



10. PROPERTY MANAGEMENT

Policy 10.2

**COUNCIL – CLOSURE OF COUNCIL FACILITIES OVER THE
CHRISTMAS / NEW YEAR PERIOD**

Version 2

10. PROPERTY MANAGEMENT

10.2 COUNCIL – CLOSURE OF COUNCIL FACILITIES OVER THE CHRISTMAS/NEW YEAR PERIOD

OBJECTIVE

To provide a policy consistent with the provisions of section 335 and others of the Local Government Act 1993 authorising the General Manager to close select Council facilities over the Christmas/New Year period each year.

POLICY

1. That Council authorise the General Manager to determine closure of Council facilities over the Christmas/New Year period each year, emergency services excepted.
2. That Council rely on the statutory role of the General Manager as stated in section 335 and others of the Local Government Act 1993.... "*that the general manager is generally responsible for the efficient and effective operation of the council's organisation.....*"
3. That the General Manager advise members of the public of by way of advertisements in the print media and other media sources as required, of the Council facilities that will be open and/or closed during the Christmas/New Year period each year.

Maintained by Department:	Executive	Approved by:	Council		
Reference:	Dataworks: Policy Register	Council Policy No:	10.2	Effective Date:	16/10/2006
Min No:	Min No V1 - 06-349 Min No V2 -	Version No:	2	Reviewed Date:	Oct 2007 Sept 2013
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10. PROPERTY MANAGEMENT

Policy 10.3

SMOKE FREE ENVIRONMENT

Version 2

10. PROPERTY MANAGEMENT

10.3 SMOKE FREE ENVIRONMENT

OBJECTIVE: To provide a healthy environment for employees and the public alike.

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POLICY:

1 Smoking is not permitted in any buildings/premises either owned or controlled by Council, nor in any Council plant, machinery or motor vehicles.

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2. The Smoke-free Environment Act 2000 also makes the following settings smoke free:

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- Public playgrounds within 10 metres of children's play equipment;
- Open areas of public swimming pools;
- Major sporting facilities and at public sports grounds;
- Public transport stops and stations;
- Within 4 metres of the pedestrian access point to a public building; and
- From 2015, commercial outdoor dining areas.

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Maintained by Department:	Environment	Approved by:	Council		
Reference:	Dataworks: Policy Register	Council Policy No:	10.3	Effective Date:	16/10/2006
Min No:	V1 -06-349 V2 -	Version No:	2	Reviewed Date:	Oct 2013
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Policy 10.4

NAMING OF COUNCIL FACILITIES

Version 2

10. PROPERTY MANAGEMENT

10.4 NAMING OF COUNCIL FACILITIES

OBJECTIVE:

To provide a consistent and standard procedure for naming Council facilities.

POLICY:

That Council adopt the following Guidelines when considering the naming of a Council facility.

GUIDELINES FOR THE NAMING OF COUNCIL FACILITIES

1 NAMING – General

When submitting a recommendation to Council for the naming of a facility the following information is required:

- (i) Proposed name;
- (ii) Reason for choice of name.

In considering the name submitted for the facility Council will use the following criteria:

- (i) Names will be appropriate to the physical, historical and cultural character of the facility;
- (ii) Duplication of names within the City area is not permitted;
- (iii) Names of an historic nature, Aboriginal significance, local cultural significance, local flora and fauna are preferred;
- (iv) Names considered offensive or likely to give offence shall not be used.

As a rule, names of living persons will only be assigned to facilities where the person is of great eminence.

However, if considered appropriate, the names of eminent local persons, now deceased, may be perpetuated, particularly those of early explorers, settlers and naturalists.

2 NAMING – After People

If naming after a person, details are to be given including:

- (i) the person's name;
- (ii) a brief biography including other facts that might add to the justification for commemorative naming.

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(iii) Location; .
(iv) Description and extend of the feature; and .

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Deleted: (iv) Thematic names such as flora, fauna, etc are generally preferred;

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(iii) last residence;¶
(iv) association with the feature to be named;

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The following could be relevant to the justification process:

The person will:

- (i) have made a significant contribution to the activity/sport/cultural/community pursuit for which the facility has been built/constructed/provided;
- (ii) have been nominated by the peer group/committee/administrative body of the relevant activity/sport/cultural/community pursuit which is the major user (historically and currently) of the facility;
- (iii) have made a considerable personal contribution to the eventual outcome of the building/construction/provision of the facility which is to be named. This contribution will relate to management/fundraising/organisational efforts of the individual in the development of the facility;
- (iv) be the most appropriate person to have the facility named after; and
- (v) be a resident of the Local Government Area or surrounding district, or, if deceased, have been a resident of the Local Government Area or surrounding district.

The naming shall not be solely on the basis of the person's:

- (i) political persuasion;
- (ii) personal financial contribution;
- (iii) status/position within an organisation; or
- (iv) standing in the community.

THE PROCESS

1. The initial proposal will be reported to Council.
2. Should Council resolve to proceed with a proposed name it will be advertised for community comment for a minimum of 14 days.
3. Results of the consultation process will be reported to Council.
4. Council will resolve as it sees appropriate which may include acceptance of a naming proposal, rejection of the proposal, further advertising or no further action.

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(i) the financial contribution of the individual to the development of the facility;
(ii) broad community respect for the individual;
(iii) community acceptance of the proposal generally; and
(iv) possible alternative naming which may be more appropriate for the facility taking into account such things as geographic location, proximity to natural and man made features and aboriginal traditional names pertaining to the local area where the facility is situated.

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No consideration should be given to criteria irrelevant to the issue at hand. Not gossip, rumour or hearsay as to the person's character. A decision should be based entirely on facts as presented and known. When naming it is envisaged that the name will be applied for the life of the facility so it is important that the particular name is the most appropriate name and that community knowledge of the relevance of the name will not be quickly lost. Community, in this situation, means the particular section of the Lithgow and surrounding population which predominantly uses and is most likely to use the facility in the future.

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In considering the naming the process needs to be open. Whilst this may cause some pain in the public evaluation of a person's worthiness, it ensures the process is transparent and can be scrutinised openly. Legitimacy of decisions will be ensured.

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10. PROPERTY MANAGEMENT

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Policy 10.5

BUS SHELTERS / STREET SEATING - ADVERTISING

Version 3

10. PROPERTY MANAGEMENT

10.5 BUS SHELTERS/STREET SEATING - ADVERTISING

OBJECTIVE:

To control advertising on bus shelters, street seating and other public facilities.

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POLICY:

Unless otherwise restricted by a State Environmental Planning Policy, Local Environmental Plan or Development Control Plan Council may permit advertising on bus shelters, street seating and other public facilities subject to formal agreement on conditions, fees and locations under the delegated authority of the General Manager.

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Such advertising must take into consideration Council's policy stance on matters and will not include matters relating to:

- Tobacco;
- Alcohol;
- Illegal drugs or activities; or
- Advertisements for sex services or restricted premises.

Preference for advertising will be given to local tourism related features/activities in the first instance, however, Council will make the ultimate decision based on good business practice.

Nothing in this policy abrogates any requirement for development consent or any other regulatory approval if necessary.

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Maintained by Department:	Operations	Approved by:	Council		
Reference:	Dataworks: Policy Register	Council Policy No:	10.5	Effective Date:	XX/XX/XX
Min No:	V1 - 06-349 V2 - 09-189 V3 - ▼	Version No:	3	Review Date:	Mar 2009 <u>October</u> 2013
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10. PROPERTY MANAGEMENT

Policy 10.6

FOOTPATH RESERVATIONS – WORKS UNDERTAKEN BY
ADJACENT LANDOWNERS

Version 3

10. PROPERTY MANAGEMENT

10.6 FOOTPATH RESERVATIONS - WORKS UNDERTAKEN BY ADJACENT LANDOWNERS

OBJECTIVE: To determine works that may be undertaken on footpaths by adjacent landowners.

POLICY:

That the following is Council's Policy in relation to works undertaken by adjacent landowners on footpath reservations:

1. That where applicable, practical and reasonable, Council's standard footpath levels will be maintained. Those levels are as follows:
 - (i) In areas where the footpath reservation is to be totally paved from the top of kerb to the adjacent boundary - cross fall to be 1 in 50 towards the kerb;
 - (ii) In areas where the footpath is unpaved or partially paved, cross fall from kerb to the adjacent boundaries is 1 in 35 towards the kerb.

Property owners carrying out works within the footpath reservation area are to ensure these levels are maintained. If development is such that levels and cross falls can not be maintained such alteration must be approved by Council in writing.

2. Where the standard levels are impracticable due to terrain or man-made improvements prior to this Policy, every endeavour will be made to establish a pedestrian pathway of variable widths to obviate the need for pedestrians to walk on the road carriageway.
3. Where approval is sought by an adjacent land occupier for embellishments to the adjacent footpaths, such beautification and additions will be allowed subject to compliance with a reasonable standard of aesthetics, public safety and must be approved by Council, in writing.
4. Letter boxes will be permitted to be installed immediately behind the kerb to facilitate footpath beautification, but such letter boxes are to be conducive to the surrounds as regards to aesthetics and not pose a threat to public safety.
5. Street trees will be permitted to be planted, but must conform to the avenue planting as designated for each particular street and for Council's standard footpath width of 3.5 metres, the correct alignment for tree planting is one (1) metre behind face of kerb.

6. All improvements, additions and embellishments on the footpath area at intersections and road junctions must comply with Council's Policy regarding the required sight distance for traffic.
7. Where Council's levels have not been attained or maintained within any subject footpath reservation area and the adjacent lands are subject to redevelopment, Council will take action to establish or re-establish the required Council levels and cross-falls and form any required batter within the adjacent private property.

Where the land is subject to a development application/construction certificate, such action will be the basis of a condition for that application.

8. Where additional features/works are carried out on Council owned or controlled verges, the adjacent landowner must assume ongoing responsibility for their maintenance to a level of Council's satisfaction.

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Reference:	Dataworks: Policy Register	Council Policy No:	10.6	Effective Date:	XX/XX/XX
Min No:	V1 - 06-349 V2 - 09-189 V3 - TBA	Version No:	3	Reviewed Date:	Apr 2009 Jul 2013
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Policy 10.7

KERB AND GUTTER CONSTRUCTION - CONTRIBUTIONS

Version **3**

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10. PROPERTY MANAGEMENT

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10.7 KERB & GUTTER CONSTRUCTION - CONTRIBUTIONS

OBJECTIVE:

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To determine the contribution level required to be paid to Council by landowners with respect to kerb and gutter construction.

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POLICY:

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The following contributions apply to landowners towards the assessed cost of works for kerb and gutter construction and any other work incidental thereto throughout the Local Government Area regardless of Council's source of funding:

1. Frontage - Standard rate as determined by Council which shall not exceed 50% of total cost
2. Side - 25% of standard rate
3. Rear - 25% of standard rate
4. Kerb Returns - At Council's cost

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Reference:	Dataworks: Policy Register	Council Policy No:	10.7	Effective Date:	11/5/09
Min No:	V1 - 06-349 V2 - 09-189 V3 -	Version No:	3	Review Date:	Apr 2009 July 2013
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10. PROPERTY MANAGEMENT

Policy 10.8

PUBLIC GATES AND GRIDS ON LOCAL ROADS

Version 3

10. PROPERTY MANAGEMENT

10.8 PUBLIC GATES AND GRIDS ON LOCAL ROADS

OBJECTIVES:

The objectives of this policy are to:

1. Provide a policy for landholders concerning the construction and maintenance of public gates and grids on public roads.
2. Provide the basis for guidelines for landholders to make applications to Council for a permit to erect a public gate or grids.
3. Delegate authority under the Roads Act 1993 for the authorised person to act on behalf of Council to administer Section 128 to 137 of the Roads Act 1993 in accordance with this Policy.

POLICY:

Lithgow City Council is the Roads Authority under the Roads Act 1993 for most of the public roads contained within the Local Government area. As such Council may issue (or revoke) permits for public gates and bypass structures (such as grids) which cross a public road.

Council's public road network consists of two lane two way and one lane two way roads that can either consist of gravel or sealed pavements. The classification of these roads will inevitably vary with time pending future development and subsequent demands on the road network. With this in mind Council requires the flexibility to determine whether grids are suitable given safety considerations based on traffic volumes, road alignment, and other public gates and factors, such as public comment.

1. EXISTING PUBLIC GATES & BYPASS STRUCTURES

All public gates and associated bypass structures (grids) are presumed to have been erected in accordance with a permit issued under Part 9 Division 2 of the Roads Act 1993. Any previous policies or conditions for maintenance previously in place are superseded by the requirements and responsibilities as outlined below

Requirement	Responsibility
a. That public gates, grids and associated fencing remain the property of the landholder and are maintained in a safe and serviceable condition. Landholders shall ensure that public access is maintained following the installation of gates or grids and for this purpose public gates shall not be locked.	Landholder(s)
b. That public gates and grids are inspected on a quarterly basis and records in relation to the inspection are kept for a period of one year from the date of inspection.	Landholder(s)
c. That all defects identified are repaired by suitably qualified /experienced tradesperson(s) after consultation with Council to determine traffic control requirements from the point of time of defect identification to completion of necessary repairs.	Landholder(s)

Requirement	Responsibility
d. That public gates and grids are covered under the public liability insurance of the landholder for any alleged/proven damage (including personal injuries) caused by the ramp structure to a motor vehicle or persons travelling that public roadway, upon which the gates and ramp is placed.	Landholder(s)
e. Council may revoke a public gate and/or grid permit if; <ul style="list-style-type: none"> i. The public gate and/or grid is not maintained in a serviceable condition; ii. The public gate and/or grid no longer serves its original function; iii. The public gate and/or grid presents a safety issue to road users; iv. Or for other non specific reasons that may occur from time to time. 	Council

If a permit is revoked and the owner fails to remove the grid or gate within the time limits specified in the Roads Act 1993, the Council may remove the grid or gate and recover the cost from the landholder.

2. APPLYING FOR PUBLIC GATE & BYPASS STRUCTURE PERMITS

There are a number of reasons why public gates and/or associated bypass structures may be approved by Council. Alterations to property boundaries and adjustments to internal fencing are just a few of the reasons why this may occur. When a landholder requests a permit to install a new public gate and/or grid the authorised person will review the request under the delegated authority of the Council. Council is under no obligation to approve a public gate and/or grid. The Roads Act 1993 and the Roads Regulation 2000 describes the procedure for requesting a permit for a public gate or bypass.

3. DELEGATION TO GENERAL MANAGER

The implementation of this Policy is bound by the requirements of Division 2, Part 9 of the Roads Act 1993 and the supporting regulations which provide the Council, as the roads authority, with the power to issue and revoke permits for the installation of public gates and bypass structures across public roads.

For the purpose of exercising this function, Council has delegated the function to the General Manager pursuant to section 377 of the Local Government Act.

Maintained by Department:	Operations	Approved by:	Council		
Reference:	Dataworks: Policy Register	Council Policy No:	10.8	Effective Date:	2006
Min No:	V1 - 06-349 V2 - 09-189 V3 - TBA	Version No:	3	Reviewed Date:	Apr 2009 Oct 2013
Attachments:					