure about the ethical issues around an action or decision you are about to take, you should consider these five points:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with council's policy and with council's objectives and the code of conduct?
- What will the outcome be for the employee or councillor, work colleagues, the council and any other parties?
- Do these outcomes raise a conflict of interest or lead to private gain or loss at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

Remember – you have the right to question any instruction or direction given to you which you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from other people. This includes your supervisor or trusted senior officer, the Department of Local Government, the Ombudsman's Office and the Independent Commission Against Corruption.

Independent Commission Against Corruption	8281 5999
NSW Ombudsman	9286 1000
NSW Department of Local Government	4428 4100

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**6 Conflicts of Interests**

**Pecuniary and non-pecuniary conflict of interests**

A conflict of interests exists when you could be influenced, or a reasonable person would perceive that you could be influenced by a personal interest when carrying out your public duty.

You must appropriately resolve any conflict or incompatibility between your private or personal interests and the impartial performance of your public or professional duties.

Any conflict between your interests and those of council must be resolved to the satisfaction of the council. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.

It is essential that you properly address conflict of interests issues that may arise. You must:

- try to understand the concept and practical implications of conflict of interests issues
- accept that failure to resolve an actual or reasonably perceived conflict of interests is unacceptable in local government
- take timely and appropriate action to avoid, or if not, to disclose any actual, potential or reasonably perceived conflict of interests.

Perceptions of a conflict of interests are as important as actual conflict of interests. The onus is on you to identify a conflict of interests, whether perceived or real, and take the appropriate action to resolve the conflict in favour of your public duty.

Where necessary, you must disclose an interest promptly, fully and in writing. If a disclosure is made at a council or committee meeting, both the disclosure and nature of an interest must be recorded in the minutes.

If you are in doubt whether a conflict of interests exists, you should seek legal or other appropriate advice.

A conflict of interests can be of two types:

Pecuniary - 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 or another person with whom the person is associated. (*sections 442 and 443*)

Non-pecuniary - A private or personal interest the council official has that does not amount to a pecuniary interest as defined in the Act (for example; a friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Pecuniary interest is regulated by Chapter 14 Part 2 of the Act. The Act requires that:

- councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (*section 449*)
- councillors or members of council committees disclose an interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (*section 451*)
- designated persons immediately declare, in writing, any pecuniary interest. (*section 459*)

Designated persons are defined at section 441 of the Act.

Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

If you have a non-pecuniary conflict of interests, you must disclose the nature of the conflict. If this is in a meeting, do so as soon as practicable.

If you have declared a non-pecuniary conflict of interests you have a broad range of options for managing the conflict. The option you choose will depend on an assessment of the circumstances of the matter, the nature of your interest and the significance of the issue being dealt with. You must deal with a non-pecuniary conflict of interests in at least one of these ways:

- It may be appropriate that no action is taken where the potential for conflict is minimal. However, council officials should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (for example, participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (for example, relinquishing or divesting the personal interest that creates the conflict or reallocating the conflicting duties to another officer).
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply (particularly if you have a significant non-pecuniary conflict of interest).
- Include an independent person in the process to provide assurance of probity (for example, for tendering or recruitment selection panels).

### **Other business or employment**

A member of staff of council who is considering outside employment or contract work that relates to the business of the council or that might conflict with their council duties, must notify and seek the approval of the general manager in writing. (section 353)

Before you engage in outside employment or business you must ensure that it will not:

- conflict with your official duties
- interfere with your council work
- involve using confidential information or council resources obtained through your work with the council
- require you to work while on council duty
- discredit or disadvantage the council.

### **Political support**

Councillors should note that matters before council involving campaign donors may give rise to a non-pecuniary conflict of interests.

### **Personal dealings with council**

You will inevitably deal personally with your council (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment for yourself or your family because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

## **7 Personal Benefit**

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

### **Gifts or benefits**

7.1 You must not:

- seek or accept a bribe or other improper inducement

by virtue of your position acquire a personal profit or advantage which has a monetary value, other than one of a token value.

7.2 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 otherwise deviate from the proper exercise of your official duties.

7.3 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 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
- 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 a Gifts 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.

## **8 Relationship between Council Officials**

### Obligations of councillors

Each council is a statutory corporation. The councillors are the governing body of the corporation. Councillors have the responsibility of directing and controlling the affairs of the council in accordance with the Act.

Councillors must:

- refrain from directing council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor exercising their power under section 226 of the Act (*section 352*)
- refrain from, in any public or private forum, directing or influencing, or attempting to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*)
- refrain from contacting a member of the staff of the council unless in accordance with procedures governing the interaction of councillors and council staff that have been authorised by the general manager
- not contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor exercising their power under section 226 of the Act.

### Role of the Mayor

The role of the Mayor is defined by section 226 of the Act. This role is the same whether the Mayor is popularly elected or elected by the councillors.

### Obligations of

The General Manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.

Members of staff of council have an obligation to:

- give their attention to the business of council while on duty
- ensure that their work is carried out efficiently, economically and effectively
- carry out lawful directions given by any person having authority to give such directions
- give effect to the lawful policies, decisions and practices of the council, whether or not the staff member agrees with or approves of them.

### Obligations during meetings

You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the *Local Government (Meetings) Regulation 1999* during council and committee meetings.

8.7 You must respect the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

8.8 The following interactions are inappropriate:

- Councillors approaching council staff other than directors or senior staff for information on sensitive or controversial matters.
- Council staff approaching councillors directly on individual staffing matters.
- Councillors approaching council staff outside the council building or outside hours of work to discuss council business.
- Council staff refusing to give information which is available to other councillors to a particular councillor because of the staff member's or councillor's political views.
- Councillors who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
- Councillors being overbearing or threatening to council staff.
- 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.
- Councillors approaching council staff organisations; for example unions and associations; in relation to staffing matters that relate to individual staff members rather than broader industrial policy issues.
- Council staff meeting with developers alone and outside office hours to discuss development applications or proposals.
- 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.

## **9 Access to Information and Council Resources**

### Councillor access to information

A council must provide access to the documents available under section 12 of the *Local Government Act 1993* to all members of the public, and to councillors. A council must also provide councillors with information sufficient to enable them to carry out their civic functions.

Any information that is given to a particular councillor in the performing of their civic duties must also be available to any other councillor who requests it.

Councillors who have a personal (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Members of staff of council have an obligation to provide full and timely information to councillors about matters that they are dealing with in accordance with council procedures.

Councillors have an obligation to properly examine and understand all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

### Refusal of access to documents

The general manager and public officer must act reasonably in deciding whether a document sought by a councillor should be made available under section 12 of the *Local Government Act 1993* or because it is relevant to the performance of the councillor's civic duty. The general manager or public officer must state the reasons for the decision if access is refused.

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Use of council information

You must:

- protect confidential information
- only access information needed for council business
- not use confidential information for any non-official purpose
- only release confidential information if you have authority to do so
- only use confidential information for the purpose it is intended to be used
- only release other information in accordance with established council policies and procedures and in compliance with relevant legislation
- not use council information for personal purposes
- not disclose any information discussed during a confidential session of a council meeting.

You must carry out your duties in a manner that allows council officials and the public to remain informed about local government activity and practices.

You must not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person.

You must not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you had access in the exercise of your official functions or duties by virtue of your office or position.

You must not use confidential information with the intention to improperly cause harm or detriment to your council or any other person or body.

Security of information

You must take care to maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

When dealing with personal information you must comply with:

- the Privacy and Personal Information Protection Act 1998,
- the Health Records and Information Privacy Act 2002,
- the Information Protection Principles and Health Privacy Principles,
- council's privacy management plan,
- the Privacy Code of Practice for Local Government

Personal information is information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion.

Use of council resources

You must use council resources ethically, effectively, efficiently and carefully in the course of your public or professional duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

- the representation of members with respect to disciplinary matters
- the representation of employees with respect to grievances and disputes
- functions associated with the role of the local consultative committee.



You must be scrupulous in your use of council property, including intellectual property, official services and facilities and should not permit their misuse by any other person or body.

You must avoid any action or situation which could create the impression that council property, official services or public facilities are being improperly used for your own or any other person or body's private benefit or gain.

The interests of a councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. Council letterhead, council crests and other information that could give the impression it is official council material must not be used for these purposes.

9.19 You must not convert any property of the council to your own uses unless properly authorised.

You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

#### **Councillor access to council buildings**

As elected members of the council, councillors are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillor's rooms, and public areas of council's buildings during normal business hours and for meetings. Should councillors need access to these facilities at other times, authority is required from the general manager in order that necessary arrangements can be made.

Councillors must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.

Councillors must ensure that when they are within a staff area they are cognisant of potential conflict or pecuniary interest matters and /or a perception that they may bring influence to bear on council staff decisions and should conduct themselves accordingly.

### **10 Reporting Breaches, Complaint Handling Procedures & Sanctions**

#### **Corrupt conduct, maladministration and waste of public resources**

You have an obligation to act honestly. You should report any instances of suspected corrupt conduct, maladministration and serious and substantial waste of public resources in accordance with council's internal reporting policy.

The Protected Disclosures Act 1994 provides certain protections against reprisals for council officials who report such matters. It is an offence to take detrimental action against people who make such reports.

#### **Reporting breaches of the code of conduct**

You should report suspected breaches of the code of conduct to the general manager, preferably in writing.

Where you believe that the general manager has failed to comply with this code, you should report the matter to the Mayor, preferably in writing, who will report the matter to the conduct committee.

#### **Complaint handling procedures – staff conduct (excluding the general manager)**

Where appropriate, the general manager will make enquiries, or cause enquiries to be made, into breaches of the code of conduct regarding members of staff of council and others engaged by the council and will determine the matter.

Where the general manager has determined not to enquire into the matter, the general manager will give the complainant the reason/s in writing.

Enquiries made into staff conduct which might give rise to disciplinary action must occur in accordance with the relevant local government award and make provision for procedural fairness including the right of an employee to be represented by their union.

Complaint handling procedures – councillor and general manager conduct

Council will establish a conduct committee that will consist of the Mayor, the general manager and at least one person independent of council. The independent representative/s should comprise council's nominated legal adviser or other independent person/s of appropriate standing. In the instance of a complaint being made by or against the Mayor or the general manager, the Deputy Mayor, or another councillor who has been designated by council, will take the place of the Mayor or general manager on the committee.

Councillors should report suspected breaches of the code of conduct to the general manager, preferably in writing, in the first instance and refrain from making allegations at council meetings. Where appropriate, the general manager will report the matter to the conduct committee.

Where the general manager has determined not to report the matter to the conduct committee, the general manager will give the complainant the reason/s in writing

Council's conduct committee is responsible for making enquiries into allegations of breaches of the code of conduct by councillors and must either:

- determine not to make enquiries into the allegation and give the reason/s in writing
- make enquiries into the alleged breach to determine the particular factual matters, or
- engage an independent person to make enquiries into the allegation to determine the particular factual matters.

Enquiries made by the general manager, an independent person or the conduct committee will follow the rules of procedural fairness. The enquirer must:

- reasonable enquiries before making a recommendation
- ensure inform the person/s against whose interests a decision may be made of any allegations against them and the substance of any adverse comment in respect of them
- provide the person/s with a reasonable opportunity to put their case
- hear all parties to a matter and consider submissions
- make that no person is involved in enquiries in which they have a direct interest
- act fairly and without bias, and
- conduct the enquiries without undue delay.

Council's conduct committee must decide whether a matter reported to it discloses a prima facie breach of this code. The conduct committee will report its findings, and the reasons for these findings, in writing to the council, the complainant and the person subject of the complaint.

10.14 The conduct committee may recommend that council take any actions provided for in this code of conduct that the committee considers reasonable in the circumstances.

Sanctions

Where the council finds that a councillor has breached the code, it may decide by resolution to:

- censure the councillor for misbehaviour in accordance with section 440G of the Act
- require the councillor to apologise to any person adversely affected by the breach
- counsel the councillor
- make public findings of inappropriate conduct
- refer the matter to an appropriate investigative body if the matter is serious (for example, the Department of Local Government, the Independent Commission Against Corruption, the NSW Ombudsman or the NSW Police)
- prosecute for any breach of law.

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Sanctions for staff depend on the severity, scale and importance of the breach and must be in accordance with any staff agreements, awards, industrial agreements and contracts.

## **11 Councillor Misbehaviour**

For the purposes of Chapter 14, Part 1, Division 3 of the Act, failure by a councillor to comply with an applicable requirement of this code of conduct constitutes misbehaviour. (*section 440F*)

Under section 440G a council may by resolution at a meeting formally censure a councillor for misbehaviour.

Under section 440H, the process for the suspension of a councillor from civic office can be initiated by a request made by council to the Director General of the Department of Local Government.

The first ground on which a councillor may be suspended from civic office is where the councillor's behaviour has been disruptive over a period, involving more than one incident of misbehaviour during that period, and the pattern of behaviour during that period is of such a sufficiently serious nature as to warrant the councillor's suspension.

Council cannot request suspension on this ground unless during the period concerned the councillor has been:

formally censured for incidents of misbehaviour on two or more occasions, or

expelled from a meeting of the council or a committee of the council for an incident of misbehaviour on at least one occasion.

The second ground on which a councillor may be suspended from civic office is where the councillor's behaviour has involved one incident of misbehaviour that is of such a sufficiently serious nature as to warrant the councillor's suspension.

Council cannot request suspension on this ground unless the councillor has been:

- formally censured for the incident of misbehaviour concerned, or
- expelled from a meeting of the council or a committee of the council for the incident of misbehaviour concerned.

Under section 440H, the process for the suspension of a councillor can also be initiated by the Department of Local Government, the Independent Commission Against Corruption or the NSW Ombudsman.

## **Code J.501 Code of Meeting Practice**

Adopted: 6/05/2004

Minute Number: 114

### ***Application***

This code applies to Council meetings and should be read in conjunction with the Local Government (Meetings) Regulation 1993 and the Local Government Act 1993.

### ***Ordinary Meetings of Council***

Ordinary meetings of Council shall be held on the third Thursday of each month at 1.30 pm.

The venue for ordinary meetings shall alternate between the Council Chambers, Darlington Point and the Council Meeting Room in Coleambally.

The day and time for ordinary meetings may only be altered by a resolution of Council or by the Mayor (or for the time being a Councillor acting in that position) where the Mayor considers circumstances warrant such a change.

Alterations to meeting day and/or time shall be advertised in a local newspaper circulating within the Shire.

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***Extraordinary Meeting***

The Mayor is delegated authority to call an extraordinary meeting of Council provided the requirements relating to notice of meeting are observed.

Section 366 of the Local Government Act provides that the Mayor must call an extraordinary meeting if a written request signed by at least two Councillors is received by the Mayor. The extraordinary meeting is to be held within 14 days after receipt of the request.

***Council Committee Meetings***

Meetings of Committees of Council shall be held on a day and at a time and venue to be decided by Council resolution, Mayor or General Manager. Committee meetings may be requested by Councillors in writing if signed by at least two Councillors.

***Order of Business at Council Ordinary Meetings***

The order of business at ordinary meetings of Council shall be as follows: -

- \* Apologies
- \* Confirmation of Minutes
- \* Business Arising from Minutes
- \* Declarations of Interest
- \* Minutes from Mayor
- \* Outward Correspondence
- \* Inward Correspondence
- \* Reports from Delegates
- \* Minutes from Committees
- \* General Managers Report
- \* Petitions
- \* Motions Pursuant to Notice
- \* Questions Pursuant to Notice
- \* Questions Without Notice
- \* In Committee Reports

The General Manager shall be delegated authority to change the Order of Business to accommodate matters to be considered in closed session.

***Order of Business at Council Committee Meetings***

The order of business at Council committee meetings shall be in accordance with the agenda for such meetings.

***Notice of Business to be Transacted at Meetings***

Notice of business to be transacted at Ordinary meetings of Council shall be delivered to the General Manager, in writing, no later than 12 noon on the seventh day preceding such a meeting.

Notice of business to be transacted at extra ordinary and Council committee meetings shall be delivered to the General Manager, in writing, no later than 12 noon on the fourth day preceding such a meeting.

***Business Paper Items***

Where a member of the public submits an item with the request that it be submitted to Council, the request will be complied with unless, in the opinion of the General Manager, the content of the item makes it inappropriate for publication. Items may be included in the business paper or

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information sheets at the discretion of the General Manager.

When the item is such that it will require investigation and report by Council staff, the item must be submitted sufficiently early to allow the investigation and report to be completed by the close of work on the Thursday immediately preceding the meeting.

***Notices of Motion***

Notices of Motion are to be submitted in writing no later than 12 noon on the seventh day preceding the meeting at which they are to be presented and are to be signed by the Councillor or Councillors submitting the motion.

***Staff Reports to Meeting***

When a report is requested on a subject it shall be the normal practice for the report to be submitted to the next meeting of Council or the committee at which the request originated unless an earlier or later meeting is specified.

Requests for reports are required to be authorised by a resolution of Council rather than a request from an individual Councillor.

Reports are to be accurate, containing relevant information that is clear, concise, complete and correct. Each clause is to contain a precise and decisive recommendation.

***Supplementary Reports***

Supplementary reports are not to be presented to meetings of Council unless deemed by the General Manager to be a matter of urgency and notice of the issue has been included in the meeting business paper.

***Notice of Meetings***

The notice of, agenda and business paper for ordinary meetings of Council are to be circulated to Councillors by the Friday preceding the meeting.

In the case of an extraordinary meeting of Council, notice is to be given to all Councillors at least three days prior to the meeting unless circumstances and the urgency of the situation require a notice of a shorter period to be given.

***Addressing the Chair***

Councillors and staff are required to stand to address a meeting and must resume their seats if the Chairperson rises.

***Questions Without Notice***

Each ordinary meeting of Council is to have a segment in which business for which notice has not been given may be brought forward, provided that no motions are to be moved during this segment unless the provisions of clause 13 of the Local Government (Meetings) Regulation have been observed.

A motion may be moved during the general business segment only if

- (a) the chairperson rules that the business is a matter of great urgency, and
- (b) a motion is passed to have the business transacted at the meeting.

Only the mover of the motion to have the business transacted at the meeting (refer (b) above) can speak to the motion before it is put. The address by the Councillor is to be limited to explaining why the issue should be dealt with at this meeting rather than being the subject of a notice of motion or report to a subsequent meeting.

Motions are to be brought forward only when they are genuinely urgent and cannot be deferred until the next meeting.

Councillors shall be limited to two questions during this segment of the meeting.

***Correspondence Not To Be Presented at Council Meetings***

Correspondence is to be addressed to the Mayor or the General Manager. Letters are not to be presented or read by Councillors at meetings. On receipt of a letter or a petition, a Councillor should hand the document to the General Manager to enable it to be dealt with in the normal manner.

***Members of Public Addressing the Meeting***

A person wishing to address a meeting on a matter in the business paper may do so provided proper notice is given. The preferred form of notice is a written request received in sufficient time to be noted in the business paper, ie one week prior to the meeting.

A resolution of Council is required to allow a member of the public to address a meeting of Council. This does not apply when a person other than a Councillor or a staff member is to address a meeting of the Council and notice of such address is contained in the business paper for the meeting.

Unless invited by the Council or the committee to speak a second time, members of the public will be allowed to speak only once to the matter under discussion and to answer questions from Councillors or staff.

All members of the public addressing a meeting are to address the chair and maintain proper decorum.

Individuals and organisations addressing Council during Ordinary meetings will be granted a total of fifteen (15) minutes for presentation and question time.

***Closure of Meeting – Objection to***

Representations by a member of the public as to whether a part of a meeting should be closed to the public are to be limited to two minutes for each selected member making such a submission.

Such representations are to be made when a motion to close part of the meeting has been moved and seconded and before the motion is put to a vote.

How members of the public will be selected to speak on a closure motion shall be determined by resolution at the particular meeting.

***Disclosure of Interest at Meetings***

Declarations of interest and the nature of such interest shall be declared:

1. at ordinary meetings of Council, immediately following the confirmation of minutes and matters arising from those minutes, and
2. at committee meetings, as the first item of business.

A Councillor declaring a pecuniary interest at a meeting is required to vacate the chamber while the matter is under consideration.

A Councillor with a non-pecuniary interest who intends to participate in the debate or vote on an issue, is to make that intention known at the time the interest is declared.

***Minutes of Meetings***

Minutes of council meetings are to contain only the record of attendance, the declarations of interests and the resolutions of such meetings (including mover and seconder), any expressions of dissent, voting in a division, reports of the Committee of the Whole and grounds for closing part of a meeting.

***Action on Resolutions***

Business arising from the meetings of Council is to be acted on as soon as practicable following the meeting and the following timeframe is regarded as the maximum acceptable period in which action is to be initiated:

- (a) matters arising from reports and correspondence contained in the business paper: ten

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days following the meeting, and

- (b) matters arising from business without notice: fourteen days following the meeting.

A quarterly report is to be submitted outlining the action that has been taken on resolutions.

Any request for action to be undertaken by staff, including the preparation of reports, shall be authorised by a Council resolution.

## **Part K**

### **Procedures**



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**Procedure K.101      Public Access to Information**

Date Adopted: 31/10/2001

Minute Number:

***Introduction***

The regulations concerning access to council documents and information are rather complex. The following guidelines have been prepared to assist the staff of Murrumbidgee Shire Council and to provide consistency and transparency in our operations.

**Governing Legislation**

The right to access information held by local government authorities is controlled (in the main) by three different pieces of legislation, namely:-

- i) the Local Government Act 1993,
- ii) the Freedom of Information Act 1989, and
- iii) the Privacy and Personal Information Protection Act 1998.

**1. The Local Government Act**

Under Section 12(1) every member of the public is entitled to inspect the following documents free of charge:-

- \* the council's code of conduct
- \* the council's code of meeting practice
- \* annual report
- \* annual financial reports
- \* auditor's report
- \* management plan
- \* EEO management plan
- \* the council's policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors
- \* the council's land register
- \* register of investments
- \* returns of the interests of councillors, designated persons and delegates
- \* returns as to candidates' campaign donations
- \* agendas and business papers for council and committee meetings (but not including business papers for matters considered when part of a meeting is closed to the public)
- \* minutes of council and committee meetings but restricted (in the case of any part of a meeting that is closed to the public), to the resolutions and recommendations of the meeting
- \* any codes referred to in this Act
- \* register of delegations
- \* annual reports of bodies exercising delegated council functions
- \* applications under Part 1 of Chapter 7 for approval to erect a building, and associated documents
- \* development applications (within the meaning of the Environmental Planning and Assessment Act 1979) and associated documents (Note that the right to inspect development applications does not extend to: -

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- a) in the case of a residential building, the plans and specifications other than the plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or
- b) commercial information, if the information would be likely: -
  - i) to prejudice the commercial position of the person who supplied it, or
  - ii) to reveal a trade secret,
- \* local policies adopted by the council concerning approvals and orders
- \* records of approvals granted, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
- \* records of building certificates under the Environmental Planning and Assessment Act 1979
- \* plans of land proposed to be compulsorily acquired by the council
- \* leases and licences for use of public land classified as community land
- \* plans of management for community land
- \* environmental planning instruments, development control plans and plans made under section 94AB of the Environmental Planning and Assessment Act 1979 applying to land within the council's area
- \* the statement of affairs, the summary of affairs and the register of policy documents required under the Freedom of Information Act 1989
- \* Departmental representatives' reports presented at a meeting of the council in accordance with section 433.

### Inspection of Other Documents

Section 12(6) of the Local Government Act provides that a council must allow inspection of its other documents free of charge unless it is satisfied that allowing inspection of the document would, on balance, be contrary to the public interest.

Little guidance is available in the determination of what is deemed to "*be contrary to the public interest*". However the Act is specific in that the following reasons are not grounds for determining a document may be contrary to public interest. The document may: -

- a) cause embarrassment to the council or to councillors or to council employees, or
- b) cause a loss of confidence in the council, or
- c) cause a person to misinterpret the information in the document because of an omission from the document or for any other reason.

However, the right of inspection does not apply to documents that deal with the following: -

- a) personnel matters concerning particular individuals
- b) the personal hardship of any resident or ratepayer
- c) trade secrets
- d) a matter the disclosure of which would
  - i) constitute an offence against an Act, or
  - ii) found an action for breach of confidence

### Copies of Documents

If a person has a right under the Local Government Act to inspect a document, then the person has a right to take away a copy of the document.

The council cannot charge a fee for the document but may impose a reasonable copying charge.

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The right to taking a copy does not extend to a residential roll of electors, the resumes of candidates for election or a building certificate.

## **2. The Freedom of Information Act 1989**

The objectives of this Act are:

- i) to extend, as far as possible, the rights of the public to obtain access to information held by governments, and
- ii) to ensure that records held by governments concerning the personal affairs of members of the public are not incomplete, incorrect, out of date or misleading.

Under the Act, a person may gain access to a council document by making a written application and paying the appropriate fee to the general manager or other council officer designated by the general manager.

The application is required to be determined within 21 days.

If the requested documents relate to the personal or business affairs of a person, access to the document cannot be given until the views of that person have been sought and considered.

## **3. The Privacy and Personal Information Protection Act 1998**

The Act provides for the protection of personal information about individuals held by councils.

Personal information is defined to mean any information or opinion about an individual whose identity is apparent or can be reasonably ascertained from that information or opinion.

### **Public Registers**

The privacy principles of PPIPA apply only to the disclosure of personal information held on public registers. Requests for access to any personal information not included on a public register are to be dealt with under the Local Government Act or the Freedom of Information Act.

The PPIPA defines a public register as a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee).

This would include some of the documents required to be made available under s.12 of the Local Government Act, as well as electoral rolls and rate lists. Information on a public register cannot be disclosed for any purpose other than the purpose for which the register exists.

A council is required under the Local Government Act to keep the following public registers:-

- \* all land vested in it or under its control (s.53)
- \* all approvals granted under Part 1 of Chapter 7 and of any decisions on appeals from determination (s.113)
- \* returns disclosing pecuniary interests of councillors and designated persons (s.449)
- \* each rate and charge made by it together with the owner, category and valuation of the land (s.602)

Public registers held by council under other Acts include:-

- \* Register of consents and approvals (EP & A Act)
- \* Record of building certificates (EP & A Act)
- \* Public register of licences held (Protection of the Environment (Operations) Act)
- \* Record of Impounding (Impounding Act)

### **Requests for Information**

Before disclosing personal information from a public register, council must be sure that the information is to be used for a legitimate purpose, that is, a purpose relating to the purpose of the register or of the Act under which the register is kept.

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If there is any doubt as to the use to be made of the information, the applicant should be required to complete a statutory declaration. A copy of the declaration to be used is attached to these notes.

A person wishing to have access to a public register to confirm his/her own details needs only to prove his/her identity to council before being granted access to his/her personal information.

Guidelines for Staff and Statutory Declaration may be found at  
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