
NARROMINE SHIRE COUNCIL
ORDINARY MEETING BUSINESS PAPER – 9 NOVEMBER 2022
REPORTS TO COUNCIL – GENERAL MANAGER

1. COUNCILLOR EXPENSES AND FACILITIES POLICY

Author	Director Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.3.1 Operate and manage Council in a financially sustainable manner that meets all statutory and regulatory compliance and Council policies

Executive Summary

This report is presented to Council to adopt Council's Councillor Expenses and Facilities Policy.

Report

Under Section 252(1) of the Local Government Act, Council must within the first 12 months of each term of a council, adopt a policy concerning the payment of expenses incurred or to be incurred by, and provision of facilities to the Mayor, Deputy Mayor and other Councillors in relation to discharging the functions of civic office.

The policy may provide for fees payable to be reduced by an amount representing a private benefit of a facility provided by Council to the Mayor or a Councillor.

Council cannot pay any expenses incurred or to be incurred, or provide any facilities to the Mayor, Deputy Mayor or Councillor other than in accordance with the policy. The policy must comply with the provisions of the Act, the regulations and any relevant guidelines issued under section 23A.

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. Council must consider any submissions made.

The Office of Local Government has developed a better practice Councillor Expenses and Facilities Policy template (**see Attachment No. 1**). The template is provided as a suggested format for councils and has been prepared to be consistent with the Local Government Act 1993 and the Local Government (General) Regulation 2021, as well as the OLG Guidelines for the payment of expenses and provision of facilities for mayors and councillors in NSW.

The OLG recognises that the Policy template can be amended to suit local needs and circumstances. Council will need to incorporate specific direction to the areas highlighted in yellow. Maximum expenditure limits for specific expenses and facilities will need to be included. Council should tailor these limits to their own context and community expectations.

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1. COUNCILLOR EXPENSES AND FACILITIES POLICY (Cont'd)

Accordingly, the revised Councillor Expenses and Facilities Policy is attached for consideration and public exhibition (**See Attachment No. 2**). The proposed maximum expenditure limits have been benchmarked against similar councils.

Legal and Regulatory Compliance

Local Government Act 1993
Local Government (General) Regulation 2021
OLG Guidelines for the payment of expenses and provision of facilities for mayors and councillors in NSW

Financial Implications

Operational Plan 2022/2023 – Council cannot pay any expenses incurred or provide any facilities to Councillors other than in accordance with this Policy.

Risk Management Issues

Compliance with legislative requirements

The Policy provides that detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council Meeting every six months and published in full on Council's website. These reports will include expenditure summarised by each individual Councillor and as a total for all Councillors.

Internal/External Consultation

The Policy will need to be placed on public exhibition for a period of 28 days.

Once exhibited and adopted, the Policy must be made publicly available on Council's website.

Attachments

- OLG Suggested Template Councillor Expenses and Facilities Policy (**Attachment No. 1**).
- Revised Councillor Expenses and Facilities Policy (**Attachment No. 2**)

RECOMMENDATION

1. That the Revised Councillor Expenses and Facilities Policy as presented to Council be endorsed and placed on public exhibition for a period of 28 days.
2. That any written submissions received during the public exhibition period be considered by Council prior to final adoption of the Policy.

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2. LOCAL APPROVALS POLICY

Author	Director Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.3.1 Operate and manage Council in a financially sustainable manner that meets all statutory and regulatory compliance and Council policies

Executive Summary

This report is presented to Council to review Council's Local Approvals policy.

Report

Council's Local Approvals Policy applies to approvals for the following activities under Section 68 of the Local Government Act 1993 (the Act): -

- Structures and places of entertainment – install a manufactured home, moveable dwelling or associated structure
- Water supply, sewerage and stormwater drainage work
- Management of waste – place waste in a public place, dispose of waste into a Council sewer, install a waste treatment devise, operate a sewage management system etc
- Community Land – engage in a trade, direct entertainment for the public, set up a loudspeaker, deliver a public address etc
- Public Roads – swing or hoist goods, expose any article to hang over any part of road etc
- Other activities – operate a public car park, caravan park, camping ground, amusement devices, standing vehicle for selling articles etc.

In accordance with Section 158 of the Act, the policy is to consist of three parts being exemptions, criteria and other matters. The provisions of a local policy adopted under Section 164 of the Act cannot be more onerous than the Act or the regulations.

Section 165 of the Act determines that Council's local approvals policies are automatically revoked at the expiration of 12 months after the ordinary election unless readopted.

Accordingly, the attached Local Approvals Policy has been reviewed and suggested amendments have been marked in red for ease of reference (**see Attachment No. 3**).

There are no substantive changes to the policy.

Legal and Regulatory Compliance

Local Government Act 1993
Local Government (General) Regulation 2021

2. LOCAL APPROVALS POLICY (Cont'd)

Financial Implications

Operational Plan 2022/2023

Risk Management Issues

Compliance with legislative requirements

The policy aims to provide an integrated framework for dealing with approvals, which ensures consistency and fairness in the manner in which Council deals with applications.

Internal/External Consultation

As the proposed amendments are not substantial, Council may adopt the revised Local Approvals Policy without public exhibition.

Attachments

- Local Approvals Policy (***Attachment No. 3***).

RECOMMENDATION

That the revised Local Approvals Policy be adopted.

3. KEEPING OF DOMESTIC ANIMALS POLICY

Author	Director Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.3.1 Operate and manage Council in a financially sustainable manner that meets all statutory and regulatory compliance and Council policies

Executive Summary

This report is presented to Council to review Council's Keeping of Domestic Animals policy.

Report

Council's Keeping of Domestic Animals Policy is an Orders Policy which aims to minimise the incidence of nuisance animals; protect the welfare and habitat of wildlife and safeguard the environment.

3. KEEPING OF DOMESTIC ANIMALS POLICY (Cont'd)

The Policy was adopted by Council on 9 August 2017.

In accordance with Section 165 of the Local Government Act (the Act), Council's local orders policies are automatically revoked at the expiration of 12 months after the ordinary election unless readopted.

Accordingly, the attached Keeping of Domestic Animals Policy has been reviewed and suggested amendments have been marked in red for ease of reference (**see Attachment No. 4**).

There are no substantive changes to the policy.

Legal and Regulatory Compliance

Local Government Act 1993
Local Government (General) Regulation 2021

Financial Implications

Operational Plan 2022/2023

Risk Management Issues

Compliance with legislative requirements.

It is not the intent of the policy to enforce the controls within the policy in the first instance, but to work with the owner/s of domestic animals to ensure that the keeping of the animals does not have an adverse impact on the adjoining premises. The policy provides guidance about the criteria Council will use when determining whether to issue an order when it becomes aware that animals are causing some form of undesirable impact on the community. It should be noted that Council will only act on complaint.

Internal/External Consultation

As the proposed amendments are not substantial, Council may adopt the revised Keeping of Domestic Animals Policy without public exhibition.

Attachments

- Keeping of Domestic Animals Policy (**Attachment No. 4**)

RECOMMENDATION

That the revised Keeping of Domestic Animals Policy be adopted.

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4. LOCAL GOVERNMENT REMUNERATION TRIBUNAL

Author	Director Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.3 A financially sound council that is responsible and sustainable DP – 4.3.1 Operate and manage Council in a financially sustainable manner that meets all statutory and regulatory compliance and Council policies

Executive Summary

This report is presented to Council for information.

Report

The Local Government Remuneration Tribunal has commenced its review for the 2023 annual determination.

The Tribunal will review the minimum and maximum fee levels for each category. The Tribunal is required to apply the Government's public sector wages policy to the determination of ranges of fees for Councillors and Mayors.

Categories are also reviewed every three years. Each Council is allocated into one of the following eleven categories:

Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

Non-metropolitan

- * Mayor Regional City
- * Major Strategic Area
- * Regional Strategic Area
- * Regional Centre
- * Regional Rural
- * Rural

Narromine Shire Council is categorised as Rural.

Councils categorised as Rural will typically have a residential population less than 20,000. Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
 - a limited range of services, facilities and employment opportunities compared to Regional Rural councils
 - local economies based on agricultural/resource industries.
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4. LOCAL GOVERNMENT REMUNERATION TRIBUNAL (Cont'd)

Current fees effective 1 July 2022 for Rural Councils are as follows: -

Councillor Member Annual Fee		Mayor/Chairperson Additional Fee	
Minimum	Maximum	Minimum	Maximum
9,560	12,650	10,180	27,600

Should Council wish to make a submission on categorisation, fees or any general matters as part of the review, the submission is to be endorsed by their respective council. Submissions to be made by Council are to be received no later than 16 December 2022.

Legal and Regulatory Compliance

Local Government Act 1993 – Section 239

Financial Implications

Operational Plan 2022/2023

Risk Management Issues

Should Council wish to make a submission it must be endorsed by the governing body of Council.

Internal/External Consultation

Nil

RECOMMENDATION

That the information be noted.

5. PART ROAD TRANSFER – TOMINGLEY GOLD OPERATIONS PTY LTD

Author	Director Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 3.6. Our road network is safe, well maintained and appropriately funded D.P 3.6.1 Ensure local and regional road network best meetings the needs of road users and industry CSP 4.4. Sound Partnerships are encouraged and fostered

Executive Summary

This report is presented to Council to consider the transfer of roads from Council to Tomingley Gold Operations Pty Ltd.

5. PART ROAD TRANSFER – TOMINGLEY GOLD OPERATIONS PTY LTD (Cont'd)

Report

Council considered the proposed realignment of the Newell Highway, Kyalite Road, Back Tomingley West Road and McNivens Lane at its Ordinary Council Meeting held 14 September 2022. Council subsequently resolved that it commence and proceed (with the assistance from Tomingley Gold Operations Pty Ltd) with these road opening and closure applications.

Construction of the realignment (8.3km) section of the Newell Highway is to be carried out on land owned by Tomingley Gold Operations Pty Ltd. Once the works are completed, Tomingley Gold Operations Pty Ltd will be required to dedicate the new 8.3km section of road as public road. As part of the realignment process, portions of the existing Newell Highway, Kyalite Road, McNivens Lane and Back Tomingley West Road will need to be closed.

Tomingley Gold Operations Pty Ltd has requested that in parallel with the proposed road closures and road opening process, that negotiations commence for the transfer of the closed roads to Tomingley Gold Operations Pty Ltd subject to determination of their planning approval, approval of the realignment of the roads, and compliance with authority requirements where utilities within the area affect the proposed transfer.

The proposed new sections of the Newell Highway and subsidiary interface roads are shown on the attached plan (**see Attachment No. 5**).

Legal and Regulatory Compliance

Roads Act 1993 – Section 38A

Council may propose the closure of a council public road for which it is the roads authority of

- (a) The road is not reasonably required as a road for public use (present or future needs) and
- (b) The road is not required to provide continuity for an existing road network, and
- (c) If the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land

Local Government Act 1993 – Section 377

Council is unable to delegate the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property.

Financial Implications

All costs associated with the realignment of the Newell Highway will be for Tomingley Gold Operations Pty Ltd.

5. PART ROAD TRANSFER – TOMINGLEY GOLD OPERATIONS PTY LTD (Cont'd)

Risk Management Issues

Council will be unable to finalise the road closure and transfer process until the road opening process and construction of the new roadways are finalised.

Internal/External Consultation

Tomingley Gold Operations Pty Ltd

Transport for NSW will be consulted as part of the road opening, transfer and closure process

Executive Leadership Team

RECOMMENDATION

That Council provide in principle consent to the transfer of the closed portions of the Newell Highway, Kyalite Road, McNivens Lane and Back Tomingley West Road to Tomingley Gold Operations Pty Ltd subject to the successful road opening and closure process, and the construction and dedication of the realigned public roads.

Jane Redden

General Manager

Councillor Expenses and Facilities Policy

Suggested template

Notes for users

This template for a Councillor Expenses and Facilities Policy is provided as a suggested format for councils in response to requests for guidance on better practice. The template has been prepared to be consistent with the Local Government Act 1993 and Local Government (General) Regulations 2005. If there are any inconsistencies, the Act and Regulations take precedence.

The template has been designed to be amended to suit local needs and circumstances. It is recognised that the provisions in the policy template will not all be appropriate for every council.

Areas where councils will need to incorporate specific direction are highlighted and indicated in [square brackets]. This note to users and all highlighted sections should be deleted during preparation of the draft policy.

Councils using this template will need to include maximum expenditure limits for specific expenses and facilities. Councils will tailor these limits to their own context and community expectations. Councils may wish to benchmark against similar councils to determine these limits.

Once exhibited and adopted, the policy should be made publicly available on the council website.

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Policy summary

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to councillors to help them undertake their civic duties.

It ensures accountability and transparency, and seeks to align councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
General travel expenses	\$[insert] per councillor \$[insert] for the Mayor	Per year
Interstate, overseas and long distance intrastate travel expenses	\$[insert] total for all councillors	Per year
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development	\$[insert] per councillor	Per year
Conferences and seminars	\$[insert] total for all councillors	Per year
ICT expenses	\$[insert] per councillor	Per year
Carer expenses	\$[insert] per councillor	Per year
Home office expenses	\$[insert] per councillor	Per year
Postage stamps	[insert]	Per year
Christmas or festive cards	[insert] per councillor [insert] for the mayor	Per year
Access to facilities in a Councillor common room [where applicable Clause 9.1]	Provided to all councillors	Not relevant
Council vehicle and fuel card [where applicable Clause 10]	Provided to the mayor	Not relevant
Reserved parking space at Council offices	Provided to the mayor	Not relevant
Furnished office [where applicable Clause 10]	Provided to the mayor	Not relevant
Number of exclusive staff supporting Mayor and Councillors [where applicable Clause 10]	Provided to the mayor and councillors	Not relevant

Additional costs incurred by a councillor in excess of these limits are considered a personal expense that is the responsibility of the councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

Part A – Introduction

1. Introduction

- 1.1. The provision of expenses and facilities enables councillors to fulfil their civic duties as the elected representatives of [insert name] council.
- 1.2. The community is entitled to know the extent of expenses paid to councillors, as well as the facilities provided.
- 1.3. The purpose of this policy is to clearly state the facilities and support that are available to councillors to assist them in fulfilling their civic duties.
- 1.4. Council staff are empowered to question or refuse a request for payment from a councillor when it does not accord with this policy.
- 1.5. Expenses and facilities provided by this policy are in addition to fees paid to councillors. The minimum and maximum fees a council may pay each councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

2. Policy objectives

- 2.1. The objectives of this policy are to:
 - enable the reasonable and appropriate reimbursement of expenses incurred by councillors while undertaking their civic duties
 - enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties
 - ensure accountability and transparency in reimbursement of expenses and provision of facilities to councillors
 - ensure facilities and expenses provided to councillors meet community expectations
 - support a diversity of representation
 - fulfil the council's statutory responsibilities.

3. Principles

- 3.1. Council commits to the following principles:
 - **Proper conduct:** councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
 - **Reasonable expenses:** providing for councillors to be reimbursed for expenses reasonably incurred as part of their role as councillor
 - **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as acCouncillor
 - **Equity:** there must be equitable access to expenses and facilities for all councillors
 - **Appropriate use of resources:** providing clear direction on the appropriate use of council resources in accordance with legal requirements and community expectations
 - **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to councillors.

4. Private or political benefit

- 4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2. Private use of council equipment and facilities by councillors may occur from time to time. For example, telephoning home to advise that a council meeting will run later than expected.
- 4.3. Such incidental private use does not require a compensatory payment back to council.
- 4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of council facilities does occur, councillors must reimburse the council.
- 4.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
 - production of election material
 - use of council resources and equipment for campaigning
 - use of official council letterhead, publications, websites or services for political benefit
 - fundraising activities of political parties or individuals, including political fundraising events.

Part B – Expenses

5. General expenses

- 5.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

6. Specific expenses

General travel arrangements and expenses

- 6.1. All travel by councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2. Each councillor may be reimbursed up to a total of **\$[insert]** per year, and the mayor may be reimbursed up to a total of **\$[insert]** per year, for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
 - for public transport fares
 - for the use of a private vehicle or hire car
 - for parking costs for Council and other meetings
 - for tolls
 - by Cabcharge card or equivalent
 - for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.3. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
- 6.4. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

Interstate, overseas and long distance intrastate travel expenses

[For councils in metropolitan areas, this section includes reference to long distance intrastate travel. Councils in regional, rural and remote areas may wish to delete these references].

- 6.5. [Councils located on state borders may wish to include the following clause: Given Council's location [on or near] an interstate border, travel to [insert state name] will be considered as general travel. Arrangements and expenses for this travel will be governed by Clauses 6.1-6.4].
- 6.6. In accordance with Section 4, Council will scrutinise the value and need for councillors to undertake overseas travel. Councils should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the council and the local community. This includes travel to sister and friendship cities.
- 6.7. Total interstate, overseas and long distance intrastate travel expenses for all councillors will be capped at a maximum of \$[insert] per year. This amount will be set aside in Council's annual budget.
- 6.8. Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the general manager prior to travel.
- 6.9. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full council meeting prior to travel.
- 6.10. The case should include:
- objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the councillor's civic duties
 - who is to take part in the travel
 - duration and itinerary of travel
 - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 6.11. For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- 6.12. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 6.13. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 6.14. Bookings for approved air travel are to be made through the general manager's office.
- 6.15. For air travel that is reimbursed as council business, councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

Travel expenses not paid by Council

- 6.16. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

Accommodation and meals

- 6.17. [Rural and regional councils may wish to include the following clause:] In circumstances where it would introduce undue risk for a councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the general manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the councillor lives more than 50 kilometres from the meeting location.
- 6.18. Council will reimburse costs for accommodation and meals while councillors are undertaking prior approved travel or professional development outside [insert relevant region e.g. metropolitan Sydney/the Hunter/the Murray].

- 6.19. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.
- 6.20. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the general manager, being mindful of Clause 6.19.
- 6.21. Councillors will not be reimbursed for alcoholic beverages.

Refreshments for council related meetings

- 6.22. Appropriate refreshments will be available for council meetings, council committee meetings, councillor briefings, approved meetings and engagements, and official council functions as approved by the general manager.
- 6.23. As an indicative guide for the standard of refreshments to be provided at council related meetings, the general manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

Professional development

- 6.24. Council will set aside **\$(insert)** per councillor annually in its budget to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies.
- 6.25. In the first year of a new council term, Council will provide a comprehensive induction program for all councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.26. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the councillor's civic duties, the councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 6.27. Approval for professional development activities is subject to a prior written request to the general manager outlining the:
- details of the proposed professional development
 - relevance to council priorities and business
 - relevance to the exercise of the councillor's civic duties.
- 6.28. In assessing a councillor request for a professional development activity, the general manager must consider the factors set out in Clause 6.27, as well as the cost of the professional development in relation to the councillor's remaining budget.

Conferences and seminars

- 6.29. Council is committed to ensuring its councillors are up to date with contemporary issues facing council and the community, and local government in NSW.
- 6.30. Council will set aside a total amount of **\$(insert)** annually in its budget to facilitate councillor attendance at conferences and seminars. This allocation is for all councillors. The general manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 6.31. Approval to attend a conference or seminar is subject to a written request to the general manager. In assessing a councillor request, the general manager must consider factors including the:
- relevance of the topics and presenters to current council priorities and business and the exercise of the councillor's civic duties
 - cost of the conference or seminar in relation to the total remaining budget.
- 6.32. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the general manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees.

Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.18-6.21.

Information and communications technology (ICT) expenses

[Clauses 6.35-6.37 relate to the contemporary practice of providing a total expenses cap which each councillor can use flexibly to meet the ICT needs associated with his or her civic duties. Where a council prefers to provide ICT devices directly to councillors, alternative clauses can be substituted.]

- 6.33. Council will provide or reimburse councillors for expenses associated with appropriate ICT devices and services up to a limit of \$[insert] per annum for each councillor. This may include mobile phones and tablets, mobile phone and tablet services and data, and home internet costs.
- 6.34. Reimbursements will be made only for communications devices and services used for councillors to undertake their civic duties, such as:
- receiving and reading council business papers
 - relevant phone calls and correspondence
 - diary and appointment management.
- 6.35. Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a councillor, within the maximum limit.

Special requirement and carer expenses

- 6.36. Council encourages wide participation and interest in civic office. It will seek to ensure council premises and associated facilities are accessible, including provision for sight or hearing impaired councillors and those with other disabilities.
- 6.37. Transportation provisions outlined in this policy will also assist councillors who may be unable to drive a vehicle.
- 6.38. In addition to the provisions above, the general manager may authorise the provision of reasonable additional facilities and expenses in order to allow a councillor with a disability to perform their civic duties.
- 6.39. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$[insert] per annum for attendance at official business, plus reasonable travel from the principal place of residence.
- 6.40. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.41. In the event of caring for an adult person, councillors will need to provide suitable evidence to the general manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Home office expenses

- 6.42. Each councillor may be reimbursed up to \$[insert] per year for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.

7. Insurances

[Council to insert relevant and accurate text reflecting their own policy. Some wording is suggested below and may be used if it fits with council's policy]

- 7.1. In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.

- 7.2. Insurance protection is only provided if a claim arises out of or in connection with the councillor's performance of his or her civic duties, or exercise of his or her functions as a councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.3. Council shall pay the insurance policy excess in respect of any claim accepted by council's insurers, whether defended or not.
- 7.4. Appropriate travel insurances will be provided for any councillors travelling on approved interstate and overseas travel on council business.

8. Legal assistance

- 8.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
 - a councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the councillor
 - a councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the councillor
 - a councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the councillor.
- 8.2. In the case of a code of conduct complaint made against a councillor, legal costs will only be made available where the matter has been referred by the general manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the councillor.
- 8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a councillor acted corruptly would not be covered by this section.
- 8.4. Council will not meet the legal costs:
 - of legal proceedings initiated by a councillor under any circumstances
 - of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
 - for legal proceedings that do not involve a councillor performing their role as a councillor.
- 8.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a council meeting prior to costs being incurred.

Part C – Facilities

9. General facilities for all councillors

Facilities

- 9.1. Council will provide the following facilities to councillors to assist them to effectively discharge their civic duties:

- [where relevant, include the following point:] a councillor common room appropriately furnished to include telephone, photocopier, printer, desks, computer terminals, pigeon holes and appropriate refreshments (excluding alcohol)
 - access to shared car parking spaces while attending council offices on official business
 - personal protective equipment for use during site visits
 - a name badge which may be worn at official functions, indicating that the wearer holds the office of a councillor and/or mayor or deputy mayor.
- 9.2. Councillors may book meeting rooms for official business in a specified council building at no cost. Rooms may be booked through a specified officer in the mayor's office or other specified staff member.
- 9.3. The provision of facilities will be of a standard deemed by the general manager as appropriate for the purpose.

Stationery

- 9.4. Council will provide the following stationery to councillors each year:
- letterhead, to be used only for correspondence associated with civic duties
 - business cards
 - up to [insert] ordinary postage stamps
 - up to [insert] Christmas or festive cards per year for councillors and [insert] for the mayor.
- 9.5. As per Section 4, stamps shall only be used to support a councillor's civic duties. Councillor mail will only be posted using the stamps provided. Any stamps not used will not be carried over to the next year's allocation.

Administrative support

- 9.6. Council will provide administrative support to councillors to assist them with their civic duties only. Administrative support may be provided by staff in the mayor's office or by a member of council's administrative staff as arranged by the general manager or their delegate.
- 9.7. As per Section 4, council staff are expected to assist councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

10. Additional facilities for the mayor

- 10.1. [Where a vehicle is provided to the mayor, include Clauses 10.1-10.4] Council will provide to the mayor a maintained vehicle to a similar standard of other council vehicles, with a fuel card. The vehicle will be supplied for use on business, professional development and attendance at the mayor's office.
- 10.2. The mayor must keep a log book setting out the date, distance and purpose of all travel. This must include any travel for private benefit. The log book must be submitted to council on a monthly basis.
- 10.3. The mayoral allowance will be reduced to cover the cost of any private travel recorded in the log book, calculated on a per kilometre basis by the rate set by the Local Government (State) Award.
- 10.4. A parking space at council's offices will be reserved for the mayor's council-issued vehicle for use on official business, professional development and attendance at the mayor's office.
- 10.5. [Where relevant, include the following clause] Council will provide the mayor with a furnished office incorporating a computer configured to council's standard operating environment, telephone and meeting space.
- 10.6. In performing his or her civic duties, the mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the general manager.
- 10.7. The number of exclusive staff provided to support the mayor and councillors will not exceed [insert number] full time equivalents.

- 10.8. As per Section 4, staff in the mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

Part D – Processes

11. Approval, payment and reimbursement arrangements

- 11.1. Expenses should only be incurred by councillors in accordance with the provisions of this policy.
- 11.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 11.3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
- local travel relating to the conduct of official business
 - carer costs
 - [where councils have a total expenses cap for ICT devices and services, insert the following point:] ICT expenditure.
- 11.4. Final approval for payments made under this policy will be granted by the general manager or their delegate.

Direct payment

- 11.5. Council may approve and directly pay expenses. Requests for direct payment must be submitted to the manager [insert relevant council division] for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

Reimbursement

- 11.6. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the manager [insert relevant council division].

Advance payment

- 11.7. Council may pay a cash advance for councillors attending approved conferences, seminars or professional development.
- 11.8. The maximum value of a cash advance is \$[insert] per day of the conference, seminar or professional development to a maximum of \$[insert].
- 11.9. Requests for advance payment must be submitted to the manager [insert relevant council division] for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 11.10. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to council:
- a full reconciliation of all expenses including appropriate receipts and/or tax invoices
 - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 11.11. If a claim is approved, council will make payment directly or reimburse the councillor through accounts payable.
- 11.12. If a claim is refused, council will inform the councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to council

11.13. If council has incurred an expense on behalf of a councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:

- council will invoice the councillor for the expense
- the councillor will reimburse council for that expense within 14 days of the invoice date.

11.14. If the councillor cannot reimburse council within 14 days of the invoice date, they are to submit a written explanation to the general manager. The general manager may elect to deduct the amount from the councillor's allowance.

Timeframe for reimbursement

11.15. Unless otherwise specified in this policy, councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

12. Disputes

12.1. If a councillor disputes a determination under this policy, the councillor should discuss the matter with the general manager.

12.2. If the councillor and the general manager cannot resolve the dispute, the councillor may submit a notice of motion to a council meeting seeking to have the dispute resolved.

13. Return or retention of facilities

13.1. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a councillor or mayor ceasing to hold office or at the cessation of their civic duties.

13.2. Should a councillor desire to keep any equipment allocated by council, then this policy enables the councillor to make application to the general manager to purchase any such equipment. The general manager will determine an agreed fair market price or written down value for the item of equipment.

13.3. The prices for all equipment purchased by councillors under Clause 13.2 will be recorded in Council's annual report.

14. Publication

14.1. This policy will be published on council's website.

15. Reporting

15.1. Council will report on the provision of expenses and facilities to councillors as required in the Act and Regulations.

15.2. Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

16. Auditing

16.1. The operation of this policy, including claims made under the policy, will be included in council's audit program and an audit undertaken at least every two years.

17. Breaches

- 17.1. Suspected breaches of this policy are to be reported to the general manager.
- 17.2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

PART E – Appendices

Appendix I: Related legislation, guidance and policies

Relevant legislation and guidance:

- Local Government Act 1993, Sections 252 and 253
- Local Government (General) Regulation 2005, Clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

Related Council policies:

- Code of Conduct
- [insert others as relevant]

Appendix II: Definitions

The following definitions apply throughout this policy.

Term	Definition
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a councillor
appropriate refreshments	Means food and beverages, excluding alcohol, provided by council to support councillors undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the mayor
General Manager	Means the general manager of Council and includes their delegate or authorised representative
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
NSW	New South Wales
official business	Means functions that the mayor or councillors are required or invited to attend to fulfil their legislated role and responsibilities for council or result in a direct benefit for council and/or for the local government area, and includes: <ul style="list-style-type: none"> • meetings of council and committees of the whole • meetings of committees facilitated by council • civic receptions hosted or sponsored by council • meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by council
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a councillor or the mayor
Regulation	Means the <i>Local Government (General) Regulation 2005</i> (NSW)
year	Means the financial year, that is the 12 month period commencing on 1 July each year

NARROMINE SHIRE COUNCIL

Councillor Expenses and Facilities Policy

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Part E – Appendix

Appendix I – Related legislation, guidance and policies

Appendix II – Definitions

Policy summary

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.

It ensures accountability and transparency, and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2021* (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
General travel expenses	\$1,000 per Councillor \$6,000 for the Mayor	Per year
Interstate, overseas and long-distance intrastate travel expenses	\$10,000 total for all Councillors	Per year
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development	\$2,000 per Councillor	Per year
Conferences and seminars	\$10,000 total for all Councillors	Per year
ICT expenses (Council to provide and maintain iPad) Home internet use Use of private mobile/landline	As per data package \$100 per Councillor	Per month
Carer expenses	\$100 per Councillor	Per month
Home office expenses	\$150 per Councillor	Per year
Postage stamps	To be directed through Council's own mail system	Not relevant
Christmas or festive cards	Nil	Per year
Access to facilities in the Mayor's Office if and when needed	Provided to all Councillors	Not relevant
Furnished office	Provided to the Mayor	Not relevant
Non-exclusive staff supporting the Mayor and Councillors – determined by the General Manager	Provided to the Mayor and Councillors	Not relevant

Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

Part A – Introduction

1. Introduction

- 1.1. The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of **Narromine Shire Council**.
- 1.2. The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
- 1.3. The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.
- 1.4. Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.
- 1.5. Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a Council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

2. Policy objectives

- 2.1. The objectives of this policy are to:
 - enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties
 - enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties
 - ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors
 - ensure facilities and expenses provided to Councillors meet community expectations
 - support a diversity of representation
 - fulfil the Council's statutory responsibilities.

3. Principles

- 3.1. Council commits to the following principles:
 - **Proper conduct:** Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
 - **Reasonable expenses:** providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor
 - **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor
 - **Equity:** there must be equitable access to expenses and facilities for all Councillors
 - **Appropriate use of resources:** providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations
 - **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to Councillors.

4. Private or political benefit

- 4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2. Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.
- 4.3. Such incidental private use does not require a compensatory payment back to Council.
- 4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse the Council.
- 4.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
 - production of election material
 - use of Council resources and equipment for campaigning
 - use of official Council letterhead, publications, websites or services for political benefit
 - fundraising activities of political parties or individuals, including political fundraising events.

Part B – Expenses

5. General expenses

- 5.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

6. Specific expenses

General travel arrangements and expenses

- 6.1. All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2. Each Councillor may be reimbursed up to a total of \$1,000 per year, and the Mayor may be reimbursed up to a total of \$6,000 per year, for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
 - for public transport fares
 - for the use of a private vehicle or hire car
 - for parking costs for Council and other meetings
 - for tolls
 - by Cabcharge card or equivalent
 - for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.3. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.

- 6.4. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

Interstate, overseas and long-distance intrastate travel expenses

- 6.5. In accordance with Section 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid interstate, overseas and long-distance intrastate trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.
- 6.6. Total interstate, overseas and long-distance intrastate travel expenses for all Councillors will be capped at a maximum of \$10,000 per year. This amount will be set aside in Council's annual budget.
- 6.7. Councillors seeking approval for any interstate and long-distance intrastate travel must submit a case to, and obtain the approval of, the General Manager prior to travel.
- 6.8. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council Meeting prior to travel.
- 6.9. The case should include:
- objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties
 - who is to take part in the travel
 - duration and itinerary of travel
 - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 6.10. For interstate and long-distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- 6.11. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 6.12. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 6.13. Bookings for approved air travel are to be made through the General Manager's office.
- 6.14. For air travel that is reimbursed as Council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

Travel expenses not paid by Council

- 6.15. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

Accommodation and meals

- 6.16. In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 100 kilometres from the meeting location.
- 6.17. Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the Orana Region.
- 6.18. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

- 6.19. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 6.19.
- 6.20. Councillors will not be reimbursed for alcoholic beverages.

Refreshments for Council related meetings

- 6.21. Appropriate refreshments will be available for Council Meetings, Council Committee Meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.
- 6.22. As an indicative guide for the standard of refreshments to be provided at Council related meetings, the General Manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

Professional development

- 6.23. Council will set aside \$2,000 per Councillor annually in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.
- 6.24. In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.25. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 6.26. Approval for professional development activities is subject to a prior written request to the General Manager outlining the:
- details of the proposed professional development
 - relevance to Council priorities and business
 - relevance to the exercise of the Councillor's civic duties.
- 6.27. In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in Clause 6.27, as well as the cost of the professional development in relation to the Councillor's remaining budget.

Conferences and seminars

- 6.28. Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.
- 6.29. Council will set aside a total amount of \$10,000 annually in its budget to facilitate Councillor attendance at conferences and seminars. This allocation is for all Councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 6.30. Approval to attend a conference or seminar is subject to a written request to the General Manager. In assessing a Councillor request, the General Manager must consider factors including the:
- relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties
 - cost of the conference or seminar in relation to the total remaining budget.
- 6.31. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.18-6.21.

Information and communications technology (ICT) expenses

- 6.32. Each Councillor will be provided with internet access and an iPad (or other suitable technology). In relation to Council supplied internet access, the amount provided by Council is set by the data package purchased at the time.
- 6.33. Councillors using their own private mobile or landline phones for Council purposes are entitled to reimbursement, to a maximum of \$100 per month, subject to the Councillor indicating on their phone accounts all Council related use. The Mayor will be paid a monthly phone allowance of \$90 to cover the cost of Council related phone calls.
- 6.34. Reimbursements will be made only for communications devices and services used for Councillors to undertake their civic duties, such as:
- receiving and reading Council business papers
 - relevant phone calls and correspondence
 - diary and appointment management.
- 6.35. Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a Councillor, within the maximum limit.

Special requirement and carer expenses

- 6.36. Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing-impaired Councillors and those with other disabilities.
- 6.37. Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.
- 6.38. In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
- 6.39. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$100 per month for attendance at official business, plus reasonable travel from the principal place of residence.
- 6.40. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.41. In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Home office expenses

- 6.42. Each Councillor may be reimbursed up to \$150 per year for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.

7. Insurances

In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.

- 7.1. Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.2. Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.

- 7.3. Appropriate travel insurances will be provided for any Councillors travelling on approved interstate and overseas travel on Council business.

8. Legal assistance

- 8.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
- a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the Councillor
 - a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor
 - a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.
- 8.2. In the case of a code of conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.
- 8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- 8.4. Council will not meet the legal costs:
- of legal proceedings initiated by a Councillor under any circumstances
 - of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
 - for legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 8.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

Part C – Facilities

9. General facilities for all Councillors

Facilities

- 9.1. Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
- personal protective equipment for use during site visits
 - a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or deputy Mayor.
- 9.2. Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through a specified staff member.

- 9.3. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

Stationery

- 9.4. Council will provide the following stationery to Councillors each year:
- letterhead, to be used only for correspondence associated with civic duties
 - business cards
 - Postage – official Councillor correspondence is to be directed through Council's own mail system

Administrative support

- 9.5. Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by a member of Council's administrative staff as arranged by the General Manager or their delegate.
- 9.6. As per Section 4, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

10. Additional facilities for the Mayor

- 10.1. Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.
- 10.2. In performing his or her civic duties, the Mayor will be assisted with administrative and secretarial support, as determined by the General Manager.
- 10.3. As per Section 4, staff supporting the Mayor and Councillors are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

Part D – Processes

11. Approval, payment and reimbursement arrangements

- 11.1. Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 11.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 11.3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
- local travel relating to the conduct of official business
 - carer costs
 - ICT expenditure
- 11.4. Final approval for payments made under this policy will be granted by the General Manager or their delegate.

Direct payment

- 11.5. Council may approve and directly pay expenses. Requests for direct payment must be submitted to the **General Manager** for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

Reimbursement

- 11.6. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the **General Manager**.

Advance payment

- 11.7. Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.
- 11.8. The maximum value of a cash advance is **\$100** per day of the conference, seminar or professional development to a maximum of **\$300**.
- 11.9. Requests for advance payment must be submitted to the **General Manager** for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 11.10. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:
- a full reconciliation of all expenses including appropriate receipts and/or tax invoices
 - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 11.11. If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
- 11.12. If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to Council

- 11.13. If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
- Council will invoice the Councillor for the expense
 - the Councillor will reimburse Council for that expense within 14 days of the invoice date.
- 11.14. If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the Councillor's allowance.

Timeframe for reimbursement

- 11.15. Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

12. Disputes

- 12.1. If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.
- 12.2. If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.

13. Return or retention of facilities

- 13.1. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.
- 13.2. Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.
- 13.3. The prices for all equipment purchased by Councillors under Clause 13.2 will be recorded in Council's annual report.

14. Publication

- 14.1. This policy will be published on Council's website.

15. Reporting

- 15.1. Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.
- 15.2. Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

16. Auditing

- 16.1. The operation of this policy, including claims made under the policy, will be included in Council's audit program and an audit undertaken at least every two years.

17. Breaches

- 17.1. Suspected breaches of this policy are to be reported to the General Manager.
- 17.2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

PART E – Appendices

Appendix I: Related legislation, guidance and policies

Relevant legislation and guidance:

- Local Government Act 1993, Sections 252 and 253
- Local Government (General) Regulation 2021, Clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

Related Council policies:

- Code of Conduct

Appendix II: Definitions

The following definitions apply throughout this policy.

Term	Definition
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor
appropriate refreshments	Means appropriate food and beverages provided by Council to support Councillors undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
General Manager	Means the General Manager of Council and includes their delegate or authorised representative
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
NSW	New South Wales
official business	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes: <ul style="list-style-type: none"> • meetings of Council and committees of the whole • meetings of committees facilitated by Council • civic receptions hosted or sponsored by Council • meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor
Regulation	Means the <i>Local Government (General) Regulation 2021</i> (NSW)
year	Means the financial year, that is the 12-month period commencing on 1 July each year

**NARROMINE SHIRE COUNCIL
COUNCILLOR REQUEST TO TRAVEL FORM**

Approval is sought for the following Councillor to travel on Council business as set out below: -

Personal Details

Name of Councillor _____

Reason for travel _____

Relevance to Council _____

priorities and business _____

Venue _____

Dates and times _____

Supporting documents attached (including Registration Form) Yes No

Travel and accommodation arrangements

Can the business be conducted remotely? Yes No

Do you require air travel? Yes No

Do you require a pool vehicle? Yes No

Is accommodation required? Yes No

Is a cash advance required? Yes No If yes, how much? _____

Signature Councillor _____ **Date** _____

For Internal Use Only

Approved Yes No

Signature General Manager _____ **Date** _____

Expense	Work Order	Amount
Travel expenses		\$
Accommodation/Meals		\$
Professional Development		\$
Conferences and Seminars		\$
Other Expenses		\$
TOTAL		\$

**NARROMINE SHIRE COUNCIL
COUNCILLOR REIMBURSEMENT OF EXPENSES INCURRED FORM**

Councillor Name: _____

Month: _____

I hereby submit the following claim for reimbursement of expenses incurred while undertaking official Council business: -

A. USE OF PRIVATE VEHICLE *(extract of log book attached)*

Date	From	To	Reason for Journey	KM travelled (Engine capacity 2.4l and less)	KM travelled (Engine capacity 2.5l and above)
			Total Kms		
				@/km	@/km

B OTHER EXPENSES i.e. tolls, parking costs, cab charges, public transport fares, carer, office expenses, accommodation, meals *(receipts attached)*

Date	Other Travel Expense Details	Amount Claimed \$
	Total Expenses	\$

Signature Councillor _____

Date _____

*For Internal Use Only*Approved Yes No

Signature General Manager _____ Date _____

Expense	Work Order Number	Amount
Councillor Fee	1381.20.426	\$
Mayoral Fee	1381.20.425	\$
Superannuation		\$
General Travel Expense Reimbursement (use of private vehicle, cab charge, tolls, public transport fares etc)		\$
Accommodation/Meals		\$
Office Expenses		\$
ICT Expenses		\$
Carer Expenses		\$
	TOTAL Claim for Month	\$

A Councillor must attend Ordinary Council Meeting or provide a medical certificate in order to qualify for monthly membership fee as resolved by Council on 8 May 2019.



LOCAL APPROVALS POLICY

Local Government Act 1993, Local Government (General) Regulations 20~~21~~⁰⁵
and Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and
Moveable Dwellings) Regulation 20~~21~~⁰⁵

(Adopted By Council 9 August 2017)

Resolution No 2017/204

Revised by Council 9 November 2022

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INTRODUCTION

What is the title of this Policy?

This policy ("the policy") is called the Narromine Shire Council Local Approvals Policy.

What is the status of this Policy?

(1) The Policy is a local approvals policy prepared and adopted under Section 158 of the Local Government Act 1993 ("the Act").

What are the General Aims of the Policy?

The Policy aims:

- (a) To have an integrated framework dealing with approvals
- (b) To ensure consistency and fairness in the manner in which Council deals with applications for approval;
- (c) To encourage and assist effective participation of local communities in decision-making.
- (d) To make Council's policies and requirements for approvals readily accessible to the public;
- (e) To assist Council to fully pursue its principles under Chapter 3 of the Act.
- (f) To apply common or consistent requirements and procedures to all types of approval.

When will the Policy be revoked?

The Policy is automatically revoked at the expiration of 12 months after the declaration of the poll for that election, unless the Council revokes it sooner.

NOTE: Under Section 165(4) of the Act, automatic revocation of the policy (other than a local policy adopted since the last general election) occurs 12 months after the declaration of the poll for a Council election.

Where does the Policy apply?

The Policy applies to all land within the Narromine Shire local government area.

To what approvals does the Policy relate?

The Policy applies to approvals for the following activities which are listed in the Table to Section 68 of the Act. These activities require **approval** from Council.

What definitions apply?

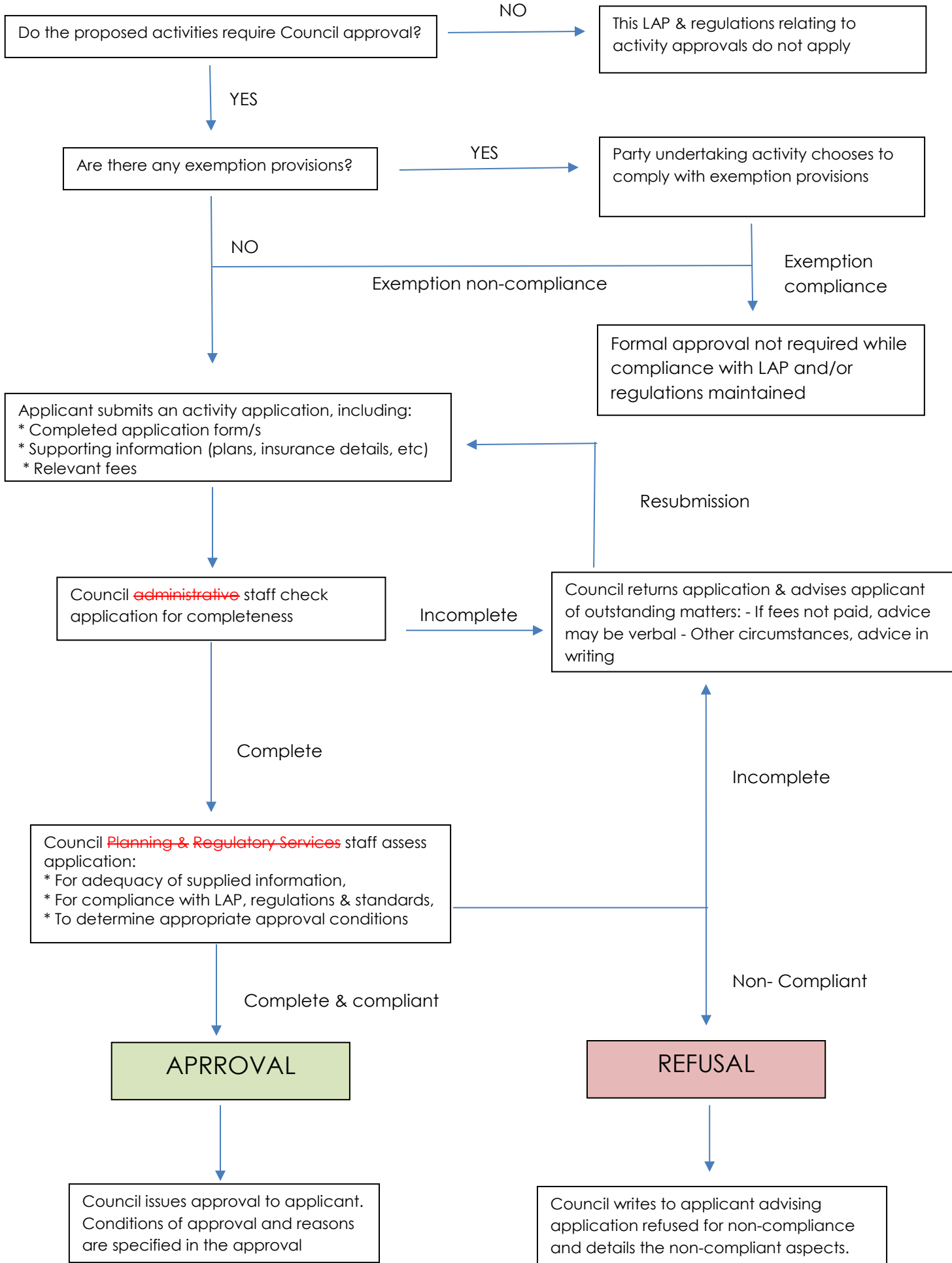
Expressions used in the Policy are defined in the Dictionary at the end of the Act (the "Act Dictionary"). A partial extract from that dictionary is included in Appendix A of this LAP.

What are the notes in the text?

Notes in the text are explanatory notes, and do not form part of the Policy. They are provided to assist understanding.

How are applications processed?

The flow chart below summarises how activity applications are processed by Narromine Shire Council, and how this Local Approvals Policy (LAP) relates to such applications.



What are other relevant documents?

The following documents are related, either directly or indirectly, to the Policy:

- a. ~~(a)~~ Local Government Act 1993 – particularly Chapter 7.
- b. ~~(b)~~ Local Government (General) Regulation 20~~21~~05.
- c. ~~(c)~~ Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 20~~21~~05.

The policy is in three parts:

Part 1: Exemptions - outlines the circumstances in which a person is not required to obtain a particular approval.

Part 2: Criteria - is the criteria which must be considered when determining whether or not to grant approval to a particular activity.

Part 3: Other matters - includes information on the processing of an application and other relevant matters.

The exemptions outlined in this policy are given in the belief that those activities can function effectively without Council involvement provided that all appropriate guidelines are complied with by the operator. There are however other activities that require some degree of regulating and / or co-ordination. In these cases, an application and approval is required.

SECTION 68 LOCAL GOVERNMENT ACT

A person may carry out an activity specified below only with the approval of Council, except so far as the Act or this policy allows the activity to be carried out without that approval

Part A - Structures or places of entertainment

1. Install a manufactured home, moveable dwelling or associated structure on land.

Part B - Water supply, sewerage & stormwater drainage work

1. Carry out water supply work
2. Draw water from a council water supply or a standpipe or sell water so drawn
3. Install, alter, disconnect or remove a meter connected to a service pipe
4. Carry out sewerage work
5. Carry out stormwater drainage work
6. Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer.

Part C - Management of waste

1. For fee or reward, transport waste over or under a public place
2. Place waste in a public place
3. Place a waste storage container in a public place
4. Dispose of waste into a sewer of the council
5. Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility
6. Operate a system of sewage management (within the meaning of s.68A).

Part D - Community land

1. Engage in a trade or business
2. Direct or procure a theatrical, musical or other entertainment for the public
3. Construct a temporary enclosure for the purpose of entertainment
4. For fee or reward, play a musical instrument or sing
5. Set up, operate or use a loudspeaker or sound amplifying device
6. Deliver a public address or hold a religious service or public meeting.

Part E - Public roads

1. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
2. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.

Part F - Other activities

1. Operate a public car park
2. Operate a caravan park or camping ground
3. Operate a manufactured home estate
4. Install a domestic oil or solid fuel heating appliance, other than a portable appliance
5. Install or operate amusement devices
6. Repealed
7. Use a standing vehicle or any article for the purpose of selling any article in a public place
- 8 & 9. Repealed
10. Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations.

In some cases, consent may be required under the Local Government Act and the Roads Act. Where both Acts apply, a single approval will be issued.

EXEMPT WORKS AND ACTIVITIES

There are already some works and activities that you can do without the need to apply for approval provided that they meet certain criteria and standards. These works and activities are listed in a wide range of documents and include:

1. Environmental Planning & Assessment Act

The Environmental Planning & Assessment Act allows various exemptions. These include:

- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for building works and other activities on private land such as landscaping.
- State Environmental Planning Policy (Transport and Infrastructure) 2021~~07~~ for works undertaken by public authorities such as the construction of school rooms through to the installation of street furniture, play ground equipment, etc.
- ~~State Environmental Planning Policy No 4 – Development without Consent and Miscellaneous Exempt and Complying Development for uses of a building.~~
- ~~State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 for the erection of tents and marquees on private land or for community events.~~
- Council's Local Environmental Plan also provides exemptions for specified activities within certain zones that can be carried out without development consent such as bush regeneration.

2. Local Government Act

The Local Government (General) Regulation 2021~~05~~ and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021~~05~~ also specifies works or activities that are exempt.

This policy forms part of the exemptions under the Local Government Act. It lists further works and activities that may under certain circumstances be carried out without requiring the approval of Council.

GENERAL AIMS

The policy applies to activities and works in the Narromine Shire Local Government Area

The general aims of the policy are:

- To provide an integrated framework for dealing with applications for approval with clear guidelines.
- To apply common and consistent requirements and procedures for the relevant types of approvals.
- To ensure consistency and fairness in the manner in which Council deals with applications for approval.
- To make Council's policies and requirements for approvals readily accessible and understandable to the community.

NOTE: Reference made to any Act, Regulation, planning instrument, standard or other document, or any authority, agency or the like, shall be taken to be a reference to any subsequent or replacement document or authority. Where there is an inconsistency between the Act or the Regulations and the Local Approvals Policy, the Act or the Regulations will prevail.

In accordance with s.165 of the Local Government Act, this Local Approvals Policy (other than a policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

PART 1 – EXEMPTIONS

Legislative Exemptions

The Local Government (General) Regulation 202105 and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 202105 lists some activities that are exempt from the need for Council approval.

The Regulations specify conditions applicable to exemptions and reference should be made to the relevant provisions before proceeding with the proposed activity.

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 202105

Conditional Exemptions

- | | |
|--------------|--|
| Clause 74 | Installation of a relocated house or associated structure on a dwelling site within a caravan parks and camping grounds, provided the structure is designed, constructed and installed in accordance with the relevant provisions of the Regulations, the site is not liable to flooding and the installation occurs with the consent of the holder of the approval to operate the caravan park or camping ground concerned. |
| Clause 77(a) | Installation of not more than 2 caravans, campervans or tents on any land, so long as they are not occupied for more than 2 days at a time and are not occupied for more than 60 days (in total) in any single period of 12 months, or |
| Clause 77(b) | Installation of not more than one caravan or campervan on land occupied by the owner of the caravan or campervan in connection with that owner's dwelling-house, so long as it is used for habitation only by the owner or by members of the owner's household and is maintained in a safe and healthy condition, or |
| Clause 77(c) | Installation of a caravan or campervan on pastoral or agricultural land, so long as it is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land. |

Local Government (General) Regulation 202105**Exemptions – Transport waste (C1 activity)**

- Clause 48(a) The transporting of waste over or under a public place for fee or reward if:
- ~~•~~ The activity is licensed under the Protection of the Environment Operations Act 1997, or
 - ~~•~~ The activity is being carried out in the Sydney metropolitan area as defined in Part 3 (Interpretive provisions) of Schedule 1 of the Act, or
 - ~~•~~ The waste is being transported through the area of the Council and is not being collected or deposited in that area.

Exemptions – Place waste in a public place (C2 activity)

- Clause 48(b) The placing of waste in a public place, if done in accordance with arrangements instituted by the Council. Refer to criteria outlined in Part 1: Local exemptions.

Exemptions – Install, construct or alter a waste treatment device (C5 activity)

- Clause 48(e) The installation, construction or alteration of a waste treatment device, if that installation, construction or alteration is done:
- ~~•~~ under the authority of a licence in force under the Protection of the Environment Operations Act 1997, or
 - ~~•~~ in a vessel used for navigation, or
 - ~~•~~ in a motor vehicle registered within the meaning of the **Road Transport Act 2013** and is used primarily for road transport.

Exemptions – Operate a system of sewage management (C6 activity)

- Clause 48(f) So much of the operation of a system of sewage management as is limited to an action carried out:
- ~~•~~ under the authority of a licence in force under the Protection of the Environment Operations Act 1997, or
 - ~~•~~ in a vessel used for navigation, or
 - ~~•~~ in a motor vehicle registered within the meaning of the **Road Transport Act 2013** and is used primarily for road transport.

- Clause 47 Despite the other provisions of this Regulation, a person who purchases (or otherwise acquires) land on which any sewage management facilities are installed or constructed may operate a system of sewage management without the approval required under s.68 of the Act for the period of 3 months after the date on which the land is transferred or otherwise conveyed to the person (whether or not an approval is in force, as at that date, in relation to the operation of a system of sewage management on that land).

Further, if the person duly applies, within the period of 2 months after the date on which the land is transferred or otherwise conveyed to the person, for approval to operate the system of sewage management concerned, the person may continue to operate that system of sewage management without approval until the application is finally determined.

Exemptions – Use of a loudspeaker or amplifying device on community land (D5 activity)

Clause 49 A loudspeaker or sound amplifying device may be set up, operated or used on community land without the prior approval of the council if it is done in accordance with a notice erected on the land by the council or if it is done in the circumstances specified, in relation to the setting up, operation or use (as the case may be), in Part 1 of the Local Approvals Policy applying to the land. Refer to criteria outlined in Part 1: Local exemptions

Exemptions – Domestic oil or solid fuel heating appliance (F4 activity)

Clause 70 A domestic oil or solid fuel heating appliance (other than a portable appliance) may be installed without the prior approval of the council if details of the appliance are included in plans and specifications for the relevant building approved under Part 4A of the Environmental Planning and Assessment Act 1979.

Exemptions – Operation of a public car park (F1 activity)

Clause 66 A public car park may be operated without the prior approval of the council if approval for its erection or operation has already been given by the council in connection with another approval or development consent and the car park complies with any applicable conditions of that approval or development consent.

Exemptions – Amusement devices (F5 activity)

Clause 71 Amusement devices not required to be registered under the Work Health and Safety Regulation ~~2011~~ may be installed or operated without the prior approval of the council.

Clause 75 A small amusement device may be installed or operated without the prior approval of the council if:

- ~~the~~ the ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason, and
- ~~the~~ the device is registered under the Work Health and Safety Regulation 20~~17~~, and
- ~~the~~ the device is to be or has been erected and it is or is being operated in accordance with all conditions (if any) relating to its erection or operation set out in the current certificate of registration issued for the device under that Regulations,
- ~~there~~ there exists for the device a current log book within the meaning of Chapters of that Regulation, and
- ~~in~~ in the case of a device that is to be or is installed in a building, fire egress is not obstructed, and
- ~~there~~ there is in force a contract of insurance or indemnity for the device that complies with clause 74 (see below).

In the Regulation, small amusement device means an amusement device that is designed primarily for the use of children 12 years of age or under and includes such amusement devices as mini-Ferris wheels, battery operated cars and miniature railways but, in the case of rotating amusement devices, includes only those devices that have a maximum rotation of 14 revolutions per minute.

Clause 74 It is a condition of an approval to install or operate an amusement device that there must be in force a contract of insurance or indemnity that indemnifies to an unlimited extent (or up to an amount of not less than \$~~20~~,000,000 in respect of each accident) each person who would be liable for damages for death or personal injury arising out of the operation or use of the device and any total or partial failure or collapse of the device against that liability.

Local Exemptions

In addition to the exemptions available under the Local Government (General) Regulation 202105 and by virtue of this Local Approvals Policy, the following activities under s.68 of the Local Government Act are exempt from the need to obtain a particular approval of the Council in the circumstances specified below.

s.68 Part B – Water supply, sewerage & stormwater

Stormwater work

(s.68 Item B5-) Stormwater work is exempt from the need for approval provided that it complies with the following criteria:

Criteria	<p>Only for work on a single lot associated with a single residential dwelling.</p> <p>For the repair or replacement of existing stormwater drainage lines including guttering and downpipes.</p> <p>Drainage lines must be connected to the street gutter, an approved inter allotment drainage system, an absorption trench (depending on the fall of the land) or an approved stormwater collection and disposal system.</p> <p>Absorption trenches (where used) shall be a minimum of 600mm wide x 600mm deep x 4 metres long and provided at the rate of one trench for each downpipe. Trenches shall be located at least 4 metres from any building and property boundary.</p> <p>The land surrounding any structure must be graded to divert surface water to the street or other stormwater disposal system, and clear of existing and proposed structures and adjoining premises.</p> <p>No construction is permitted over a drainage channel or drainage depression.</p> <p>Drainage work is to comply with AS/NZS 3500.3 - Stormwater Drainage.</p>
Advice	<p>Any variation to the above will require Council consent.</p> <p>Separate approval is required for the removal of any tree or for any works within the road reserve (such as opening the road for utility services).</p>

s.68 Part C - Waste**Commercial waste**

(s.68 Item C2 & C3) In accordance with the exemption given in Clause 48(b) of the Local Government [Regulation 2021 Act](#), the placement of a commercial waste storage container in a public place is exempt from the need for approval provided that they comply with the following criteria:

Criteria	<p>Associated with business within B2 zones:</p> <p>Must relate to an existing approved and lawful use.</p> <p>Maximum of one 240 litre bin and only where the internal waste collection area is not accessible to the collection agency.</p> <p>Must be placed immediately adjacent to the premises. If the bin is placed beyond the usersuser's property, prior consent is required from the adjacent owner.</p> <p>Must be located so as to not disturb traffic flow, impede or endanger pedestrian movement, restrict driver sight lines or vehicle access.</p> <p>Must not be offensive nor contain hazardous, liquid or clinical waste.</p> <p>May only be placed in a public place for the purposes of collection by a waste contractor and must be removed as soon as possible after servicing to the internal storage area. In the event of service disruption, containers must be brought inside until the service can be provided.</p> <p>Waste oil drums are not permitted to be stored or placed in the public place at any time. Collection must be undertaken by a registered waste collection agency and occur from within the subject premises.</p> <p>Commercial waste must be collected and disposed of by a commercial contractor. Waste cannot be removed from the premises to be disposed of in a street litter bin.</p> <p>The area where the container is placed for collection must be kept cleaned.</p> <p>All waste containers must be vermin proof and cleaned on a regular basis without causing stormwater pollution.</p> <p>Uncontained waste for example plastic bags and loose cardboard boxes are not permitted to be placed next to or on top of containers in the public place.</p>
Advice	<p>Any variation to the above will require Council consent.</p>

Individual commercial waste generators are responsible for the handling and storage of waste generated in their premises to meet public health, safety and environmental requirements. They are also responsible for the costs involved with approved collection and disposal procedures.

Domestic waste

(s.68 Item C2 & C3) In accordance with the exemption given in Clause 48(b) of the Local Government (General) Regulation 2021~~05~~, the placement of a domestic waste storage container in a public place is exempt from the need for approval provided that they comply with the following criteria:

Criteria

Garbage / recycling:

Domestic waste must be contained in the Council's waste storage containers and only placed in a public place for the purposes of collection by the Council or agents acting on their behalf.

Uncontained waste for example plastics bags and loose cardboard boxes are not permitted to be placed next to or on top of containers in a public place.

Waste storage containers should be put out for collection the night before the scheduled collection and must be removed from the public place as soon as possible on the day of collection and stored on private property.

Waste storage containers must be placed immediately in front of ~~residents~~resident's properties located at an approved service pick up point.

Lids of waste storage containers must remain closed, and the container surrounds be kept tidy at all times.

The resident is responsible for the cleanliness of their waste storage containers. They must be: free of stains, odours and debris; and in full working order with no cracks, missing wheels, lids or pins (Bin repairs should be reported to the Council).

Bulky waste for household items:

Only for general household items booked or scheduled for a clean-up with the Council can be placed in a public place two days before the collection is scheduled to take place as specified or directed by the Council.

General household items must be stored on the nature strip in a neat pile, not exceeding 1 cubic metre. The items must not block any road or footway and must not endanger pedestrian or vehicle traffic or the environment.

Items must be capable of being lifted by 2 people.

Loose items must be bagged or bundled together to prevent littering and hazards.

Bulky waste must be placed immediately in front of the resident's property and kept clear of paths and driveways.

Rejected general household items must be removed promptly by the resident.

Doors to refrigerators, freezers or the like are to be —removed to prevent entrapment of children.

Green waste:

Can be placed in a public place two days before the collection is scheduled to take place as specified or directed by the Council.

Material must not be located in front of vacant blocks, reserves or non-residential properties.

Must only contain branches and these are to be stored on the nature strip in a neat pile, not exceeding 2 cubic metres. Keep cut ends of branches together.

Branches must be between 1 to 3 metres in length and a maximum diameter of 15cm.

The items must not block any road or footway and must not endanger pedestrian or vehicle traffic or the environment.

Green waste must be placed immediately in front of the resident's property.

Chipped material and/or rejected materials must be removed promptly by the resident.

Advice

Any variation to the above will require Council consent.

Reference should be made to the guides on waste management which detail types of materials collected. This information is available on www.narromine.nsw.gov.au

Bulk bin / skip

(s.68 Item C3)

In accordance with the exemption given in Clause 48(b) of the Local Government (General) Regulation 2021~~05~~, the placement of a bulk bin / skip bin container in a public place is exempt from the need for approval provided that it complies with the following criteria:

Criteria

Must be associated with a single residential dwelling development.

Can only be located on the road reserve where constraints are such that the container cannot be kept within the property boundary of the site.

Not on a classified road.

Maximum container size of 2.5 cubic metres.

Only one container can be stored at any one time at the property frontage.

Must be located so as to not disturb traffic flow, impede or endanger pedestrian movement, restrict driver sight lines or vehicle access or impede public utility access or drainage pits.

Must be in place for a period no more than 5 days and not more than 2 occasions in any one year.

Must not be used for putrescible waste, dangerous or hazardous waste.

Must be secured to prevent waste being dislodged by wind and other forces including animals.

Bulk bin must be: light in colour; have reflectors or warning lights on outer corners and covered outside working hours and during transport; bear legibly the name, address and all hours phone number of the owner/supplier.

All requirements of the Work Health and Safety Act 2011~~01~~, as administered by SafeWork NSW must be met.

Advice

Any variation to the above will require Council consent.

This section does not apply to shipping containers. Shipping containers require approval.

Council reserves the right to order the removal of any waste container, if such container, or the activity associated with it in the opinion of Council, causes a nuisance. Specific arrangements are required for the removal and disposal of asbestos. Refer to www.narromine.nsw.gov.au

Approval to operate a pump to sewer system

(s.68 Item C6)

Pump to sewer systems are exempt from the need for approval to operate provided that they comply with the following criteria:

Criteria

Only associated with systems serving a single residential dwelling on a single allotment of land pumping directly into the Narromine Shire reticulated sewerage system.

Septic systems and collection tanks are to be desludged at a minimum every 5 years* with pumps serviced at the same time.

Septic systems and collection tanks must be safely constructed and secured to prevent a public hazard.

Advice

Any variation to the above will require Council consent.

*Depending on the load / use septic tanks and pumps may require more frequent servicing.

s.68 Part D – Community Land**Street stalls for political purposes**

(s.68 Item D1) Street stalls for political purposes are exempt from the need for approval provided that they comply with the following criteria:

Criteria

Not within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.

Only one table 2 metres x 1 metre to be used.

No more than three representatives to be in attendance at any one time.

No fund-raising activities are to be carried out.

If located outside any shop must have the permission of the shop owner.

Not to include a public address system or the like nor cause offensive noise.

The organisation conducting the stall must display a sign on the stall, not on the footpath, indicating its name. No other signage will be permitted.

The stall must not obstruct or inconvenience pedestrian or vehicular traffic by maintaining a minimum accessible path of travel of 2.5 metres.

Advice

Any variation to the above will require Council consent.

~~For details on political signage refer to State Environmental Planning Policy No.64: Advertising and Signage. Political signs for election campaigns are regulated under the Parliamentary Electorate and Elections Act 1912.~~

Busking or street theatre

(s.68 Item D2 & D4)

Busking or street theatre is exempt from the need for approval provided that it complies with the following criteria:

Criteria

Only in B2 Zones: Local Centres.

Not within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.

Must not occur in any area adjacent to an educational establishment or place of public worship or in any park or reserve.

Must retain a minimum of 2.5 metres of footpath for public movement.

The activity must not obstruct or hinder the passage of pedestrians or vehicles nor create any nuisance or offensive noise.

The performance must not involve the use of dangerous materials and implements nor include drawing or marking the footpath or affixing any matter or structure to the footpath paving.

If located outside any shop must have the permission of the shop owner.

Must not use a public address, sound system or amplified equipment.

Performers may receive voluntary donations from the audience but may not solicit funds.

Performers may only perform in one location for a maximum of 2 hours. Performers may subsequently relocate to another location that is at least 200 metres away.

Performers are not permitted when special events are in progress (unless approval given as part of the event).

Performers must not advertise goods for sale or associate themselves with such advertising in conjunction with their performance, other than recordings consisting of the performers own work.

Advice Any variation to the above will require Council consent.

Approval is required to sell their own works (see Part 2: Selling Articles in a Public Place).

Use of loudspeaker or sound amplifying device

(s.68 Item D5)

In accordance with the exemption given by Clause 49 of the Local Government (general) Regulation 20~~2105~~ the use of a loudspeaker or sound amplifying device is exempt from the need for approval provided that it complies with the following criteria:

Criteria Only for major events such as fairs / festivals or sports events that have the approval of the Council.

Must not create a nuisance or cause offensive noise.

Advice Any variation to the above will require Council consent.

Preaching and religious services

(s.68 Item D6)

Preaching and religious services are exempt from the need for approval provided that they comply with the following criteria:

Criteria Not within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.

Must not occur in any park or reserve, tourist location or any area adjacent to residential premise.

Must not occur in any area adjacent to an educational establishment or place of public worship (unless permission given from the occupant).

Must retain a minimum of 2.5 metres of footpath for public movement.

The activity must not cause nuisance, offense or obstruction.

If located outside any shop must have the permission of the shop owner.

Not to include a public address system or the like nor cause offensive noise.

Advice Any variation to the above will require Council consent.

PART 2 - CRITERIA

Part 2 of the Local Approvals Policy focuses on the considerations and criteria applied by Council in determining whether to give or refuse an approval of a particular kind of activity under s.68 of the Local Government Act 1993 or where required under the s.125, 138 or 139A of the Roads Act 1993.

In order to achieve the objectives of the policy in terms of creating an atmosphere which provides for activities which do not adversely impact on the amenity of residents and visitors, the following requirements outlined in s.89 of the Local Government Act will be taken into consideration in the assessment of all applications.

- 1) In determining an application, the council:
 - (a) must not approve the application if the activity or the carrying out of the activity for which approval is sought would not comply with the requirements of any relevant regulation, and
 - (b) must take into consideration any criteria in a local policy adopted under Part 3 by the council which are relevant to the subject-matter of the application, and
 - (c) must take into consideration the principles of ecologically sustainable development.

- 2) If no requirements are prescribed for the purposes of 1(a) and no criteria are adopted for the purposes of 1 subsection (b), the council in determining an application:
 - (a) is to take into consideration, in addition to the principles of ecologically sustainable development, all matters relevant to the application, and
 - (b) is to seek to give effect to the applicant's objectives to the extent to which they are compatible with the public interest.

- 3) Without limiting subsection 2, in considering the public interest the matters the council is to consider include:
 - (a) protection of the environment, and
 - (b) protection of public health, safety and convenience, and
 - (c) any items of cultural and heritage significance which might be affected.

The Local Government (General) Regulation 202105 and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 202105 prescribe a number of matters that must be considered by Council when dealing with an application.

Legislative considerations and criteria have been paraphrased within this part. Reference should be made to the relevant Regulation for specific details.

Local considerations and criteria have also been referenced in this part for the following activities:

- Construction waste
- Onsite sewage systems
- Commercial recreation activities
- Pavement art
- Ceremonies (weddings, naming, christening)
- Use of a crane
- Banners / temporary signs
- Clothing bins
- Use of footpath by shopkeepers
- Community events (fairs / festivals/ markets)
- Selling articles in a public place (mobile food vending, street stalls, other street vending)
- Footpath dining

A single approval will be issued where consent is required under both the Local Government Act 1993 and the Roads Act 1993.

Legislative Considerations

The Local Government (General) Regulation 202105 and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 202105 prescribe a number of matters that must be considered by the Council when dealing with an application

Reference should be made to the Regulations for specific details.

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 202105

Consideration criteria – operate a caravan park or camping ground (F2 Activity)

Council will evaluate all relevant activity applications to ensure that:

- (a) Supporting plans and documents clearly demonstrate an intention to comply with the requirements of the regulation.
- (b) Where such an intention is not demonstrated, an assessment will be made of whether it is feasible for the applicant to comply and hence whether it is appropriate to issue a conditional approval or hold the application pending the supply of the necessary information.

Local Government (General) Regulation 202105

Consideration criteria – stormwater drainage (B5 Activities)

Clauses 15 In determining an application for an approval the council must have regard to the following considerations:

- (a) the protection and promotion of public health,
- (b) the protection of the environment,
- (c) the safety of its employees,
- (d) the safeguarding of its assets,
- (e) any other matter that it considers to be relevant in the circumstances.

Part 2 of Schedule 1 of the Local Government (General) Regulation 200521 specifies mandatory standards for stormwater drainage work, including that such works must comply with the Plumbing Code of Australia.

Consideration criteria – place building waste storage container on a road (C3 Activity)

Clause 27 In determining an application for approval to place on a road a building waste storage container, the council is to take into consideration any requirements or guidelines relating to the location, size and visibility of building waste storage containers that are notified to the council from time to time by Transport for NSW~~the Roads and Maritime Services~~.

Consideration criteria – install, construct or alter sewage management facilities (C5 Activity)

Clause 29 In determining an application for approval to install, construct or alter a sewage management facility, the council must take into consideration the following matters:

Environment and health protection matters - The council must consider whether the proposed sewage management facility (or the proposed sewage management facility as altered) and any related effluent application area will make appropriate provision for the following:

- (a) preventing the spread of disease by micro-organisms,
- (b) preventing the spread of foul odours,
- (c) preventing contamination of water,
- (d) preventing degradation of soil and vegetation,
- (e) discouraging insects and vermin,
- (f) ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,
- (g) the re-use of resources (including nutrients, organic matter and water),
- (h) the minimisation of any adverse impacts on the amenity of the land on which it is installed or constructed and other land in the vicinity of that land.

Guidelines and directions - ~~The~~ council must consider any matter specified in guidelines or directions issued by the Director-General in relation to the matters referred to above.

Clauses 43 & 44 In determining an application for an approval to operate a system of sewage management the Council will consider the any matter specified in the guidelines or directions issued by the Director General in relation to the environment and health protection matters referred to above.

Note: These matters are also considered on applications for the installation of a greywater treatment system. Systems must however be accredited by NSW Health.

Consideration criteria – applications relating to public roads (E1 & E2 Activities)

Clause 50 In determining an application for an approval under Part E of the Table to s. 68 of the Act the council must take into account the provisions of the Roads Act 1993, and any relevant standards and policies of public authorities applying to the use of the road.

Consideration criteria – operation of a public car park (F1 Activity)

Clause 53 In determining an application for approval to operate a public car park the council is to take the following matters into consideration:

- (a) the ~~Roads and Maritime Service's~~ Transport for NSW's views about the application,
- (b) the effect of the car park on the movement of vehicular traffic and pedestrian traffic,
- (c) whether the number of vehicles proposed to be accommodated is appropriate having regard to the size of the car park and the need to provide off-street parking facilities within the car park for the temporary accommodation of vehicles,
- (d) whether the means of ingress and egress and means of movement provided or to be provided within the car park are satisfactory,
- (e) whether there will be adequate provision for pedestrian safety and access for people with disabilities,
- (f) whether the internal design of parking facilities and system of traffic management are satisfactory,
- (g) whether, in the case of a car park that is a building, adequate ventilation is provided or to be provided,
- (h) the Work Health and Safety Act, and the regulations made under that Act, as regards the safety of persons who will be employed at the proposed car park or of persons who will go there,
- (i) whether there will be adequate provision for the management of stormwater and the minimisation of stormwater pollution.

Roads Act 1993

Consideration criteria - street vending

Section 139F When considering whether to grant, extend or transfer a street vending consent, or other consent under this Division permitting the use of a structure in, on or over a public road not in a built-up area, for the purpose of selling any article or service, the roads authority must comply with guidelines relating to street vending jointly issued by Transport for NSW ~~Roads and Maritime Services~~ and the Office of Local Government.

Local Considerations

In addition to the legislative considerations, the following criteria for the activities specified are considered in determining whether to give approval. Where an activity is not specified then the provisions of s.89 of the Local Government Act 1993 are considered.

s.68 Part C - Waste

Construction waste

(s.68 Item C3 LGA) As a general rule building material and construction waste must be contained within the site; consideration will only be given where this is not possible.

On site sewage systems

(s.68 Item C5 LGA) In addition to the criteria listed in the Local Government (General) Regulations 2021~~05~~, the Council in considering an application to install and operate an onsite sewage system will reference the detailed criteria in Council's Development Control Plan (DCP). Reference to the DCP is required. An approval is issued every 5 years.

s.68 Part D - Community land

Commercial recreation activities

(s.68 Item D1 LGA) The following criteria will be considered in determining an application for recreation activities undertaken by professional operators for commercial gain.

Criteria

Recreation and tourism uses are permitted only in or locations considered acceptable to the type and scale of use.

All requirements of Work Health and Safety Act 2011~~11~~ must be met which includes assessment of risks related to the use-/ activity.

Evidence of public liability insurance specifically indemnifying and listing Narromine Shire Council on the policy as an interested party is required. The policy must be held in the name of the applicant.

Advice

Approvals are for 12 months after which time a new application is required. Fees are not refundable. Applications must include information on the type of activity being carried out and an assessment of risk.

Recreation and tourism uses on private land will require the submission of a development application.

Ceremonies

(s.68 Item D6 LGA) The following criteria will be considered in determining an application to hold a ceremony in a public place.

Criteria

For wedding, naming or christening ceremonies and only for the ceremony not the reception.

Attachment No. 3

The area to be used must remain accessible by the public. It is not to be roped off.

Vehicles must be parked in parking areas, vehicles will not be permitted in parks /reserves unless prior arrangement and approval has been obtained.

No amplification of any kind is to be used including loud hailers and / or megaphones.

The site is to be kept clean and tidy. The use of confetti or the like is not permitted.

Applicants are required to complete a 'Hold Harmless Agreement' form that assumes liability should any damages, acts or incidents occur as a result of the ceremony.

Advice An approval is issued only for the nominated day of the event. Should the event not proceed a new application is required.

s.68 Part E - Public Roads

Use of crane

(s.68 Item E1 LGA) The following criteria will be considered in determining an approval for the use of a crane over public land.

Criteria Must be located within the boundaries of the property otherwise a Roads Act 1993 approval will be required.

Must ensure the safety of the public and the protection of property.

The effect that the enclosure of the portion of the road over which the goods will be lifted will have on pedestrian movements in the vicinity of the proposed enclosure, and whether adequate provision has been made for pedestrian access to nearby premises.

The effect that the enclosure of the portion of the road over which the goods will be lifted will have on vehicular parking in the vicinity of the proposed enclosure.

The period during which it is proposed to keep the public place enclosed.

Footway surfaces must be maintained in a safe condition.

Advice An approval is issued only for the nominated day-/-period. Should the work not proceed a new application is required. Application forms are available from Council.

Application and use fees apply.

Cranes heavier than 60 ton must have a transport permit issued by [Transport for NSW Roads and Maritime Services](#).

Banners / temporary signs

(s.68 Item E2 LGA) The following criteria will be considered in determining an application for a temporary banner in a public place.

Criteria	<p>Only in designated locations and for community events or public notices.</p> <p>Must be safely constructed and secured to prevent a public hazard.</p> <p>Banners are to be no greater than 5 metres x 900mm; lettering no less than 275mm.</p> <p>Banner approval is for no longer than 2 weeks at a time, at intervals not less than 6 months.</p> <p>Banners are to be of a durable material.</p> <p>Banners are to be clear and legible and of a professional nature. Sponsorship details must not dominate the banner.</p> <p>Applicants are required to complete a 'Hold Harmless Agreement' form that assumes liability should any damages, acts or incidents occur.</p>
Advice	<p>An approval is issued only for the nominated period. Applications must be made at least 14 days in advance or earlier to ensure availability.</p> <p>Banners over the highway require the approval of the Roads and Maritime Services Transport for NSW.</p>

Clothing bins

(s.68 Item E2 LGA) The following criteria will be considered in determining an application to install clothing bins in a public place.

Criteria	<p>Clothing bins are to be installed in a manner to minimise any risk to persons or property.</p> <p>No more than 2 bins to be located together.</p> <p>Each bin is to clearly bear the name and telephone number of the organisation and all information as required by legislation under the Charitable Fundraising Act 1991.</p> <p>Any graffiti is to be removed within 1 week for non-offensive<u>non-offensive</u> graffiti and the next day for offensive-/obscene graffiti.</p> <p>Each bin is to be completely repainted every 2 years.</p>
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Bins are to be placed on a solid level or near level foundation in an upright position with a secured method to prevent bins from being tipped over.

There must be adequate space in close proximity to each bin for patron parking.

Bin locations must be open to the public view and where necessary well illuminated to discourage vandalism and rubbish dumping.

Clothing and other goods left in and around the bin shall be the responsibility of the organisation. The area around the bin shall be cleaned of any discarded clothing or other material at least weekly. Should Council need to clean the area around any bin then Council's costs will be met by that organisation.

Evidence of Public Liability Insurance is required as bin owners written acceptance of responsibility for any damage done to any public road, kerb, footway or landscaping from the placement, use and servicing of the bin.

Advice

Approvals are for 2 years. Application forms are available on www.narromine.nsw.gov.au. Fees may apply.

Applications must include a site plan in scale showing the location of each bin, vehicle parking arrangements and any adjoining buildings.

The application must be supported by a statement advising of the size, colour, wording details and proposed contents; indicating the days and times of removal and site clean up and the schedule for maintenance and repainting of bins.

Where located on private land development consent is required.

Use of footpath by shopkeepers

(s.68 Item E2 LGA) The following criteria will be considered in determining an application by a shopkeeper for the use of the footpath outside the premises for the display of goods for sale.

Criteria

A ~~2.5-metre-wide~~2.5-metre-wide unobstructed section of footpath is to be maintained at all times. In some ~~instances~~instances, this distance may be reduced where the applicant can demonstrate that there is an accessible path of travel and that there will be no increased impact on pedestrian access when the goods are in place.

Goods displayed must relate to the business conducted at the premises; be contained within the property side boundary; extend no further than 700mm from the shopfront and located so as not to obstruct any doorway.

Any food including tin and packaged goods displayed shall be at a height not less than 750mm above the footpath level. Displayed fruit and vegetables must be protected from contamination.

Goods and ~~-/~~-or display stands must not be more than 2 metres above footpath level.

All goods and / or display stands shall be secured to prevent them from being moved by wind or other forces and finished with no part protruding beyond the main body of the stand with no sharp corners or trip hazards.

All goods and ~~-/~~-or display stands must be removed from the footpath when premises are closed.

The area is to be maintained in a clean condition at all times. Waste generated is to be disposed of via the host premises and not into the gutter or street bins.

No spruiking of goods is permitted.

Cash registers or counter facilities are prohibited.

Evidence of public liability insurance specifically indemnifying and listing Narromine Shire Council on the policy as an interested party is required. The policy must be held in the name of the applicant.

An application for the use of the footpath in locations adjacent to a classified road will only be considered after the applicant has obtained the written approval of the ~~Transport for NSW Roads and Maritime Services~~Transport for NSW Roads and Maritime Services.

Advice

Approvals are for 12 months after which time the approval will be renewed. Application and occupation fees apply. Fees are not refundable.

The application must include a plan drawn to scale showing pedestrian areas, property boundaries and structures. Include details on the type of goods for sale.

Approvals may be transferred to a new proprietor upon notification to Council and production of the appropriate public liability insurance cover.

s.68 Part F - Other activities

Community events

(s.68 Item F7 LGA)

(s.139A Roads Act) The following criteria will be considered in determining an application to hold a community event such as a fair, festival or market in public places.

Criteria

For a maximum period of 48 hours.

Must be undertaken by or on behalf of a public authority, institution, organisation of Council, non-profit organisations, registered charity or School.

Must be carried out on:

- Public road; or
- Land designated as being a Special Use; or
- Land zoned: Public Recreation

All temporary structures must:

- Be structurally sound and capable of withstanding the loadings imposed on it.
- Comply with any SafeWork NSW requirements.
- Incorporate adequate safety provisions in the event of fire or other emergency.

All temporary food premises shall comply with the Food Act 2003 and the NSW Food Authority 'Food Handling Guidelines for Temporary Events'.

Adequate sanitary facilities are to be provided for patrons, employees and organisers as follows:

Toilet facilities for events where alcohol is not available:

	Males			Females	
	Patrons	WC	Urinals	Hand Basins	WC
< 500	1	2	2	6	2
< 1000	2	4	4	9	4
< 2000	4	8	6	12	6

Toilet facilities for events where alcohol is available:

	Males			Females	
	Patrons	WC	Urinals	Hand Basins	WC
< 500	3	8	2	13	2
< 1000	5	10	4	16	4
< 2000	9	15	7	18	7

Figures may be reduced for events of shorter duration:

- Less than 4 hours 70%
- 4 to 6 hours 75%
- 6 to 8 hours 80%
- 8 hours plus 100%

Organisers are encouraged to provide a unisex toilet for the disabled.

Adequate waste and recycling receptacles are to be provided to cater for the event and arrangements made with an authorised waste removal contractor to service the event.

Parking of vehicles is to be managed so as not to cause a nuisance to surrounding properties/-areas.

All essential fire safety measures associated with any building, tent or marquee used for the event are to be fully operational.

Noise level emissions are not to cause offensive noise and must comply with the Noise Guide for Local Government and the Protection of the Environment Operations Act 1997.

All requirements of Work Health and Safety Act 2011 must be met which includes assessment of risks related to the event.

Advice

An approval is issued only for the nominated day/s of the event. Should the event not proceed a new application is required. Street festivals, fairs and other special events

organised by community groups require the submission of an application to Council at least ~~16~~ 160 weeks prior to the date or in the case of road closures at least 20 weeks prior.

Fees apply.

~~If the event will have an impact on road traffic then compliance with the NSW Government Special Events Manual will be necessary. The Manual is available through the Roads and Maritime Services e Roads and Maritime Services (www.events.nsw.gov.au) or Council.~~

It is the responsibility of the event coordinator to provide instructions on food handling arrangements to all groups.

It is responsibility of the event coordinator to provide instructions on full clean up arrangements to all groups. A waste management plan may be necessary and liaison with Council about the arrangements may be required.

Any appropriate licences-/permits-/approvals from relevant government agencies must be submitted to Council prior to any approval being issued by Council.

Such permits may include some or all of the following:

- Permits from the Safe-Work in regard to amusement devices and fireworks displays.
- Approval from the Police in regard to the consumption of alcohol.
- Approvals from ~~Roads and Maritime Services~~ Transport for NSW /-Police in regard to proposed road closures.
- Events or ceremonies held on private land that become an annual and or otherwise regular occurrence will require a development application for temporary use.
- ~~Temporary structures may require development consent. Reference to the State Environmental Planning Policy (Temporary Structures) is required.~~

Selling articles in a public place

(s.68 Item F7 LGA)

(s.139A Roads Act) The Council is unlikely to approve the selling of articles in a public place other than in the following circumstances. In determining an application consideration will be given to the relevant criteria.

Criteria**Mobile vending:**

All vehicles must be registered as per the requirements of the Road Transport Act ~~Motor Traffic Act~~ 2013.

Must not operate as a roadside stall or to sell food to the public on any site that requires development consent for that use.

No additional flashing or rotating lights, except those required under Road Transport ~~Motor Traffic~~ legislation, are permitted.

The vehicle is not permitted to operate within 50 metres of any retail food outlet selling a similar food product if that outlet is open.

The vehicle is not permitted to 'set up stand' nor remain at any one selling point for more than 15 minutes. A vehicle must move a minimum of 500 metres between each selling point.

The vehicle is not permitted to use chimes or like devices to attract attention between the hours of 8pm and 8am or to operate within 90 metres from any hospital, churches in service or schools during school hours.

The vehicle is not permitted to trade on main roads and through streets with a speed limit of greater than 50km/h unless deemed safe by ~~Narromine Shire~~ Council.

Not to trade in locations where motorists are forced to park on kerbside land, where parking-/standing restrictions apply.

The vehicle is not to create a traffic hazard, obstruction or dangerous situation.

Not permitted to operate during hours of darkness.

Litter bins are to be provided by the operator for the convenience of customers.

Wastewater is to be contained with the vehicle for later disposal to the sewerage system.

The vehicle must display a sign requesting patrons not to loiter around the vehicle.

The vehicle must be made available for inspection by a Council Environmental Health Officer for a health clearance certificate prior to the issue of approval.

Mobile vending in locations adjacent to a classified road will only be considered after the applicant has obtained the written approval of [Traffic for NSW](#)~~the Roads and Maritime Services~~.

Criteria

~~_____~~ **Street stall:**

For the sale of goods or services by non-profit community groups.

Limited to no more than 2 street stalls on any one day in the same township.

Limited to no more than one stall per month in any township per community group.

The name of the organisation must be prominently displayed on the stall, not on the footpath. No other signage is permitted.

Must have the consent of the business or organisation outside which the stall is to be situated.

A ~~2.5-metre-wide~~2.5-metre-wide unobstructed section of footpath is to be maintained at all times. In some ~~instances~~instances, this distance may be reduced where the applicant can demonstrate that there is an accessible path of travel and that there will be no increased impact on pedestrian access when the stall is in place.

Must not hinder the passage of pedestrians or create a nuisance or objectionable noise.

The immediate surrounding area is to be left in a clean and tidy condition and kept clear of hazards.

Applicants are required to complete a 'Hold Harmless Agreement' form that assumes liability should any damages, acts or incidents occur as a result of the street stall.

Street stalls involving the selling of food must comply with the requirements of the NSW Food Safety Regulations.

Advice

Mobile vending:

Approvals are for 12 months after which time a new application is required. Application fees apply. Fees are not refundable.

Mobile food vending vans must be registered with the Council. Annual inspection fees apply.

Street stalls:

An approval is issued only for the nominated day of the event. Should the event not proceed a new application is required. Applications must be made at least 14 days in advance or earlier to ensure availability. Booking application forms and details are available from Council.

An individual or group carrying out these activities should be aware that they are to exercise good risk management practices at all times so as to avoid injury or loss to others.

Any institution seeking to raise public funds must have an authority issued by the Department of ~~Racing-Liquor~~ and Gaming.

PART 3 - OTHER MATTERS

Part 3 of the Local Approvals Policy covers other matters, mostly administrative, relating to the processing of an application.

The application process is primarily established by legislation and whilst it can vary according to the type of works-/activities proposed there is a fundamental process that is followed. This process is outlined below.

Lodgement of an application

Most applications or bookings have a specific form and/ or guide designed to assist in the lodgement of the application. Depending on the type of work or activity, fees may apply and where these are required they must be paid at the time of lodgement.

An application may be rejected within 7 days of receipt if it is not clear as to the approval sought or the application is not easily legible. Fees if applicable are refunded.

Assessment of an application

In assessing the more complex applications, additional information may be needed. Where this is the case, Council will contact the applicant within 21 days of receipt of an application. Due to the nature and type of works-/activities requiring approval under the Local Government Act and the Roads Act are not generally notified.

Applications can be amended by the applicant prior to determination provided that the variation is minor.

Determination

Once determined a notice will be issued advising whether the application has been approved or refused.

The period of approval will vary depending on the type of activity or work undertaken. If works have not commenced or where the activity is not held during the nominated time then the approval may lapse.

In such cases, and depending on the circumstances, an applicant can seek to lodge a new application or alternatively request to modify-/extend an existing application.

Review of determination

A determination can be reviewed under s.100 of the Local Government Act. A request to review must justify the reasons for review and be made in writing within 28 days of Council's determination. Fees apply. The determination of a review is final.

Refunds

Limited refunds may apply depending on the level of assessment associated with the application. Cancellation fees also apply for some bookings.

Record of approvals

A record of approvals is required to be kept under s.113 of the Local Government Act. This record is available to the public.

Enforcement action

An approval may be revoked or modified in any of the following circumstances:

- (a) if the approval was obtained by fraud, misrepresentation or concealment of facts;
- (b) for any cause arising after the granting of the approval which, had it arisen before the approval was granted, would have caused the council not to have granted the approval (or not to have granted it in the same terms);
- (c) for any failure to comply with a requirement made by or under this Act relating to the subject of the approval;
- (d) for any failure to comply with a condition of the approval.

Reference should be made to Council's Local Orders Policy and Enforcement Policy for details on enforcement processes and actions.

NOTE

- Approvals/consents may be required for certain other activities under the provision of separate legislation, particularly in regard to the erection of other buildings which is controlled by the provisions of the Environmental Planning and Assessment Act.
- Any applications involving the preparation of food, the operation of a temporary food premise must comply with the NSW Food Code.



Keeping of Domestic Animals Policy

**Section 159 of the Local Government
Act 1993**

Adopted by Council 9 August 2017
(Resolution No 2017/204)

Revised by Council 9 November 2022



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1.0 INTRODUCTION

This policy seeks to inform the Narromine Shire community of Council's regulatory powers concerning the keeping of animals in the Narromine Shire Council area and the process which Council uses to determine when to enforce the controls within the policy.

The Orders Policy aims to:

- (a) Minimise the incidence of nuisance being caused to persons;
- (b) Protect the welfare and habitat of wildlife; and
- (c) Safeguard the environment.

It is well documented that the keeping of companion animals and/or pet animals is usually most beneficial to the well-being of people.

As such, it is not the intent of Council nor the policy to enforce the controls within this policy in the first instance but to work with the owner/s of the domestic animal/s to ensure that the keeping of domestic animal/s does not have an adverse impact on the adjoining premises.

Nevertheless, on occasions, complaints are made to Council where animals of an inappropriate kind or number are being kept or where the animals and their accommodation are not being looked after properly.

Implementation of Policy

It is not the intent of Council nor the policy to enforce the controls within this policy in the first instance but to work with the owner/s of the domestic animal/s to ensure that the keeping of domestic animal/s does not have an adverse impact on the adjoining premises.

This policy provides guidance about the criteria Narromine Shire Council will use when determining whether to issue an order when it becomes aware that animals are causing some form of undesirable impact on the community.

It makes it clear that the intention of this Policy is that Council officers will act only on complaint.

Section 7.0 provides guidance on the steps that Narromine Shire Council will follow in an attempt to resolve these undesirable impacts.

2.0 AREA TO WHICH THIS POLICY APPLIES

This Policy applies to the urban areas of Narromine, Trangie and Tomingley in the Narromine Shire Local Government Area. The urban areas are identified on the maps in Appendix 5.

3.0 SCOPE

This policy applies to animals kept for domestic purposes, as companion animals, pets or for hobby interests. This Policy is not intended to replace or supersede the requirements of the Companion Animals Act 1998 or the Prevention of Cruelty to Animals Act 1979.

More stringent conditions will be applied to the keeping of animals for commercial purposes, including boarding, breeding, grooming, caring, treatment, training, racing, exhibiting, trading or selling.

Where it is intended to keep animals for any commercial purposes, it is necessary that a development application be submitted to Narromine Shire Council and planning consent obtained. Consent to the operation of Commercial Animal Establishments may not be allowed where Council considers that the proposal would be harmful to the amenity of the locality.

4.0 AIMS AND OBJECTIVES

- (a) To inform the community of the main statutory restrictions and acceptable limits which apply to the keeping of certain animals for domestic purposes.
- (b) To give guidance and advice to persons as to the keeping of animals for domestic purposes.
- (c) To minimise local nuisance and maximise residential amenity, and to ensure that the keeping of animals does not compromise minimum standards of public health, safety and convenience.
- (d) To establish local standards, acceptable to the Community, for the keeping of animals.
- (e) To publicly notify the circumstances that the Council will consider in determining whether to serve an Order under section 124 of the *Local Government Act 1993* to prohibit, restrict or some other way, require things to be done regarding the keeping of animals.

5.0 GUIDELINES FOR THE NUMBER OF ANIMALS TO BE KEPT ON PREMISES

Narromine Shire Council regularly receives complaints about nuisance caused by keeping animals on premises. Table 8.0 below provides guidance about the number of animals which Council reasonably believes can be kept at a premise without causing a significant nuisance providing the conditions specified in the table are adhered to.

The kind of animal that is suitable to be kept at any premises will be determined having regard to the size of the available yard area and the distance to the nearest dwelling or other prescribed building. Certain statutory requirements also apply as noted in the Table of Requirements.

It should not be assumed that animals of all kinds may be kept on premises which are part of a multiple dwelling allotment. Where a dwelling is owned within a Strata Plan, it will be necessary for the rules of the Body Corporate to be examined for requirements relevant to the keeping of animals.

Animals should be kept in a manner which does not:

- (a) Create unclean or unhealthy conditions for people or for the animals;
- (b) Attract or provide a harbourage for vermin;
- (c) Create offensive noise or odours;
- (d) Cause drainage nuisance or dust nuisance;
- (e) Create waste disposal problems or pollution problems;
- (f) Create an unreasonable annoyance to neighbouring residents;
- (g) Cause nuisance due to proliferation of flies, lice, fleas or other pests and parasites; and
- (h) Cause neighbouring residents to fear for safety.

Suitable facilities and shelters should be provided for all animals. Certain kinds of animals are required to be kept in enclosed locations to prevent escape or attack by predators. Generally other animals are to be securely enclosed with adequate fencing to prevent escape.

Certain animal shelters should not be erected or located at premises without prior approval of Council. Please contact Narromine Shire Council's Regulatory Services for further details.

Design guidelines for the size, layout and construction of animal shelters are produced by the various animal welfare organisations and the Department of Agriculture & Water Resources. These may be adopted from time to time as supplements to this policy.

6.0 COUNCIL'S POWER TO CONTROL AND REGULATE THE KEEPING OF ANIMALS

Generally, Council's powers to control and regulate the keeping of animals are provided under section 124 of the Local Government Act 1993 and the Local Government (General) Regulation 2021. *This is not a new power and has been available to Council since 1993.*

This Policy is intended to be used by Council to provide guidance about the criteria Narromine Shire Council will use when determining whether to exercise its powers and issue an order when it becomes aware that animals are causing some form of undesirable impact on the community.

It is not the intent of Council nor the policy to enforce the controls within this policy in the first instance but to work with the owner/s of the domestic animal/s

to ensure that the keeping of domestic animal/s does not have an adverse impact on the adjoining premises.

Narromine Shire Council may, in the appropriate circumstances, issue an Order to:

- (a) Prohibit the keeping of various kinds of animals;
- (b) Restrict the number of various kinds of animals to be kept at a premise; and
- (c) Require that animals be kept in a specific manner.

Narromine Shire Council may also issue Orders requiring:

- (a) The demolition of animal shelters built without the prior approval of Council; and
- (b) The occupier to do or refrain from doing such things as are specified so as to ensure that land or premises are placed or kept in a safe or healthy condition.

It is advised that Narromine Shire Council can exercise further controls over animals under the following Acts:

- (a) Companion Animal Act 1998;
- (b) Protection of the Environmental Operations Act 1997;
- (c) Environmental Planning and Assessment Act 1979;
- (d) ~~Impounding Act 1993~~ The Public Spaces (Unattended Property) Act 2021; and
- (e) Food Act 2003 (prohibits animals to be kept where food is handled for sale).

7.0 GIVING ORDERS BY COUNCIL

Upon complaint, Narromine Shire Council will undertake the following to determine if it is necessary for Council to enforce the restrictions identified in Table 8 and Table 8a.

- Undertake an inspection of the premises;
- Identify any areas of concern eg: odour, noise, proximity to dwelling and the like;
- Discuss any concerns with the owner/tenant of the premises and/or domestic animal/s;
- Give verbal directions in the first instance to assist the owner of the animal/s to ensure that the keeping of their domestic animal does not have an adverse impact on the amenity of the adjoining premises;
- Undertake follow-up inspections to ensure verbal directions have been implemented
- Monitor the premises to ensure the keeping of their domestic animal does not have an adverse impact on the amenity of the adjoining premises;

- Liaise with community representatives with regard to solving the problem, if needed;
- Inform the complainant of outcome of the investigation.

Where a problem/s is identified with the keeping of animals and it can not be resolved by consultation, Council will proceed to issue a notice of its intention to serve an Order and/or enforcement of the restrictions within the policy.

In situations where urgency is required, an emergency Order may be issued without prior notice.

8.0 TABLE OF REQUIREMENTS

The following table indicates the requirements and relevant considerations regarding the keeping of animals and the restrictions in place taking into consideration clause 7.0 of this policy:

ANIMAL	LAND AFFECTED (Narromine, Trangie & Tomingley)	MAXIMUM NUMBER (excludes offspring to 3 months of age)	MINIMUM DISTANCE (from certain buildings – see Note A)	ADVISORY NOTES
Dogs	Narromine, Trangie & Tomingley	2 large breed 3 small breed	Not applicable	Where complaints are received the criteria in Appendix 1 will be used.
Cats	Narromine, Trangie & Tomingley	2	Not applicable	Where complaints are received the criteria in Appendix 2 will be used
Chickens (excluding roosters)	Narromine, Trangie & Tomingley	No maximum numbers	7.5 metres However, Council require, on the keeping of domestic poultry or fowl, a distance greater than 9 metres in some cases.	<p>The numbers must be appropriate to provide poultry products, including eggs, for domestic consumption of the family living at the premises, e.g. For a family of four it may be acceptable to allow eight chickens which would ideally provide eight eggs per day (two eggs per person).</p> <p>The keeping of poultry must not create a nuisance or be dangerous or injurious to health. Poultry yards must at all times be kept clean, free from rats and mice, and free from offensive odours.</p> <p>Poultry yards must be enclosed to prevent escape of poultry. Hard paving should be provided under roosts in poultry houses to ensure effective cleaning.</p>

ANIMAL	LAND AFFECTED (Narromine, Trangie & Tomingley)	MAXIMUM NUMBER (excludes offspring to 3 months of age)	MINIMUM DISTANCE (from certain buildings – see note A)	ADVISORY NOTES
Roosters	Narromine, Trangie & Tomingley	Prohibited in urban areas	Not applicable	The keeping of roosters is not considered appropriate in urban areas due to noise.
Other poultry including ducks, geese, turkeys, peafowl, guinea fowl and pheasants	Narromine, Trangie & Tomingley	One per person with a maximum of five in total.	7.5 metres	Same as for chickens.
Pigeons	Narromine, Trangie & Tomingley	100 racing birds or 40 stock birds for registered active members of Pigeon Fanciers or Racing Clubs. Non-members of Pigeon Fanciers Clubs or Racing Associations will be permitted to keep up to 20 birds.	15 metres	Nuisance due to noise and also free flight of pigeons is to be minimised. Flying times should be restricted to either 2 hours after sunrise or 2 hours before sunset. Lofts must be constructed to Council approval on hard paving of a smooth surface, or with a suspended floor elevated 800 mm above the ground. Racing pigeon lofts should have adequate visible landing platforms. On no account should birds be allowed to roost on neighbouring buildings. "Open" lofts are not permitted. Free lofting is not permissible. Lofts are to be kept clean at all times. Manure is to be cleaned up daily and disposed of correctly. To minimise odours owners must design and manage lofts to prevent manure becoming wet in rain or during cleaning.

ANIMAL	LAND AFFECTED (Narromine, Trangie & Tomingley)	MAXIMUM NUMBER (excludes offspring to 3 months of age)	MINIMUM DISTANCE (from certain buildings – see Note A)	ADVISORY NOTES
All birds except where otherwise specified	Narromine, Trangie & Tomingley	<p>As appropriate to species, size of cage/aviary or bird room.</p> <p>Keepers of more than 50 birds should be members of official Aviculture societies.</p>	6 metres	<p>Cages and aviaries must be of appropriate size and regularly cleaned.</p> <p>For budgerigars, generally allow a maximum of 30 birds per cubic metre of aviary.</p> <p>All birds should be kept in accordance with the NSW Animal Welfare Code of Practice No 4 - Keeping and Trading of Birds.</p> <p>A National Parks and Wildlife permit is required to keep more than 19 protected birds, or if you wish to sell a protected bird.</p> <p>Registered bird breeders may keep more breeding/show birds but are subject to the requirements of the POEO Act 1997.</p> <p>Noisy birds should be restricted in number and are subject to the requirements of the POEO Act 1997.</p>

ANIMAL	LAND AFFECTED (Narromine, Trangie & Tomingley)	MAXIMUM NUMBER (excludes offspring to 3 months of age)	MINIMUM DISTANCE (from certain buildings – see Note A)	ADVISORY NOTES
Sulphur crested cockatoo and long billed corella	Narromine, Trangie & Tomingley	2 if kept in portable cages 4 if kept in an aviary	3 metres or within dwelling 6 metres	Sulphur crested cockatoo and long billed corellas are likely to be noisy if kept as single caged birds. Registered bird breeders may keep more breeding/show birds but are subject to the requirements of the POEO Act 1997. Noisy birds should be restricted in number and are subject to the requirements of the POEO Act 1997.
Sheep and Goats	Narromine, Trangie	Prohibited in urban areas. Refer to Table 8(a)	Not applicable.	The keeping of goats is not considered appropriate in urban areas due to odours and noise. The provisions of the Local Government (General) Regulation 2021 apply.
Pigs	Narromine, Trangie	Prohibited in urban areas Refer to Table 8(a)	Not applicable	The keeping of pigs is not considered appropriate in urban areas due to odours and noise. The provisions of the Local Government (General) Regulation 2021 apply.

ANIMALS	LAND AFFECTED (Narromine, Trangie & Tomingley)	MAXIMUM NUMBER (excludes offspring to 3 months of age)	MINIMUM DISTANCE (from certain buildings – see Note A)	ADVISORY NOTES
Other Heeved large domestic animals - except horses e.g. llamas/alpacas	Narromine, Trangie	Prohibited in urban areas.	Not applicable	The keeping of heeved large domestic animals is not considered appropriate in urban areas due to odours and noise. The provisions of the Local Government (General) Regulation 2021 apply.
Bees	Narromine, Trangie & Tomingley	Prohibited in urban areas	Not applicable	Not applicable
Horses	Narromine, Trangie	1 -3 depending upon size of allotment Refer clause 9.0 h) Refer to Table 8(a) for Tomingley	9 meters	Horse yards shall not be constructed nearer than two (2) metres from present adjoining boundaries or alternatively, horses must be prevented from reaching into adjoining property by the erection of a two-metre-high fence of suitable design. Stables, shelters and yards shall be properly constructed of suitable materials to the satisfaction of Council. Gates shall be fitted with an approved method of locking. No unsightly development shall be permitted. Ringlock or barbed wire fencing is not permitted.

				<p>The floors of a stable of loose boxes shall be properly graded and drained.</p> <p>Manure shall be raked up daily and placed in suitable, fly proof containers, or other suitable means, approved by Council until removed from the site. All manure containers shall be cleaned and disinfected at least once every seven (7) days.</p> <p>Fouled bedding shall be removed from the stable or yard at least once every seven (7) days.</p> <p>Stables and yards shall be kept clean and tidy to the satisfaction of Council at all times, so as not to be the cause of a nuisance.</p> <p>Horses may be kept on vacant allotments in the built-up areas in accordance with this policy.</p> <p>Stallions are not permitted</p> <p>Refer to Clause 9(h)</p> <p>The provisions of the Local Government (General) Regulation 2021 apply.</p>
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9.0 TABLE 8.0(a) INFORMATION FOR TOMINGLEY AND OTHER SPECIFIED AREAS

The following table indicates the requirements and relevant considerations regarding the keeping of animals and the restrictions in place taking into consideration clause 7.0 of this policy:

ANIMAL	MAXIMUM NUMBER (excluding offspring to 3 months of age)	MINIMUM DISTANCE (from certain buildings – see Note A)	ADVISORY NOTES
Sheep and Goats	No more than 2 female goats upon any one allotment	15 metres	No person shall keep sheep or goats upon any premises under such conditions as to create a nuisance or to be injurious to health.
Pigs	No more than 2 pigs upon any one allotment	15 metres	No person shall keep pigs upon any premises under such conditions as to create a nuisance or to be injurious to health. The yards are to be kept clean and free from offensive odours.
Other Hooved large domestic animals except horses e.g. llamas/alpacas	No more than 2 hooved large domestic animals upon any one allotment	15 metres	No person shall keep hooved large domestic animals upon any such premises under such conditions as to create nuisance or to be injurious to health.
Horses	No more than 3	9 metres	Horse yards shall not be constructed nearer than two (2) metres from present adjoining boundaries or alternatively, horses must be prevented from reaching into adjoining property by the erection of a two-metre-high fence of suitable design. Stables, shelters and yards shall be properly constructed of suitable materials to the satisfaction of Council.

ANIMAL	MAXIMUM NUMBER (excludes offspring to 3 months of age)	MINIMUM DISTANCE (from certain buildings - see Note A)	ADVISORY NOTES
			<p>Gates shall be fitted with an approved method of locking.</p> <p>No unsightly development shall be permitted.</p> <p>Ringlock or barbed wire fencing is not permitted.</p> <p>The floors of a stable of loose boxes shall be properly graded and drained.</p> <p>Manure shall be raked up daily and placed in suitable, fly proof containers, or other suitable means, approved by Council until removed from the site. All manure containers shall be cleaned and disinfected at least once every seven (7) days.</p> <p>Fouled bedding shall be removed from the stable or yard at least once every seven (7) days.</p> <p>Stables and yards shall be kept clean and tidy to the satisfaction of Council at all times, so as not to be the cause of a nuisance.</p> <p>Stallions are not permitted</p> <p>Refer to Clause 9(h)</p> <p>Horses may be kept on vacant allotments in the built-up areas in accordance with this policy.</p>

10.0 NOTES

- (a) The distances indicated in the third column of the above table are to be measured in metres from the animal yard or enclosure to the nearest dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.
- (b) Animal includes a mammal, bird, reptile, amphibian or fish. It does not include a human being (as defined in *Prevention of Cruelty to Animals Act 1979*).
- (c) Schedule 2 of the Local Government (General) Regulation 2021 specifies minimum standards for the keeping of animals. The distances specified (except in the case of pigs) may be varied at a meeting of the Council and notified in writing to the applicant in each particular case.
- (d) Schedule 2 Part 5 of the Local Government (General) Regulation 2021 allows for a variation of requirements of the keeping of poultry and Division 3 allows for variation to the requirements for the keeping of horses and cattle.
- (e) All cages, kennel enclosures, aviaries and or any structure for the keeping of animals over 10m² of floor area and a height of 2.4 metres are subject to the approval of a development application.
- (f) It is a requirement that a combination of no more than 2 types of animals be kept at the maximum number on any one property.
- (g) Refer to Narromine Shire Council's Local Environmental Plan and Development Control Plans for other restrictions that may apply to the keeping of animals in certain areas.
- (h) **Horses**

Commercial type stables and yards may be developed in certain areas within the boundary, with Council approval, but cannot be developed within the residential or business areas.

Persons wishing to carry out such developments should contact Council regarding suitable land for this purpose.

Horse yards and shelters at the rear of dwellings may be used for the keeping of horses subject to Council's approval and conditions thereof.

Each application for the keeping of horses shall be treated on its merits and approval to keep horses may not be granted in every case. Applications are to be submitted by the owner of the land.

Persons keeping horses within the defined area, without Council approval, prior to the appointed day are required to apply for approval in accordance with this policy.

Applications for the keeping of horses and the construction of yards and shelters after the appointed day shall be treated as building applications.

Owner	Director Governance		
Date of Adoption/ Amendment	Revision Number	Minute Number	Review Date
27/1/2016		2015/347	
8/3/2017	2	2017/59	
09/08/2017	3	2017/204	08/08/2021

APPENDIX 1 –PROVISIONS FOR KEEPING DOGS

Introduction

This Appendix identifies criteria and provides clear guidelines to assist persons in keeping dogs, so as to ensure that the activity does not have any detrimental impact on the health and amenity of the surrounding area or to the environment.

Objective

To maintain the amenity of residents and surrounds by ensuring no interference is caused through the emission of unreasonable noise, smell or otherwise as a result of keeping dogs.

Provisions for meeting the objective

- (a) All kennel enclosures or other structures for the keeping of dogs over 10m² of floor area and a maximum height of 2.4 metres are subject to the approval of a development application.
- (b) The floors of kennel enclosures must be paved with concrete, mineral asphalt or other equally impervious material, and must be properly graded to drain in order to facilitate easy cleaning and prevent the build-up of faeces.
- (c) Kennel and dog enclosures are to be kept clean and free of offensive odours at all times. Solid waste is to be regularly collected, 'bagged' and disposed of to garbage.
- (d) Waste water associated with the cleaning of any kennel or dog enclosure should be disposed of to Council's sewer in accordance with the Local Government Act 1993 and regulations.
- (e) No interference with the amenity of the area by reason of the emission of unreasonable noise, smell or otherwise is to be the result of the keeping of dogs.
- (f) Dog yards must be so enclosed as to prevent the escape of dogs.
- (g) The *Companion Animals Act 1998* requires permanent identification and life-time registration and effective control of dogs at all times.
- (h) Where the above provisions cannot be met, the owner of the dogs must demonstrate methods for achieving the objective. Each method will be assessed individually.

Implications

Where complaints are received about odour, noise or other issues relating to the keeping of dogs, Council will conduct an inspection of the property. It is the responsibility of the owner to demonstrate that adequate yard size relative to the size and number of dogs, proper care and desexing has been provided and control has been maintained.

Council has powers under the Section 124 of the Local Government Act to impose restrictions on the numbers and manner in which dogs are kept on a particular property.

APPENDIX 2 –PROVISIONS FOR KEEPING CATS

Introduction

This Appendix identifies criteria and provides clear guidelines to assist persons in keeping cats, so as to ensure that the activity does not have any detrimental impact on the health and amenity of the surrounding area or to the environment.

Objective

To maintain the amenity of residents and surrounding environment by ensuring no interference is caused through the emission of unreasonable noise, smell or otherwise as a result of keeping cats.

Provisions for meeting the objective

- (a) All structures for the keeping of cats over 10m² of floor area and a maximum height of 2.4 metres are subject to the approval of a development application. Such structures are subject to the same conditions as imposed on dog enclosures.
- (b) No interference with the amenity of the area by reason of the emission of unreasonable noise, smell or otherwise is to be the result of the keeping of cats.
- (c) The *Companion Animals Act 1998* requires permanent identification and life-time registration.
- (d) Cats must not repeatedly damage anything outside the property on which it is ordinarily kept.
- (e) Cats must be locked indoors or in a suitable enclosure *between sunset and sunrise* to prevent attacks on wildlife.
- (f) The use of identity collars with multiple bells is encouraged to protect wildlife.
- (g) Where the above provisions cannot be met, the owner of the cats must demonstrate methods for achieving the objective. Each method will be assessed individually.

Implications

Where complaints are received about odour, noise or other issues relating to the keeping of cats, Council will conduct an inspection of the property. It is the responsibility of the owner to demonstrate that proper care and desexing has been provided and control of the animal maintained.

Council has powers under the Section 124 of the Local Government Act to impose restrictions on the numbers and manner in which cats are kept on a particular property.

APPENDIX 3 – BARKING DOGS

Barking is one of the ways dogs communicate. It can signify anything from playfulness to danger. However, dogs sometimes bark for other reasons when, for example, they are:

- chained to a fixed point without enough room to move or kept in a space which is too small
- provoked, deliberately or unintentionally, by people or roaming dogs
- under-exercised or not exercised at all
- lacking training
- lonely
- sick
- hungry, thirsty, on the wrong diet or generally neglected.

These causes of barking shouldn't be part of a dog's life. As well as indicating a possibly distressed animal, chronic excessive barking can be a nuisance to people living nearby.

This information is intended to make life better for dog owners, their neighbours and, of course, for dogs themselves.

Caring for Dogs

- Compassion and common sense can eliminate many of the problems, which lead to excessive barking. The following suggestions may help dog owners solve any problems they may be having.
- Provide enough space for your dog to move freely within your enclosed backyard. A dog shouldn't be left on a fixed chain for long periods as this contributes to savagery and often increases nuisance from barking or odour problems. If your dog has to be chained, it should be on a running chain.
- Give your dog a place of its own. This can be a ventilated and waterproof kennel or an indoor area. A dog kept in an enclosed area at night will not usually bark and annoy neighbours.
- Exercise your dog regularly and adequately for its breed and size. Remember that when you exercise your dog in a public place it should be kept on a leash.
- Your dog will accept kind but firm discipline. Take it to a good obedience school when the pet is young and you will enjoy the benefits.
- Give your dog a balanced and varied diet. Main meals should consist of processed meat and dried dog foods. Feeding times should be regular and a supply of fresh water should be available at all times. The evening meal of meat should be given between 6pm and 9pm.
- Dogs suffer from a range of common ailments like fleas, worms, distemper, cuts and bruises. Daily examination, regular baths and veterinary attention when necessary will help to ensure that your dog doesn't suffer from health problems. When boarding dogs, provide one run per animal and partition each run so that direct line of sight is eliminated. This will prevent competition between animals.
- In all these areas your dog will respond to good care.

Curing the Barking Habit

If you feel that your dog is well cared for, but continues to bark excessively, there are a number of things you can try:

- Remove direct line of sight between the dog and children or animals which may provoke barking.
- Take the dog to a recognised animal trainer for specialist training to discourage bad habits.
- Provide noise insulation for the kennel.
- There are various aids that help prevent barking (e.g. 'citronella' collars are effective and endorsed by the RSPCA). Ask your vet or local council about these.

**Be a responsible pet owner
ensure your companion animal is microchipped, desexed and registered**

APPENDIX 4 – Nuisance Dogs

Section 32A Companion Animals Act 1998

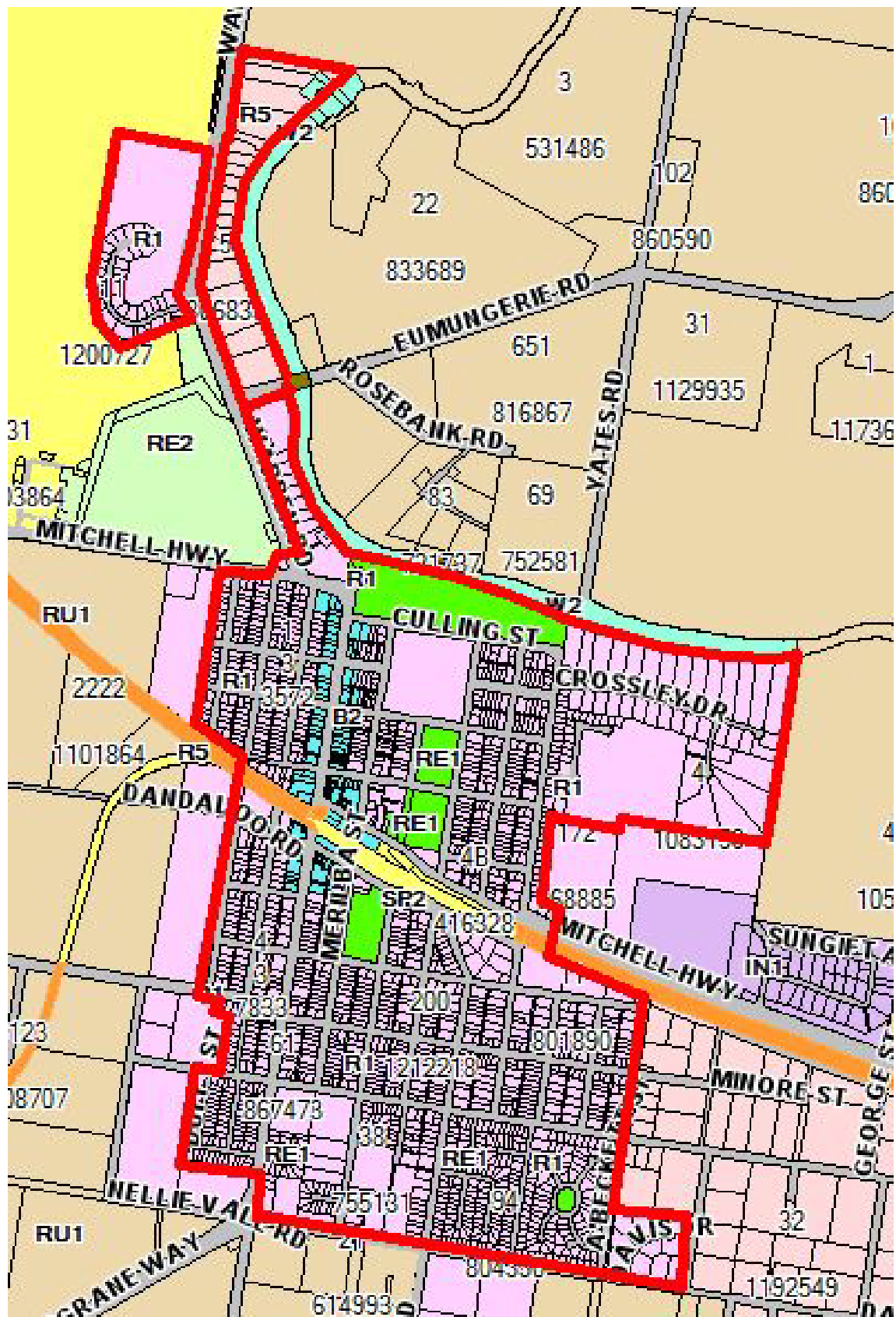
Below is the legal definition of a nuisance dog as defined by the New South Wales Companion Animals Act 1998, and the actions Council may take in relation to nuisance barking roaming, aggression or destructive behaviour.

Section 21 Nuisance Dogs

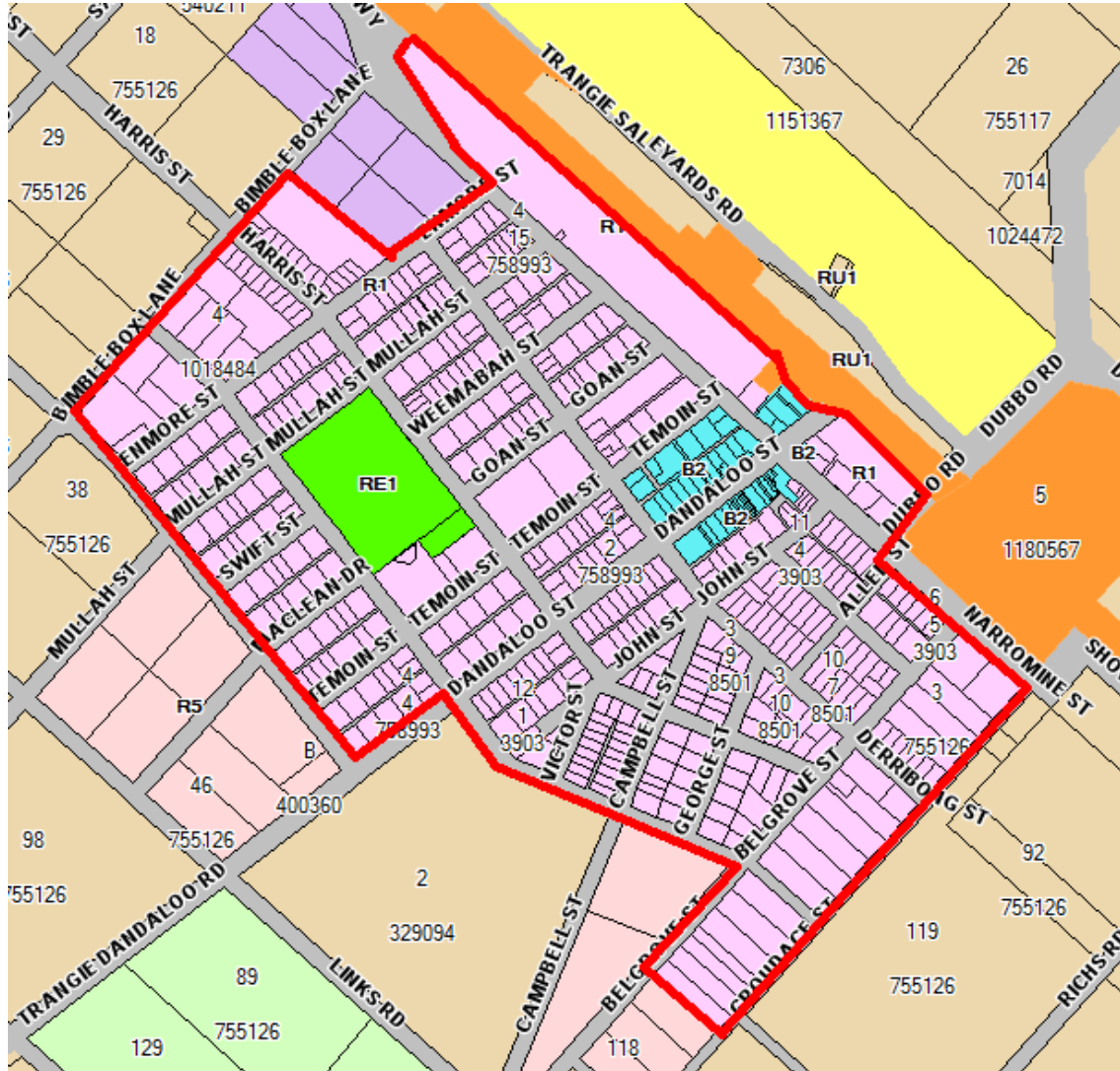
- (1) For the purposes of this section, a dog is a nuisance if the dog:
 - (a) is habitually at large, or
 - (b) makes a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or
 - (c) repeatedly defecates on property (other than a public place) outside the property on which it is ordinarily kept, or
 - (d) repeatedly runs at or chases any person, animal (other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting stock) or vehicle, or
 - (e) endangers the health of any person or animal (other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting stock), or
 - (f) repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.
- (2) If an authorised officer of a council is satisfied that a dog is a nuisance, the officer may, after complying with section 32B, issue an order in the approved form to the owner of the dog requiring the owner to prevent the behaviour that is alleged to constitute the nuisance.
- (3) The order must specify the behaviour of the dog that is required to be prevented. The order can specify more than one kind of behaviour.
- (4) An order remains in force for 6 months after it is issued.
- (5) The owner of a dog must comply with an order issued to the owner under this section and must continue to comply with it while it is in force.
Maximum penalty: 8 penalty units for a first offence or 15 penalty units for a second or subsequent offence.
- (6) A council whose authorised officer issues an order under this section must notify the Director-General within 7 days after the order is issued.
- (7) An order under this section is final and is not subject to any appeal or review.

APPENDIX 5 – Maps (Urban Area)

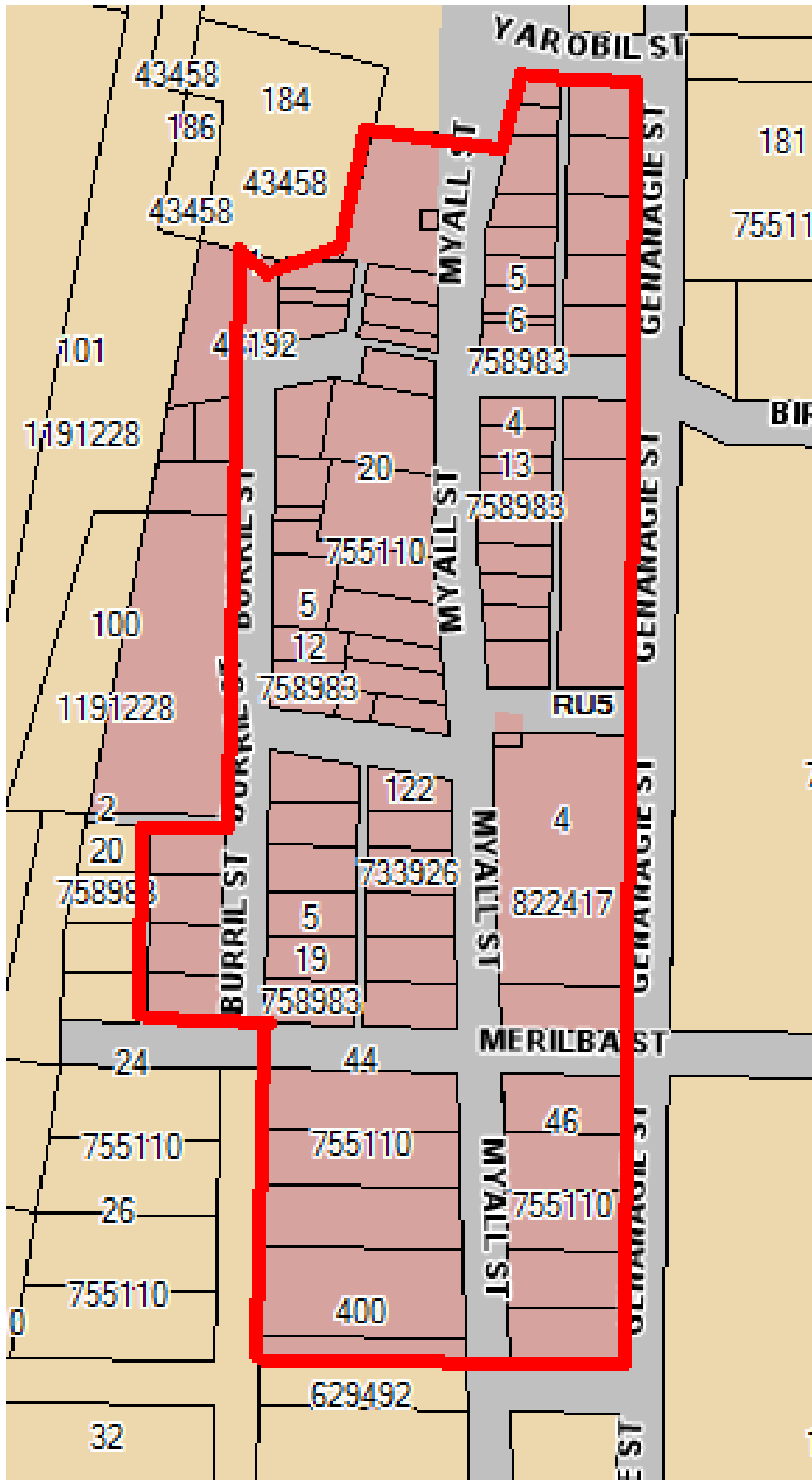
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