



1. ACQUISITION AND DISPOSAL OF ASSETS

Policy 1.1

LAND (COUNCIL) - LEASES - LEGAL COSTS

Version 3

1.ACQUISITION AND DISPOSAL OF ASSETS

1.1 LAND (COUNCIL) - LEASES - LEGAL COSTS

OBJECTIVE:

To recover Council's costs in the investigation and/or the final preparation of lease agreements, or the sale of Council owned land to a third party upon the latter's request, ensuring the monetary benefit to Council of such lease agreements.

POLICY:

That where Council enters into an agreement particularly with respect to the leasing or sale of Council owned land or building, the Lessee and/or purchaser will be responsible for all reasonable legal costs and stamp duty, if any, incurred by Council associated with the investigation and/or the final preparation of such Agreement, together with an administrative charge to be reviewed annually and included in Council's Operational Plan and Delivery Program.

Maintained by Department:	<u>Corporate & Community Economic Development & Environment</u>	Approved by:	Council		
Reference:	Dataworks: Policy Register	Council Policy No:	1.1	Effective Date:	4 Nov 08
Min No:	06-349 V1 P08-136 V3 - 13-432	Version No:	3	Reviewed Date:	October 2009 August 2013 <u>June 2017</u>
Attachments:					



5. COMPLIANCE

Policy 5.2

ENCROACHMENTS ONTO PUBLIC ROADS

Version 3

5. COMPLIANCE

5.2 ENCROACHMENTS ONTO PUBLIC ROADS

OBJECTIVE:

To ensure that users of the footpaths and carriage ways are not obstructed, and to encourage uniformity of projections in relation to the streetscape.

POLICY:

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

Awnings:

- The height of the awning (ie the distance between the footpath and underside of the awning) shall be a minimum of 2.6 metres.
- If required to achieve uniformity with awnings on adjoining premises, Council will consider awnings of lesser height than 2.6 metres.
- If adjoining awnings are greater than 2.6 metres, Council may require the applicant for a new awning to match the awning height of those adjoining premises.
- Awnings must be set back a minimum of 600mm from the kerb line. Council may consider variations from this set back providing the proposed awning is not a post supported awning.

Awning Blinds:

The height above the footpath shall be a minimum of 2.6 metres.

Advertising Signs:

The height above the footpath shall be at least 2.6 metres and must be a minimum 600mm from the vertical projection of the kerb line or carriage way.

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

Eaves, Cornices, the Like:

The height above the footpath shall be a minimum of 2.6 metres.

Maintained by Department:	<u>Economic Development & Environment</u> Environment & Development	Approved by:	Council		
Reference:	Dataworks: Policy Register	Council Policy No:	5.2	Effective Date:	11/5/09
Min No:	V1 06-349 V2 09-189 V3 - 14-131	Version No:	3	Reviewed Date:	October 2013 <u>June 2017</u>

Attachments:	
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5. COMPLIANCE

Policy 5.3

FOOTPATH TRADING

Version 34

5. COMPLIANCE

5.3 FOOTPATH TRADING

OBJECTIVES:

- i) To control the display of goods for sale/display on the footpath/road reserve areas.
- ii) To encourage the establishment of outdoor seating areas in accordance with clearly documented guidelines.

POLICY:

Council may permit the use of public footpaths for the display of goods (including signage) by an adjacent shop or outdoor eating areas in association with an adjacent restaurant or food premises.

1. General

- (i) Any person lawfully occupying a business premises adjacent to a Council footpath may apply to Council for approval to display goods, place advertising structures or place tables/chairs for dining subject to the terms of this policy.
- (ii) Council does not permit the obstruction of pedestrian accesses / crossings by goods displayed on footpaths, road reserves or other community/public areas unless Council has issued an approval in pursuant to this policy and/or any special conditions applied to any approval.
- (iii) Any approval issued under this policy is renewable annually and will expire on 30 June each year.
- (iv) Council will send a reminder notice to renew the approval at least one (1) month prior to the expiry of the approval ~~which~~.
- (v) An application to renew an approval shall be submitted to Council no later than two (2) weeks prior to expiration of the expiry date referred to in 1(iii).
- (vi) Applications submitted for renewal within the timeframe referred to in 1(iv) shall ensure, subject to compliance with 1(vi), that the approval ~~in~~ does not expire on 30 June but will remain in place until Council has determined the renewal application and informed the applicant of the decision.
- (vii) Applicants or persons benefiting from an approval under this policy are required to hold a Public Liability Policy of at least \$20,000,000. Council is to be supplied with a certified copy of the insurance policy with application for approval; ~~and any at least annually with the renewal application of insurance~~; within 7 days of the issuance of a new or replacement policy or upon request. Such a policy is to have Council's

interest noted. The applicant/proprietor must indemnify the Council from any liability arising from the agreement to a minimum of \$20,000,000.™

- (viii) An approval issued under this policy is invalid in the event that the public liability insurance referred to in 1(vi) expires and the approval remains invalid until such time as a copy of any new or replacement policy is supplied to Council, Council acknowledges receipt and confirms such insurance policy complies with the terms of this policy.
- (ix) The Council reserves the right to cancel or suspend any approval issued under this policy at any time should the terms of this policy and any approval be contravened; should any fees remain unpaid; or should access to the footpath or nearby area be required for construction or repair works.
- (x) Should the requirements of this policy be varied from time to time then persons with the benefit of an approval may be required to comply with the terms of any new or updated policy.
- (xi) Any fees payable for an application for approval, renewal or any other aspect of this policy shall be the subject of annual review by Council in consideration of its annual fees and charges.
- (xii) Should an applicant for approval or renewal under this policy wish to seek a variation from the terms of this policy, then they should clearly state the reasons why the variation is sought and provide justification as to why Council should allow a variation from the policy.
- (xiii) Variations will not be considered for the insurance requirement as outlined in 1(vii) above.
- (xiv) The General Manager or his delegate has the authority to consider variations in respect of any of the requirements of this policy relating to distances, measurements, clearances and dimensions. All other variations are to be considered by the elected Council.
- (xv) This policy does not apply to the use of footpaths in association with 'special events' (eg Celebrate Lithgow) which are subject to a separate process.

2. Goods on footpaths (including signage)

- (i) There will be clear identification of the area in which goods are intended to be displayed with any application for approval or annual renewal that the applicant supplies to Council.
- (ii) All display areas, if approval is given, shall allow a minimum clearance for pedestrian traffic of at least 1.5m.
- (iii) Goods shall be placed in an area no more than 1.5 metres from the shop front.
- (iv) Notwithstanding 2(iii) goods on footpaths may be displayed on the 'kerb side' of the footpath providing the clearance for pedestrian traffic

referred to in 2(ii) is provided and a minimum clearance of 600mm from the kerb is provided. (NB – The 600mm clearance from the kerb may be reduced where adjacent street furniture is already less than 600mm)

- (v) All goods displayed on the footpath shall be of good quality construction and finishes and shall (if necessary) be secured so as not to cause a hazard in times of high wind.
- (vi) The applicant/proprietor shall be responsible for the goods and any insurance issue arising from goods obstructing access.
- (vii) The applicant/proprietor shall be responsible for the removal of all goods on a daily basis at the close of trading.
- (viii) Display of goods shall be confined to the area of footpath adjacent to the premises. Before consideration would be given to areas not adjacent to the premises, the written consent of the adjoining owner and tenant must be obtained by the proprietor (to use the adjoining footpath frontage).
- (ix) Advertising signs shall have maximum dimensions of 1000mm wide and 1100m high and shall only contain content associated with the adjacent business.

3. Restaurant Seating

- (i) There will be clear identification of the area in which seating, tables and any associated items are intended to be displayed with any application for approval or annual renewal that the applicant supplies to Council.
- (ii) All restaurant seating, if approval is given, shall allow a minimum clearance for pedestrian traffic of at least 1.5m. Where seating is associated with a table this distance is to be measured with each chair setback 300mm from the table.
- (iii) Restaurant seating shall be placed in an area no more than 1.5 metres from the shop front.
- (iv) Notwithstanding 2(iii) restaurant seating on footpaths may be situated on the 'kerb side' of the footpath providing the clearance for pedestrian traffic referred to in 2(ii) is provided and a minimum clearance of 600mm from the kerb is provided. (NB – The 600mm clearance from the kerb may be reduced where adjacent street furniture is already less than 600mm)
- (v) All seating, tables and associated items to be situated on the footpath shall be of good quality construction and finishes and shall (if necessary) be secured so as not to cause a hazard in times of high wind.
- (vi) The applicant/proprietor shall be responsible for the seating, tables and associated items and any insurance issues arising from obstructing access.

- (vii) The applicant/proprietor shall be responsible for the removal of all seating, tables and associated items on a daily basis at the close of trading.
- (viii) The applicant/proprietor shall be responsible for the disposal of litter and cleaning of the footpath occupied by the outdoor eating area.
- (ix) Placement of chairs and tables shall be confined to the area of footpath adjacent to the restaurant premises. Before consideration would be given to areas not adjacent to the restaurant, the written consent of the adjoining owner and tenant must be obtained by the proprietor (to use the adjoining footpath frontage).
- (x) No advertisements will be permitted to be placed within the agreed outdoor eating area or in the adjoining footpath area unless it complies with the terms of this policy.
- (xi) Outdoor eating furniture shall not restrict the access to public seating facilities. The Council may in certain circumstances agree to the relocation of such facilities at the expense of the proprietor. No interference or use of the facilities will be permitted without the approval of the Council.

Maintained by Department:	<u>Economic Development & Environment</u>	Approved by:	Council		
Reference:	Dataworks: Policy Register	Council Policy No:	5.3	Effective Date:	11/5/09
Min No:	V1 - 06-349 V2 - 09-189 V3 - 12-476 V3- 14-131	Version No:	3	Reviewed Date:	14/5/12 26/11/12 24/3/14 <u>June 2017</u>
Attachments:					



5. COMPLIANCE

Policy 5.4

ENFORCEMENT POLICY

Version 3

5. COMPLIANCE

5.4 COMPLIANCE – ENFORCEMENT POLICY

OBJECTIVE:

To establish clear guidelines for dealing with alleged or suspected unlawful activity or failure to comply with terms of conditions of approvals, consents or orders.

POLICY:

- The Policy applies to the investigation and enforcement of alleged or suspected unlawful activity or failure to comply with terms or conditions of approvals, consents or orders.
- **Unlawful activity** means any activity or work that has been or is being carried out:
 - a. Contrary to an environmental planning instrument that regulates the activity(ies) or work that can be carried out on particular land;
 - b. Contrary to the terms or conditions of a development consent or other approval under the control of council;
 - c. Contrary to a legislative provision regulating a particular activity or work
 - d. Without a required development consent or other approval.
- The policy covers, but is not limited to, compliance issues in areas such as regulation of development activity, pollution control, regulation of parking, regulation of food premises and control of animals.

1. COMPLAINTS REGISTRATION¹

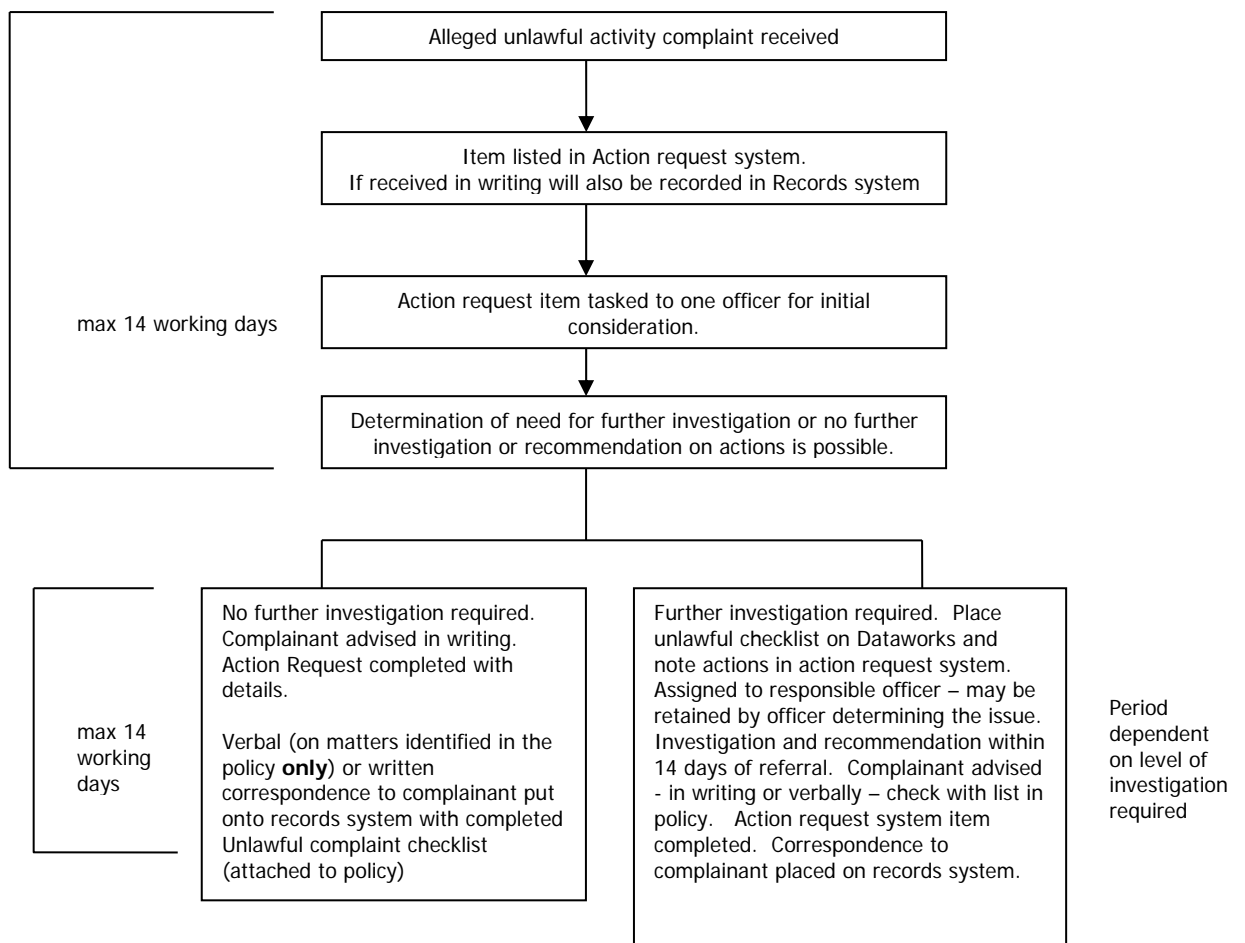
- All alleged unlawful activity complaints are to be registered in the Action Request system.
- Every complaint is to be assigned to one officer for consideration and determination if further investigation is required. Many complaints received by Council have neighbourhood disputes at their origin and therefore establishing the initial facts is essential before determining if further investigation is needed;
- If further investigation is required, the officer may recommend another department to undertake the task and nominate who is to become the responsible officer or continue with the process themselves;
- The responsible officer should conduct investigations into alleged unlawful activity in accordance with this policy;
- As a complaint proceeds, -the responsible officer must complete the Action Request item by providing details of the actions and conclusion of the investigation throughout the processes undertaken;
- Responses to the complainant will be in writing with the exception of minor items specifically listed in Appendix 2.
- Where a verbal response is given to a complainant, the officer providing the information is to record the date, their name and the content of the advice in the Action Request system including specifically identifying the advice was given verbally.

¹ In instances where investigation into a matter is triggered by a complaint or customer request
Lithgow Council Policy

- At all times Council must observe privacy and not provide information to any party that could identify another party.
- Responses are to be noted in the Action Request system identifying the content;
- Where letters are sent confirming actions, a full copy or all correspondence is to be placed on the Records management system by the responsible officer.
- Response times will be in accordance with Council's levels of service, however, matters of a serious nature may be escalated for priority treatment.

2. INVESTIGATION PRINCIPLES AND REPORTS

- The checklist attached is to be completed when investigating unlawful activity to determine the next step and if further investigation is needed.
- The complainant will be responded to within 14 days of the reporting of unlawful activity indicating the actions to be undertaken – i.e. if further investigation will occur or not;
- The responsible officer shall provide a report to their immediate supervisor within 14 days of the report of alleged unlawful activity and this report shall include their recommendation on actions, if any are to be taken, – regarding the alleged unlawful activity and the need for further investigation if required.
- Council will establish if there is a need for further investigation after the initial consideration of an allegation of unlawful activity. –Council may seek an external body's comments but will not rely solely on those comments without satisfying itself of the facts in the issue.
- Anonymous complaints/action requests will not be investigated unless matters of public health or safety are alleged.
- Conflicts of interest will be considered in investigation processes.
- Privacy and confidentiality will be considered in the investigation processes used.
- The principle of procedural fairness will be observed and applied to ensure those who allegations are made against are made aware of the allegations and full investigation and establishment of facts are pursued.



3. ACTIONS AVAILABLE TO COUNCIL IN CASES OF ALLEGED UNLAWFUL ACTIVITY

Consideration of the principles of reasonableness will be at the heart of the actions taken – options include:

- A warning may be given prior to the issuing of any enforcement action in some situations. Appendix 2 lists such instances;
- Matters where actions without warning will be taken are listed in Appendix 3;
- Referral to an external agency for further investigation or prosecution;
- Taking no action on the basis of a lack of information or evidence;
- Counselling the person or persons subject of the investigation to educate them on the relevant council requirements;
- Negotiating a course of actions to address the areas of concern;
- Advising of the processes of seeking a modification to the development consent conditions;
- Issuing a letter advising the work to be done or the activity to cease in lieu of more formal action;
- Issuing a notice of intention to serve an order or notice under relevant legislation followed by the serving of that notice;
- Issuing a notice requiring work to be done under various legislation;
- Recommendations may include starting legal action such as proceedings in the Land and Environment Court for an order to remedy or restrain a breach of the relevant Act or Regulations;

- Seeking an injunction from the Land and Environment Court or the Supreme Court;
- Issuing a summons in the Local Court;
- Issuing a penalty infringement notice;
- Taking proceedings for an offence against the relevant Act or Regulation;
- Carrying out the works specified in an order under the Local Government Act, Environmental Planning and Assessment Act; notice under the Protection of the Environment Operations Act; notice or order under the Food Act at the cost of the person served with the notice or order;
- All enforcement actions will be monitored and a decision made in relation to non-compliance within a 2 week period of any deadline imposed.

4. TAKING ENFORCEMENT ACTION

When taking enforcement action. Council will consider the circumstances of the case, including these issues:

- Has the Council created an estoppel situation? ²
- Council will consider the reasonableness and proportionality of actions and consider the issue in terms of the public interest;
- The effects of the unlawful activity will be considered with regard to the local area taking into consideration the impact on amenity, health, safety, environmental issues for example.
- Is the breach a technical one only? For example a minor or inconsequential change to the plans done during construction.
- If considering prosecution action, Council will consider if there is admissible evidence that establishes the offence beyond all reasonable doubt, is there a reasonable prospect of conviction and are there discretionary factors to consider?
- If consent had been sought, would it have been given? This would be a particular consideration if the owner has sought approval of their own volition.
- Are there particular circumstances of hardship which should be considered?
- Does the person who is the subject of the complaint show due contrition?
- Council will consider if an educative process would yield better results, however, will continue to monitor the situation to ensure it is satisfied with the case.
- If there is a draft local environmental plan or other planning instrument on exhibition that would allow the activity the Council will consider deferring any actions giving the owner time to lodge an application that would be compliant with the new instrument.

5. DELEGATIONS

Delegations of Council staff are reflected in their individual delegations and authorities.

² Estoppel prevents a person from later denying conduct or words which have been relied upon previously. For example, if Council had previously advised no action would be taken, or despite being advised of the issue no action was taken.

Maintained by Department:	Economic Development & Environment Environment and Development	Approved by:	Council		
Reference:	Dataworks: Policy Register	Council Policy No:	5.4	Effective Date:	11/5/09
Min No:	V1 - 07-542 V2 – 09-189 V3 - 14-131	Version No:	34	Reviewed Date:	Oct 2013 March 2014 June 2017
Attachments:	<ol style="list-style-type: none"> 1. Unlawful Activity Complaint checklist 2. Offences where a warning may be given 3. Offences where a warning will not be given 				

UNLAWFUL ACTIVITY COMPLAINT CHECKLIST

Issue: _____

Officer investigating: _____

Date: _____

DA number: _____

Property number: _____

Customer Acton request number: _____ Dataworks doc number: _____

Issue	Y/N – circle one	Response/comments
Is the matter within the jurisdiction of the Council?	Y / N	If yes proceed with investigation checklist. If no note and ensure complainant is advised in writing and if possible identify for them who is the appropriate authority.
Is the complaint premature – eg does it relate to some unfinished aspect of work that is still in progress?	Y / N	If yes, –identify is premature note on Action Request system. It may highlight the need for a follow up inspection and the officer should note that for future action and schedule in their diary. The complainant is to be notified in writing and a copy of the correspondence placed in the Council's records system. If not premature proceed with investigation assessment.
Is the activity or work permissible with or without consent?	With consent / without consent	If permissible without consent note on the Action Request system and provide written confirmation of this to the complainant File on Council's Records system a copy of the correspondence. If requires consent check to determine if consent has been given.
Is the complaint frivolous, –vexatious or trivial?	Y / N	If yes identify as such noting on the Action Request system and providing written confirmation of this to the complainant. A copy of the written correspondence needs to be authorised by the departmental manager and placed on the Records system. Actions are to be completed with 7 days of complaint.
How much time has elapsed since the events the subject of the complaint took place?	Note number of days/weeks	_____ days / weeks have elapsed
Is the activity having a significant detrimental environmental effect?	Y / N	If yes review in terms of relevant legislation to determine appropriate action and immediacy
Is the activity causing a risk of public safety?	Y / N	If yes review in terms of relevant legislation to determine appropriate action and immediacy
Does the complaint indicate one of a series of complaints on the same or similar matters?	Y / N	If yes, this may establish a pattern of conduct that requires immediate attention by the officer depending on the issues involved.

Is there a public interest to investigate the complaint?	Y / N	<p>If yes proceed with investigation.</p> <p>Even if the answer to this is no, there may be a Council priority or policy that indicates this is an area of focus and the investigation should proceed.</p>
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RECOMMENDATION:

Is further Investigation needed? YES NO

If yes, Who will undertake the further investigation?

Date issue tasked to the officer: _____ / _____ / _____

If no, What reason(s) is (are) noted for not proceeding:

Signed: _____ Position: _____

ACTION REQUEST SYSTEM FILES COMPLETED:

Date: ___ / ___ / ___ Officer completing: _____

CORRESPONDENCE TO COMPLAINANT:

If verbal advice given: Date: ___ / ___ / ___ Noted on Action Request:

Letter sent: Date ___ / ___ / ___ Dataworks Doc number: _____

Action request system item completed: Date ___ / ___ / ___

Offences which may result in prior warning being given before enforcement action is taken.

Council **may** determine to issue a warning before any enforcement action in the form of the service of an order or notice or penalty infringement notice or court action in the following matters:

Advice to the **Complainant** on the actions Council will take/has taken will be in writing except in the following circumstances, which are of a minor nature, where advice may be given verbally. All verbal advice is to be noted (date, time, officer advising, advice given) in the Council's Action Request system:

- Advertising signs without approval or that are unsightly
- Air pollution – smoky chimney
- Barking/Roaming/Unregistered dog
- Commercial swimming pool not properly maintained
- Erosion or sediment control matters
- Noise pollution arising from air conditioner, intruder alarm, musical instruments or sound equipment, power tools, motor vehicles on residential premises or the use of refrigeration equipment fitted to a motor vehicle –each requires a warning to be issued.
- Obstruction of a public place/road where is a minor matter
- Residential swimming pool issue – not serious (example – failure to display resuscitation chart)
- Deposit litter from a vehicle
- Deposit litter/ Dumping rubbish
- Dilapidated building
- Fire hazard threatening an asset
- Land clearing of a minor nature
- Littering
- Not complying with condition of development consent/ approval to operate
- Open burning without approval or not in accordance with an approval or cause excessive smoke
- Pollute waters
- Parking offences
- Remove and or damage trees
- Swimming pool fence/gate open
- Street trading without consent
- Minor hygiene or cleanliness non-compliance for Skin Penetration Premises
- Minor food premises matter.

With regard to the person alleged to have been acting unlawfully, Council **may** determine to issue a warning before any enforcement action in the form of the service of an order or notice or penalty infringement notice or court action in the following matters:

- Annual Fire Safety Statement – non-submission by owner – subject to submission within 7 days of request
- Advertising signs without approval or that are unsightly – subject to lodgement of DA within 7 days and/or removal
- Air pollution – smoky chimney
- Barking/Roaming/Unregistered dog
- Commercial swimming pool not properly maintained – subject to compliance in 7 days

- Development/Activity without consent or not in accordance with consent conditions where there is minor development or an old unauthorised development or where there is a minor breach of conditions
- Erosion or sediment control matters (owner/builder/ no prior warning) – subject to compliance in 14 days
- Fire hazard of a minor nature
- Noise pollution arising from air conditioner, intruder alarm, musical instruments or sound equipment, power tools, motor vehicles on residential premises or the use of refrigeration equipment fitted to a motor vehicle –each requires a warning to be issued
- Non compliance with an Order/Notice/Direction where works partially completed and demonstrated mitigating circumstances can be specified which have caused delay in completion
- Obstruction of a public place/road where is a minor matter
- Residential swimming pool issue – not serious (example – failure to display resuscitation chart)
- Revocation of approval – example footpath dining/ public place entertainment – subject to compliance in 7 days
- Minor non-compliance with Food Standards Code provided no previous warning given
- Failure to have wastewater system serviced in accordance with approval to operate – subject to service report received with 7 days of requests and no previous warning.
- Onsite wastewater system not registered.\
- Minor hygiene or cleanliness non-compliance for Skin Penetration Premises

Note : this list is indicative – all offences will be considered on the merits established in the policy.

Offences where no warning will be given

Council **may** determine not to issue a warning before any enforcement action in the form of the service of an order or notice or penalty infringement notice or court action in the following matters:

- Dangerous Dog Order/ Attacking Dog/Restricted Dog
- Dangerous awning/building
- Dangerous waterhole
- Deposit litter from a vehicle
- Development not in accordance with consent that gives cause to a risk to safety, health, bush fire protection compromise or where notice of intention is issued by PCA
- Deposit litter/ Dumping rubbish
- Dilapidated building
- Environmental damage of a significant nature
- Erosion and sediment control matters
- Fire hazard threatening an asset
- Food safety matters of a serious nature
- Failure to pay clean up fee/ Prevention Notice fee
- Failure to comply with notice/order/cease use of premises/ failure to comply with order regarding development consent/ demolish remove unlawful building/ threatening life/ public safety/ environment/ amenity protection/ fence land/ keeping of birds and animals/ remove object from public place/ contravene noise control notice/ noise pollution.
- Land clearing of a significant nature
- Littering
- Noise abatement direction
- Noise pollution generally after prescribed mandatory warning
- Not comply with condition of development consent/ approval to operate
- Nuisance Dog Order
- Obstruction of road/ public places – involving safety
- Obstruction/ intimidation/ assault of a council officer
- Open burning without approval or not in accordance with an approval or cause excessive smoke
- Pollute waters
- Parking offences
- Pollution incident – failure to notify
- Remove and or damage trees
- Swimming pool fence/gate open
- Street trading without consent/ approval

Note : this list is indicative – all offences will be considered on the merits established in the policy.



5. COMPLIANCE

Policy 5.5

Companions Animals Policy

Version 2

5. COMPLIANCE

5.5 COMPANIONS ANIMALS POLICY

OBJECTIVE:

Council's objectives in relation to the management of companion animals are to:

- Manage companion animals in partnership with the community and in accordance with the Companion Animals Act 1998 (NSW).
- Ensure a balanced approach to the effective management of domestic pets recognising the benefits, including improved health and quality of life, as well as the responsibilities of pet ownership.
- Use community education and behavioural change in preference to enforcement.
- Enforce the Companion Animals Act 1998 when necessary.
- Encourage microchipping, registration, picking up of litter and community safety.
- Take proactive measures to ensure that owners of Restricted Breeds and Dangerous Dogs comply with all relevant provisions of the Companion Animals Act and to strictly enforce sanctions when owners of Restricted Breeds and Dangerous Dogs allow dogs to enter prohibited areas such as playgrounds and childcare facilities or cause repeated damage to private property.
- Identify and promote suitable and sufficient off-leash parks and open space areas for dog exercise.
- Install and maintain clear signage and convenient dog-tidy stations in off-leash areas.
- Reduce the number of lost and wandering cats and dogs.
- Educate non-pet owners and children on animal behaviour and how to interact with other people's pets.

Background

Companion animals such as cats and dogs have significant social and health benefits for their owners. Pets teach responsibility to children, give love, comfort and companionship to their owners and provide security, particularly for older people and those who live alone.

Lithgow City Council values pet ownership and is committed to encouraging responsible pet ownership to benefit the whole community, as well as the welfare of the pets.

This Policy is consistent with the aims of *The Companion Animals Act 1998 (NSW)*, which contains regulations relating to pets that must be enforced by Council.

This plan does not apply to parks and open spaces not managed and controlled by Lithgow City Council.

POLICY:

2.1 Community Education

Education and awareness are the keys to achieving responsible pet ownership and community harmony. There is growing recognition that enforcement of laws will not on its own result in lasting voluntary changes in human behaviour.

Council will undertake a number of key actions in relation to community education on responsible pet ownership including providing educative material, regularly monitoring parks and effectively promoting off-leash areas.

2.2 Legislation – Companion Animals Act

The Companion Animals Act 1998 is designed to benefit pets, their owners and the wider community.

The permanent identification and lifetime registration system which came into effect on 1 July 1999 assists Council in returning lost and injured animals to their owners.

Since 1 July 1999 all dogs and cats in NSW must be microchipped at the point of sale, change of ownership or by 12 weeks of age, whichever occurs first. If a puppy, kitten, dog or cat is purchased in NSW, under the Companion Animals Act 1998 it must be microchipped first.

Council's Key Regulatory Roles under the Act

	Cats
Section 31	The issuing of a nuisance notice or order - issued where a cat persistently makes a noise or the noise continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premise or where a cat repeatedly damages anything outside the property on which it is ordinarily kept.
Sections 92;30; 10A	Issuing of penalty infringement notices - Cats found in prohibited places such as food preparation / consumption areas and designated wildlife protection areas. Note: Roaming cats are not regulated other than in these areas. A notice can also be issued where a cat has not been microchipped, registered or is not properly identified while away from the property on which it is ordinarily kept. Council does not have regulatory powers to restrict roaming cats, unless clear evidence is available that shows the cat is causing a nuisance to neighbours and wildlife.
	Dogs
Section 34	Declaration of a dangerous dog - Council can declare a dog as dangerous where it displays unreasonable aggression or is kept for hunting.
Section 32A 21	The issuing of a nuisance notice or order - issued where a dog is habitually at large, persistently barks or makes a noise that continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in another premise; repeatedly defecates outside the property; repeatedly chases or runs at any person or vehicle; endangers the health of any person and / or repeatedly causes substantial damage to anything outside the property on which it is kept.
Sections 18;57	Seizure of an attacking and / or biting dog and where control requirements associated with restricted breeds are not complied with.
Sections 92;14;12A;	Issuing of penalty infringement notices - Dogs found in prohibited places such as child care centres, children's play areas, food preparation and consumption

13:20:57A;
10A

areas (unless in a road reserve), public bathing areas and parks / recreational areas so indicated as prohibiting dogs; and designated wildlife protection areas. Dogs not being contained within a property and not on a leash whilst in a public place other than a designated off leash area; as well as fines for dogs defecating in public place; the sale of a restricted dog or proposed restricted dog; where a dog has not been microchipped and registered.

2.3 Control of Dogs

Under the *Companion Animals Act 1998 (NSW)* dogs must always be under the effective control of their owners including when they are let off the leash in designated off-leash areas. A dog is not considered to be under the effective control of a person if that person has more than four dogs under his or her control.

Council will encourage all dog owners to enrol their dogs in a training course if they feel they are not able to effectively control their dog.

Council will also encourage education for non-pet owners (in particular children and their parents) on how to approach other people's dogs and in animal behaviour.

2.4 Off-Leash Areas

Dogs are required to be restrained while in a public place with the exception of prescribed dog exercise areas. These areas include the designated fenced areas of:

- Endeavour Park, Lithgow
- Montague St , Lithgow
- Lake Wallace, Wallerawang
- Williwa St, Portland

Dog owners need to have control over their dogs and it is required by law that dog droppings must be removed and disposed of correctly.

2.5 Prohibited Areas

Council considers that people should be able to move freely in the community without loss of amenity due to cats and dogs not being under effective control. Likewise, cats and dogs are important companions to their owners and the rights of owners to enter public places with their pets needs to be protected.

Under Section 14 of the *Companion Animals Act* dogs are prohibited at all times in the following public places:

- food preparation or eating areas,
- school or childcare grounds (unless prior permission from the Principal is granted),
- wildlife protection areas,
- recreation and public bathing areas where signage prohibits,
- within 10 metres of children's play equipment,
- shopping arcades / complexes where animals are prohibited unless secured in a vehicle, or with the permission of the person controlling the place or going to or from a vet or pet shop.

Under the Act, cat owners must also ensure that their cat stays out of restricted areas including food preparation and wildlife protection areas.

2.6 Dog Litter

Owners have a legal and social responsibility to pick up after their dogs.

Uncollected faeces pose a potential health risk and can impact on creeks and waterways. This is particularly a problem in playgrounds, on sports fields, on neighbour's properties, and on public footpaths.

Lithgow City Council provides dog tidy stations (including dog litter bags) at all off-leash parks and other suitable locations. Council Rangers work to ensure dog owners meet their social and legal responsibility to clean up after their dogs by promoting awareness of these responsibilities, including:

- to take a plastic bag with them when they take their dog for a walk, and
- that it is an offence not to put their dog litter in the bin.

Dog litter bags are also available at Council's Customer Service Centre 180 Mort Street, Lithgow.

2.7 De-Sexing

Lithgow City Council strongly recommends that pets be de-sexed unless they are intended for breeding purposes. Council receives hundreds of unwanted, abandoned, and stray cats and dogs each year. The majority of these animals are the result of uncontrolled breeding and, unfortunately, many must be euthanased because homes cannot be found for them.

A desexed cat or dog is cheaper to register and can save more than two-thirds of the cost of registration.

2.8 Lifetime Registration and Microchipping

Under *The Companion Animals Act 1998 (NSW)* cat and dog owners must take two steps to provide their pet with lifetime protection; permanent microchip identification and lifetime registration.

This two-step system greatly assists Lithgow City Council and other councils in returning pets to their owners in the event that it is lost, hurt or stolen. It also provides Council with a more effective means of keeping track of cats and dogs for the benefit of the wider community.

The Act requires cats and dogs to be identified by microchip by the age of 12 weeks and lifetime registered by the age of 6 months.

Registration Exemptions

The only allowable registration exemptions are provided for in Section 17 of the Companion Animals Regulation 2008:

There is an exemption from payment of a registration fee for the registration of the following:

- (a) any animal the Director-General is satisfied is in the service of a public authority,
- (b) a working dog.

Note: A working dog is defined in [the Act](#) as a dog used primarily for the purpose of droving, tending, working or protecting stock.

2.9 Lost, Seized and Surrendered Animals

Lithgow City Council will seek to return all unaccompanied pets safely home to their owners.

Where this is not practicable, or where a dog is found straying on more than one occasion, the animal will be taken to Council's Animal Holding Facility. Once at the facility the owner will be given 14 days to claim a registered dog or cat or seven days to claim an unregistered animal, before the animal becomes the property of Council.

Animals will not be released from the pound until all appropriate fees and charges are paid and the animal is microchipped and registered.

The only exception to not charge a registration fee is if the owner agrees to have animal desexed within 28 days of leaving the Animal Holding Facility. The owner can then pay the lower registration fee immediately there afterwards.

An animal can be surrendered to Council by filling in a Surrendered Animal form and submitting this to Council with the appropriate fee. Drop off cages are also available at Council's Animal Holding Facility where stray animals, or animals seized by the Police or other agencies, can be taken outside of the facility opening hours.

Under the Companion Animals Act, once an animal becomes the property of Council, Council Rangers will make an assessment of the animal and decide whether the animal is suitable for rehousing or passing onto a welfare agency. Otherwise, the animal will be euthanased by a Veterinarian.

Council will seek to rehouse or foster animals to accredited animal welfare agencies where applicable.

Rangers will only rehouse animals when they can be assured that the applicant can adequately care and house the animal and that the animal won't impact on neighbourhood amenity.

The euthanising of animals at Council's Animal Holding Facility is completed by a qualified Veterinarian and this and all other activities at the facility are completed in accordance with Council's Standard Working Procedure for the facility.

2.10 Cat Management

Under the Companion Animals Act, cats are required to be identified in the form of a microchip or collar and tags that provides the name of the cat and the address and telephone number of the owner.

Cats are prohibited from wildlife protection areas and food preparation areas, and can be declared nuisance cats if they persistently make noise that unreasonably interferes with the wellbeing of neighbours or if they repeatedly damage the property of others.

Council makes a distinction between domesticated pet cats and feral or stray cats (which don't have an owner). If there are feral cats in built areas, they may be trapped and removed by the Council or by residents with consent from the Council.

If a Council Ranger believes a cat to be a feral or stray animal, and not a companion or domestic animal, the animal can be euthanased immediately.

2.11 Maximum Number of Companion Animals

Urban or Residential Areas

To maintain the amenity of residential and urban areas and the health and safety of neighbourhoods, Council may restrict the number of companion animals per residential property to reasonable levels when it is considered that companion animals are impacting on residential amenity, eg continual barking dogs, odour issues associated with poor hygiene, or poor management of animal wastes.

When this is demonstrated Council may restrict the number of companion animals over the age of six months per residential property. Whilst each situation will be assessed on its merits Council will use as a guide a maximum of 3 companion animals per residential property with an average residential property being 800 square metres in area. Where there are continuing impacts on residential amenity from companion animals on a particular premise, Council may enforce a further reduction in the number of adult and juvenile companion animals.

To enforce this Council will utilise Order number 18 of section 124 of *the Local Government Act 1993* that stipulates that Council can issue an Order to:

Not to keep birds or animals on premises, other than of such kinds, in such numbers or in such manner as specified in the order

Council can issue this Order to the occupier of the premises in the following circumstances:

*(a) in the case of any premises (whether or not in a catchment district)—of an inappropriate kind or number or are kept inappropriately, or
(b) in the case of premises in a catchment district—birds or animals (being birds or animals that are suffering from a disease which is communicable to man or to other birds or animals) or pigs*

Companion Animals Outside of Residential or Urban Areas

Kennels, catteries, breeding facilities or facilities for Animal Welfare Agencies all require development approval by Council.

In considering development applications for kennels, catteries etc, Council will give consideration to the "Animal Welfare Code of Practice – Breeding Dogs and Cats" produced by Industry & Investment NSW.

Where companion animals are impacting on rural amenity Council will use all necessary powers under the Local Government and Companion Animals Acts to address this.

2.12 Barking Dogs

Persistent dog barking can be a neighbourhood nuisance and a major source of community complaint. Persistent barking may be caused by boredom, lack of exercise and stimulation, or confinement to an inappropriately small space.

To address dog barking Council will pursue positive and proactive approaches such as:

- Providing off-leash areas for dogs to socialise
- Providing community education and training for dog owners'
- Providing a citronella collar for residents to hire

Council Rangers will issue a Nuisance Dog Order where persistent barking is considered to be nuisance behaviour. In serious cases, dog owners may be liable to prosecution.

2.13 Dog Attacks

Dog attacks have been shown to have serious consequences.

Lithgow City Council together with the Department of Local Government and RSPCA will work with residents to educate them about animal behaviour and how to avoid attacks. Council Rangers will work with school children in particular to teach them how to safely interact with pets, especially dogs.

Council will also continue to enforce its responsibilities in regard to, "dangerous dogs" and "restricted breeds."

Council Rangers will follow up all serious complaints of dog attacks immediately.

2.14 Restricted Breeds

It is an offence in New South Wales to sell, acquire or breed dogs on the restricted dog list including the offspring of restricted dogs:

- (a) American Pitbull terrier or Pitbull Terrier
- (b) Japanese tosa
- (c) Dogo Argentino (Argentinean fighting dog)
- (d) Fila Brasileiro (Brazilian fighting dog)
- (e) Any dog declared by a Council under Division 6 of the Act to be a restricted dog^{##}
- (f) Any other dog of a breed kind, or description prescribed by the Regulation for the purposes of this section

^{##}This means any dog where the Council is of the opinion that a dog is of a breed or kind of dog on the restricted dog list or a cross-breed of any such breed or kind of dog.

Owners of restricted breeds (and dogs declared 'dangerous') must ensure:

- The dog is desexed.
- The dog is kept in a child proof enclosure.
- A 'dangerous dog' warning sign is clearly displayed on their property.
- The dog at all times wears a distinctive collar and tag.
- The dog is always leashed and muzzled when in public and under the control of a person over the age of 18 years.
- The dog's registration details are up to date.
- Council is immediately notified if the dog attacks or injures a person or animal.

2.15 Dangerous Dogs

A dog is "dangerous" if it has, without provocation, attacked or killed a person or animal, or, repeatedly threatened to attack or repeatedly chased a person or animal.

“Dangerous dogs” in NSW are dogs that are the subject of a declaration under the Act by a council or a court that the dog is considered dangerous. Council must give notice to the owner of a dog of the Council’s intention to declare the dog to be dangerous.

Police and Council Rangers are empowered to impound dogs declared as dangerous. Owners of dogs declared dangerous must comply with all the conditions for restricted breeds listed above and must not be sold to a person under the age of 18 years.

Maintained by Department:	Economic Development & Environment Environment	Approved by:	Council	Exhibition Date:	18 February 2010
Reference:	Policy Register	Council Policy No:	5.5	Effective Date:	12 April 2010
Min No:	V1 - 10-142 V2 - 14-202	Version No:	2	Reviewed Date:	October 2013 May 2014 June 2017
Attachments:					



5. COMPLIANCE

Policy 5.6

CONTROL OF OPEN BURNING POLICY

Version 1

5. COMPLIANCE

5.6 CONTROL OF OPEN BURNING POLICY

OBJECTIVE:

To establish guidelines for the safe burning on land with minimal health and environmental impact.

POLICY:

1. BACKGROUND

The Protection of the Environment Operations (POEO) (Clean Air) Regulation (2010) allows Councils to approve open air burning of material in certain instances and in certain areas. The POEO (Clean Air) Regulation (2010) clause 12 states that:

- (1) A person must not burn anything:
 - (a) in the open, or
 - (b) in an incinerator,
in a local government area specified in Part 1 of Schedule 8 except in accordance with an approval.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of an individual).

- (2) A person must not burn any vegetation:
 - (a) in the open, or
 - (b) in an incinerator,
in a local government area specified in Part 2 of Schedule 8 except in accordance with an approval.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of an individual).

- (3) A person must not burn anything (other than vegetation):
 - (a) in the open, or
 - (b) in an incinerator,
in a local government area specified in Part 3 of Schedule 8 except in accordance with an approval.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of an individual).

Lithgow City Council is listed in Schedule 8 of the Protection of the Environment Operations (Clean Air) Regulation (2010) Part 2: Areas in which burning of vegetation is prohibited except with approval; and, Part 3: Areas in which all burning (other than vegetation) is prohibited except with approval or in relation to certain domestic waste.

2. AIM

The aim of this policy is to ensure the protection of the public health and the environment.

Further, this policy aims to reduce actions that may impact upon the quality of air and/or increase the risk of wildfire.

NOTE: This document outlines the procedure to gain approval to conduct a burn outside the declared Bush Fire Danger Period (usually 1 Oct. to 31 March). During the Declared Bush Fire Danger Period a permit to burn is required from the NSW Rural Fire Service. To determine if the activity you are proposing is exempt from the Council approval process, see Section 6. Burning activity where approval is not required

3. LAND TO WHICH THIS POLICY APPLIES

This policy applies to all land within the Lithgow Local Government Area.

4. BURNING ACTIVITIES FOR WHICH APPROVAL IS REQUIRED

The following information outlines the type of burning for which this policy applies. Other burning activities may require a separate approval from the Rural Fire Service.

- a) General burning for which Council approval is required:

The open burning of dry and dead vegetation that is not easily disposed of at Council Waste Management Facilities. This applies to any vegetation matter. A Permit to Burn must be obtained from the Rural Fire Service during the Bush Fire Danger Period (usually 1 Oct. to 31 March)

- b) Notification to the Rural Fire Service is required:

Before burning for any purpose (except for a fire for cooking or recreational purposes), notice must be provided to all adjoining landowners/occupiers as well as the Rural Fire Service 24 hours prior to burning.

- c) Burning which is classed as prohibited.

The burning of domestic, business, building, industrial and hazardous waste is classed as a prohibited activity and may have adverse impact upon the community and the environment. This type of material is not to be burnt unless through a licensed incinerator and must be disposed of through the appropriate waste facility.

5. BURNING ACTIVITY WHERE AN APPROVAL FROM LITHGOW CITY COUNCIL IS NOT REQUIRED

Open burning is allowed without the need for approval on property greater than 4,000m² on land zoned RU1, RU2, RU3, RU5 and R5 under Council's Local Environmental Plan 2014. Open burning is permitted only during the Approved Open

Burning Period (generally April-September) and only under the following circumstances:

1. A fire is conducted as part of a routine agricultural management activity (eg: burning stubble, orchard pruning's, diseased crops, weeds or pest animal habitats, pasture for regenerative purposes or any other legitimate agricultural activity). See 12. Glossary for a full definition of this activity,
2. The disposal of certain types of dry and dead vegetation,
3. An easily controlled fire for cooking or barbequing, with the fire area covering 1m x 1m or less,
4. To conduct an easily controlled fire for recreational purposes (eg: camping, scouting, and picnicking), excluding bonfires, with the fire area covering 1m x 1m or less,
5. To conduct training in methods of fire fighting by an authorised person,
6. In a licensed incinerator meeting the requirements of the Environment Protection Authority,
7. To carry out bush fire hazard reduction work under and in accordance with the Rural Fires Act (1997), however it should be noted that, the hazard reduction certificate is not providing permission to burn; it may only state that burning can be conducted as part of this activity,

NB. You may need an environmental approval, if:

- You are modifying native vegetation,
 - The activity could threaten endangered species and or result in air or water pollution and or soil erosion,
8. To destroy, by burning, of any prohibited plant or drug under the Drug Misuse and Trafficking Act (1985),
 9. To burn an animal that has died or is suspected to have died of a disease proclaimed under the Stock Diseases Act (1923) or the Exotic Diseases of Animals Act (1991).

Note: A permit may be available for other zones subject to approval from the Rural Fire Service and Lithgow City Council. During the Fire Danger Period on days of Total Fire Ban and/or Extreme Fire Danger all burning activities are suspended.

Note: Before burning for any purpose (except for a fire for cooking or recreational purposes), notice must be provided to all adjoining landowners/occupiers as well as the Rural Fire Service 24 hours prior to burning.

6. RESTRICTED MATERIALS

The following materials must not be burnt at any time within the Lithgow City Council area and must be disposed of or recycled in the appropriate manner at a licensed waste facility:

- General or domestic waste
- Tyres
- Coated wires
- Paint containers and residues
- Solvent containers and residues
- Timber treated with copper chromium arsenate (CCA) or pentachlorophenol (PCP)
- Any material that may cause an explosion

7. OPEN BURNING REQUIRING APPROVAL

Those wishing to conduct an open burn other than those indicated in Section 6, must apply to Council for approval to open burn. -If approved, the landowner will receive the Approval to Burn designating a period of up to twenty-one days (21 days) during which the burn may occur. —The following conditions will be imposed on any approval:

All non-agricultural burning may be approved subject to the following conditions:

1. The burning activity must not be dangerous or present a risk to any building or land.
2. The burning must be prepared and conducted in line with the published NSWRFSS document “Standards for Pile Burning”.
3. Only dry and dead vegetation which grew on the premises may be burnt on the premises.
4. The material to be burnt is greater than five (5) metres from a designated watercourse or water body. Where this is not possible, appropriate erosion control and revegetation measures should be implemented as part of the activity.
5. Only vegetation which cannot be easily disposed of through Council’s Waste Management Facilities may be burnt.
6. The fire must be attended by a competent person for the duration of the activity and have sufficient fire-fighting resources on-hand to safely maintain the fire.
7. For tree waste, all combustible material must be removed at least two (2) metres radius of the material to be burnt.
8. Burning should only take place when weather conditions are calm and predicted to remain so.
9. The NSWRFSS may determine that the nominated date for burning is not suitable for burning due to weather conditions/fire activity.
10. The burning does not cause nuisance conditions or a smoke hazard outside the property of the burn.

11. Land owners/managers must notify the Rural Fire Service, Lithgow City Council and adjoining neighbours at least 24 hours prior to lighting.
12. Land owners/managers must obtain written approval from Lithgow City Council at least two (2) weeks prior to burning.
13. The provisions of the Protection of the Environment Operations (Clean Air) Regulation (2010) must be fully complied with.
14. The provisions of the Rural Fires Act (1997) must be fully complied with.
 - a) For burning outside the nominated Open Burning Period, written approval must be gained from the Rural Fire Service.
 - b) Even with written approval, fires must not be lit on declared days of Total Fire Ban.

Note: Before burning for any purpose (except for a fire for cooking or recreational purposes), notice must be provided to all adjoining landowners/occupiers as well as the Rural Fire Service 24 hours prior to burning.

8. GLOSSARY

Approval to Burn: An approval granted by Council as per the Protection of the Environmental Operations (Clean Air) Regulation (2010), generally granted outside the designated Fire Danger Period.

Approved Open Burning Period: generally from April through to September but may be restricted or extended depending upon current environmental conditions. To confirm this period, contact the Rural Fire Service on 1800 679 737.

Asset Protection Zone (APZ): The APZ is listed in the Rural Fire Service Planning for Bushfire Protection 2006 guide (Dictionary, p72). It is described as the “area surrounding a development managed to reduce the bush fire hazard to an acceptable level” . The APZ is only relevant to new Council Development Applications. For Hazard Reduction Burning, a permit to burn is required through the Rural Fire Service.

Designated watercourse/water body: includes any river, creek, stream, drain, drainage reserve, stormwater drain, brook, rivulet, dam, lake, pond, channel, gutter, billabong, oxbow lake or any other are, wet or dry, that contains or is likely to contain or receive or pass rainwater, floodwater or any other water.

Dry and dead vegetation: is defined as vegetation that does not have any living tissue or foliage present, i.e. does not contain any green leafy or woody material.

Easily disposed vegetation: includes material that by their size and nature can be transported to Council's Waste Management Facility. This includes grass clippings, small loads of tree waste and chipped tree waste.

Extreme Fire Danger: is caused by a combination of dry vegetation and hot, dry, windy weather and is monitored and declared by the NSW Rural Fire Service.

General or domestic waste: includes any waste produced through normal activities. This includes but is not limited to plastics, metals, paper and paper products, food and food wrapping (including plastic, paper and metal), chemicals and chemical containers, aerosol cans, electrical items, household appliances, computers and computer accessories, and any other waste item associated with domestic, business and industry activities.

Material that may cause an explosion: includes any material that by its contents or construction may result in an explosion when heat or flame is applied. For example, ammunition, aerosol cans, petroleum, paint, solvent and chemical containers and sealed food items.

Open burning: the act of burning material in open air, outside of a purposefully built area such as an internal domestic fire place or stove.

Permit to Burn: A permit granting permission to burn by the Rural Fire Service as per the Rural Fires Act (1997) and applicable to the Fire Danger Period.

Routine Agriculture Management Activity: includes

- i. The burning of vegetation for the purposes of clearing* (other than for construction), or
- ii. The burning of stubble, orchard pruning's, diseased crops, weeds or pest animal habitats on farms, or
- iii. The burning of pasture for regenerative purposes, or

*Other permits may be required through the appropriate authority in respect to the burning for clearing.

Total Fire Ban Day: a day/s when fires are likely to escape and be difficult to contain. These days are declared by the Rural Fire Service. More information can be gained by calling the RFS on 1800 679 737 or going to www.rfs.nsw.gov.au

Maintained by Department:	Economic Development & Environment	Approved by:	Lithgow City Council	Exhibition Date:	
Reference:	Policy Register	Council Policy No:	5.6	Effective Date:	9/2/15
Min No:	15-12	Version No:	1	Review Date:	June 2017
Attachments:					



APPLICATION TO OPEN BURN

Control of Open Burning

Promoting “*Safe burning on private land with minimal health and environmental impacts*”

Date		Council check list
Date proposed for burning		
Applicant's details Name		
Address for burning		
Mapping Zone		
Address for correspondence (if different to above)		
Daytime phone/ mobile		
Email address		
<i>Type of vegetation / materials to be burned</i>		
<i>Approximate size of burn area</i>		
Notification to the Rural Fire Service 24hrs prior to burning		

Notice given to all adjoining landowners/occupiers		
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10. PROPERTY MANAGEMENT

Policy 10.14

PROPERTY LEASES

Version **21**

10. PROPERTY MANAGEMENT

10.14 Property Leases

OBJECTIVE:

To ensure that leases for Council properties are executed in a timely manner.

POLICY:

~~The Council delegates authority to the General Manager to negotiate and execute leases. Each financial year, Council shall consider a report on all Council owned property which is leased or is available for leasing. Council shall by resolution, set the rental amount for available properties having regard to the following:~~

- The market rent;
- The outgoings on the property;
- ~~An assessment of the condition of the property;~~
- ~~Advice from Council's appointed property agent;~~

~~The Council delegates authority to the General Manager to execute leases in accordance with the rental amount resolved by Council.~~

Requests to vary rental amounts by greater than 10% of the assessed market rental or market opinion provided by Council's nominated property agent shall be reported to Council ~~to obtain a variation with the identification of the budget area from which the shortfall in revenue will be allocated for its determination.~~

Applications to lease any property for any period of time must be made to and considered by the General Manager ~~in line with the annual resolution of Council.~~ If approved, a standard lease or agreement will be executed by the lessee and the General Manager prior to the occupation of the property.

Compliance with Council's Policy – Land (Council) – Leases – Legal Costs must also be achieved.

~~Any requests for a variation in the rental amount shall be reported to Council for consideration and must demonstrate how the undertaking of the activity in the property will assist Council in achieving actions identified in Council's corporate planning documents including but not limited to the Strategic Plan, Management Plan, Social Plan and State of the Environment Report~~

Maintained by Department:	Planning and Policy Economic Development & Environment	Approved by:	Council	Exhibition: Feb2007	
Reference:	Dataworks: Policy Register	Council Policy No:	10.14	Effective Date:	2/6/14

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Attachments:					



10. PROPERTY MANAGEMENT

Policy 10.3

NAMING OF COUNCIL FACILITIES

Version 2

10. PROPERTY MANAGEMENT

10.3 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;
and
- (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.

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 the Community Development Committee which will report a recommendation 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.

Maintained by Department:	<u>Economic Development & Environment</u> <u>Environment & Development</u>	Approved by:	Council		
Reference:	Dataworks: Policy Register	Council Policy No:	10.3	Effective Date:	16/10/2006
Min No:	V1 - 06-349 V2 - 14-211	Version No:	2	Reviewed Date:	Oct 2007 Nov 2013 May 2014 <u>June 2017</u>

Attachments:	
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