

10.3 Policy Reviews - Operations

REPORT BY THE EXECUTIVE ASSISTANT OPERATIONS
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, ROA100072

RECOMMENDATION

That Council:

1. receive the report by the Executive Assistant Operations on the Policy Reviews - Operations;
2. place on public exhibition for 28 days the amended *Asset Management, Water Pipes Across and Alongside Roads, Regulatory and Warning Signage, Grazing of Stock On Roads, Private Works and Public Seating on Footpaths Policy*;
3. adopt the *Asset Management* policy if no submissions are received during the public exhibition period;
4. adopt the *Water pipes across and alongside Roads Policy* if no submissions are received during the public exhibition period;
5. adopt the *Regulatory and Warning Signage Policy* if no submissions are received during the public exhibition period;
6. adopt the *Grazing of Stock on Roads Policy* if no submissions are received during the public exhibition period;
7. adopt the *Private Works Policy* if no submissions are received during the public exhibition period; and
8. rescind the *Public Seating on Footpaths Policy* if no submissions are received during the public exhibition period;

Executive summary

This report deals with the review of Council policies that is required as per the policy review schedule. Policies are reviewed and updated as required and consideration given to whether a policy is still necessary and relevant.

Disclosure of Interest

Nil

Detailed report

Asset Management No update required

Water Pipes Across and Along Roads Minor wording changes

Regulatory and Warning Signage Minor wording changes

Grazing of Stock on Roads Minor wording changes. Updated legislation references.

Private Works No update required

Public Seating on Footpaths Recommended to be rescinded

Community Plan implications

Theme	Connecting Our Region
Goal	Efficient connection of the region to major towns and cities
Strategy	Develop a regional network in partnership with government agencies, that grows with the needs of residents and businesses

Associated Risks

The updating of Council policies ensures suitable governance arrangements and guidance exists for the implementation of Council's functions. Amending policies reduces the risk of policies becoming out of date, not meeting best practice or referencing out of date or incorrect legislation.

LISA CARTMELL
EXECUTIVE ASSISTANT OPERATIONS

JULIAN GEDDES
DIRECTOR OPERATIONS

6 February 2024

- Attachments:*
1. POLICY - REVIEWING - Asset Management.
 2. POLICY - REVIEWING - Water Pipes Across and Along Roads.
 3. POLICY - REVIEWING - Regulatory and Warning Signage.
 4. POLICY - REVIEWING - Grazing of stock on roads.
 5. POLICY - REVIEWING - Private Works.
 6. POLICY - REVIEWING - Public Seating on footpaths.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY

Asset Management

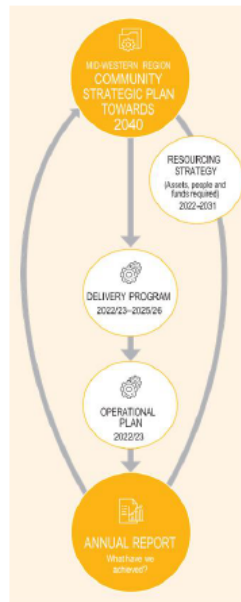
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ADOPTED		VERSION NO	1.2
COUNCIL MEETING MIN	247/22	REVIEW DATE	AUGUST 2023
DATE:	17 AUGUST 2022	FILE NUMBER	GOV400047

Objective

The policy objectives are to set the broad framework for undertaking asset management in a structured, consistent and coordinated manner, and to set asset management processes throughout Mid-Western Regional Council by;

- Ensuring Councils services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment;
- Safeguarding Council assets by implementing appropriate asset management strategies and appropriate financial resources for those assets;
- Creating an environment where all Council employees have an integral role in overall management of Council assets by creating and sustaining a culture asset management awareness throughout the Council;
- Meeting legislative requirements for asset management;
- To manage and operate the appropriate mix of sustainable community infrastructure at the lowest life cycle cost.



Legislative requirements

Local Government Act 1993

Integrated Planning and Reporting Guidelines and Manual September 2021

POLICY: ASSET MANAGEMENT | 1.2, 17 AUGUST 2022

Related policies and plans

- Asset Management Strategy

Policy

Background

Council is committed to a systematic asset management methodology to ensure appropriate asset management practices are applied across infrastructure managed by Council. This includes ensuring assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's priority of service delivery at the lowest life cycle cost.

Council is responsible for a significant portfolio of community infrastructure, owns and maintains assets over half a billion dollars' worth at June 2022, to support its core business of delivering services to the community.

The current Asset Management Plans (AMP) rely on data that is in its infancy and both the data and related AMP's will develop further over the next few years to provide a framework that:

- Ensures Council's services and infrastructure are provided reliably, with the appropriate quality levels of service to residents, visitors and the environment.
- Safeguards Council assets including physical assets and employees by implementing appropriate asset management strategies and appropriate financial treatment of those assets.
- Creates an environment where all Council employees take an integral part in overall management of Council assets.
- Meets and surpasses legislative requirements for asset management.
- Ensures resources and operational capabilities are identified, and responsibility for asset management is allocated.
- Demonstrates transparent and responsible asset management processes that align with best practice.

Principles

A consistent framework must exist for implementing systematic asset management and appropriate asset management best practice across all departments of Council.

The asset management framework shall incorporate an overriding Asset Management Strategy (AMS), and Asset Management Plans (AMP's) for each class of Council assets.

The AMP's shall cover a minimum period of 10 years and have a focus on long term sustainability for the benefit of current and future generations.

The asset management framework must rely on an up to date Asset Management System which shall incorporate the following information:

- Asset registers;

- Asset condition assessments;
- Asset maintenance and management systems;
- Strategic planning capabilities;
- Predictive modelling;
- Deterioration modelling; and
- Lifecycle costing.

Relevant legislative requirements and political, social and economic environments are to be taken into consideration in asset management.

Asset management is to be integrated with existing planning and operational processes.

Asset renewal plans will be prioritised and implemented progressively based on the level of service, as determined by the Council after consultation with the community, required and the effectiveness of the current assets to provide that level of service.

Systematic and cyclic renewal reviews will be applied to all asset classes to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice, applicable Australian Standards and legislative requirements.

Council's financial asset information shall be audited annually as a part of the external financial audit, and Councils Asset Management Systems shall be reviewed and internally audited.

ROLES AND RESPONSIBILITIES

Councillors adopt the policy and ensure sufficient resources are applied to manage the assets.

The **General Manager** has overall responsibility for developing asset management systems, policies and procedures and reporting on the status and effectiveness of asset management within Council.

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

Employees with management or supervisory responsibility are responsible for the management of assets within the area of responsibility as determined under asset management plans.

Employees will be tasked under implementation plans, and will be responsible for the timely completion of those activities contained within those plans, and shall be familiar with asset management and how it is applied within the Mid-Western Regional Council.



POLICY Water Pipes Across and Along Roads

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ADOPTED		VERSION NO	2
COUNCIL MEETING MIN NO	231/19	REVIEW DATE	AUGUST 2023
DATE:	21 AUGUST 2019	FILE NUMBER	A0100021, GOV400047

Objective

[Access to water is a significant issue for all rural properties, and in many cases there is a need to get the water from one side of the road to the other for stock or domestic purposes. Council has in place an approval process to allow pipe crossings or placement of pipes within public road reserves.](#)

[The objective of this policy is To](#) ensure that all private pipelines and associated infrastructure constructed on/under public road reserves are carried out to a high uniform standard and that the pipeline may not be a burden on the community.

This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, 'Connecting our Region High Quality Road Network that is Safe and Efficient'.

Legislative requirements

- Roads Act 1993 – Sect101 Restoration of Public Road Following Excavation Etc

Related policies and plans

- Community Plan
- Operational Plan – Fees and Charges

Policy

Where it can be practically located, Council will grant approval for a private pipeline to be located in a public road reserve subject to compliance with the following conditions:-

1. Submission of detailed engineering plans showing details of the proposed pipeline and any other associated infrastructure. The location of pipeline is to be in accordance with requirements of the General Manager [or delegate](#).
2. All works are to be undertaken in accordance with Aus-spec #1 (as amended by Mid-Western Regional Council).
3. An assessment of the environmental effects of the proposed pipeline is to be undertaken in accordance with the Environmental Planning & Assessment Act and a review of environmental factors submitted to Council with the engineering plans.
4. A Defects Liability Bond as set in Councils Fees and charges, must be paid to ensure that all defects in the works, which become apparent during the construction period and for a period of twelve (12) months after completion are remedied to the satisfaction of the General Manager. If these defects are not satisfactorily remedied Council may use bond moneys to carry out rectification works or disconnect the pipeline. Any unexpended bond money will be returned at the end of the twelve (12) month period, less the estimated cost of any outstanding works.
5. Any adjustments to utilities necessary to allow construction are to be carried out to the satisfaction of the relevant authority. Written confirmation of same will be required to clear the refund of the bond money.

POLICY: ~~WATER PIPES ACROSS AND ALONG ROADS~~ WATER PIPES ACROSS AND ALONG ROADS | 2, 21 AUGUST 2019

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6. The applicant will be required to provide details of the Department of ~~Environment~~, Climate Change, [Energy, the Environment](#) & Water's concurrence with the site of any proposed pump station location and copies of the authority to extract water in quantities commensurate to the size of the pipeline.
7. The applicant is to provide appropriate ongoing insurance cover to indemnify Council against any claims and cover the cost of any damage to Council assets arising from the operation or failure of this pipeline. Details of this insurance cover must be approved by Council prior to commencing the work and a certificate submitted on a yearly basis.
8. The applicant is to complete an agreement with Council that any future maintenance would be carried out as and when required to Council's satisfaction and that the full cost of relocating or upgrading any section of the proposed pipeline affected by future realignment or upgrading of the adjoining roads will be met by the applicant.
9. Before any work is commenced, ~~approval to the proposal must be obtained in writing~~ [approval under Section 138 of the Roads Act must be obtained from Council to permit the installation of water pipes within the road reserve. Since the introduction of the NSW Planning Portal, Section 138 must be applied for exclusively through the NSW Planning Portal.](#)
~~-. Prior w~~ritten ~~approval-concurrence~~ from the ~~Roads & Traffic Authority~~Transport for NSW is ~~will also be~~ required in respect of any roads under their control, ~~specifically:-~~ [Castlereagh Hwy, Ilford Rd, Bylong Valley Way, Wollar Rd, Ulan Rd, Hill End Rd, Goolma Rd, Cope Rd and Gollan Rd.](#)
10. All work to be carried out by suitably qualified persons. [Council must be notified of the date that construction will commence to allow adjoining landowners and other affected parties to be advised of the works](#)
11. At the point of crossing the road, the pipe shall be sleeved in not less than 50mm diameter steel pipe or PVC pipe and such sleeve shall:
 - be laid at right angles to the centreline of the road
 - be not less than 0.5 metres below the road surface throughout its length
 - extend for not less than 1 metre beyond road shoulders/graded width on each side of the road.
12. The road surface must be fully reinstated and compacted to the General Manager's ~~or~~ [delegate's](#) requirements and shall be appropriately covered so as not to create a slippery surface. Any repair/compaction required to be undertaken by Council will be charged for as Private Works.
13. A pipe may be replaced within an existing sleeve, which meets the above requirements at any time without further approval.
14. Location Post to be erected adjacent to fence lines, indicating existence of underground pipes.
15. At least 14 days notice shall be given before commencing any work and the exact position being pegged.
16. ~~All work must be appropriately signed during construction and at own risk~~ [A Traffic Guidance Scheme \(TGS\) completed by a "Certified Person" for the implementation and management of construction traffic on or adjacent a public road during the works is to be submitted to Council prior to commencement of works.](#)
17. Any damage caused to the pipe, sleeve or location posts by Council or contractors engaged by council during maintenance/construction of the road to be repaired at the licensee's cost.

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~~POLICY: WATER PIPES ACROSS AND ALONG ROADS~~ WATER PIPES ACROSS AND ALONG ROADS | 2, 21 AUGUST 2019

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18. Council may at any time revoke this licence or alter the above conditions.
19. Council reserves the right to charge an annual fee for the leasing of land for the pipeline subject to negotiation with the General Manager [or delegate](#).
20. Council reserves the right to decline any application.
21. All completed work is to have [Works as Executed \(WAE\)](#) diagram [detailing the infrastructure installed in the public road reserve](#) including GIS location of all major infrastructure including pump stations, valves, change of directions, manholes or hydrants. All pipe sizes, class and pipe types (I.E. DICL, uPVC etc.).

~~Upon full compliance with these conditions, a Construction Certificate can be issued. Under the Roads Act, Council must be notified of the date that construction will commence to allow adjoining landowners and other affected parties to be advised of the works.~~

~~Approvals are valid for a period of 2 years from the issue of the Construction certificate. The approval will lapse if the pipeline is not substantially commenced in that period.~~

POLICY: WATER PIPES ACROSS AND ALONG ROADS | 2, 21 AUGUST 2019

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Application to Lay a Water Pipe Under Council Roads/Footpaths

Name:	<input type="text"/>
Address:	<input type="text"/>
Contact Phone #	<input type="text"/>
Describe proposed location (distance from nearest cross road / direction)	<input type="text"/>
Estimate Date for construction	<input type="text"/>
Supporting Information (if deemed appropriate by the applicant)	<input type="text"/>

Agreement:

Please find enclosed the fee applicable for granting of the permit as identified in the Annual Fees & Charges of the Council. I understand that final approval and issue of the permit will not be provided until all conditions contained within Council's "Water Pipes Across and Along Roads" Policy have been complied with.

Signed & Dated (Applicant)

Office Use Only:

Complies with Policy (Yes / No)	<input type="text"/>
Bond Paid / Drawings Supplied	<input type="text"/>
Recommended course of action.	<input type="text"/>
Assessment / Inspection Undertaken by (print)	<input type="text"/>
Signed & Dated:	<input type="text"/>
Project Approved to proceed if agreement signed and returned (reason if refused)?	<input type="text"/>
Signed & Dated (General Manager or Delegate):	<input type="text"/>



POLICY REGULATORY AND WARNING SIGNAGE



ADOPTED	
COUNCIL MEETING MIN NO	212H3
DATE	6/6/2013

VERSION NO	
REVIEW DATE	MAY 2014
FILE NUMBER	A6100021

Objective

~~Warning signs are used when it is deemed necessary to warn traffic of existing or potentially hazardous conditions on or adjacent to a roadway. This policy outlines Council's stance on requests for the installation of new signage.~~

This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, 'Connecting our Region High Quality Road Network that is Safe and Efficient'

Legislative requirements

- [Roads Act 1993](#)
- [Road Transport \(Safety and Traffic Management\) Act 1999](#)
- [Road Rules 2008](#)
- [Road Transport \(Road Rules\) Regulation 2017](#)

Related policies and plans

- [Roads and Maritime Services, Delegation to Councils Regulation of Traffic](#)
- [Traffic Control at Worksites technical manual](#)

Policy

Signs will only be installed ~~if authorised by the Roads Authority and must that~~ comply with the relevant Australian Standards and meet the appropriate [RMS / AS-Transport for NSW](#) guidelines.

Background

~~Warning signs require caution on the part of the vehicle operator and may call for a reduction in speed or a maneuver in the interest of safety for the motorist or pedestrian. The use of warning signs should be kept to a minimum.~~

~~Overuse of warning signs, especially for conditions, which are apparent, tends to breed disrespect for signs in general, and they lose their effectiveness.~~

~~Warning signs many times have an initial positive effect but soon lose the attention of regular passers by. At speeds under 60 km/hr motorists using due care can respond to hazards or conditions presented in the roadway without the need for warning signs.~~

~~In order to achieve safe and efficient operation of the road network, it is essential that all signage provided is necessary, clear and unambiguous and gives its message to road users at the appropriate time. The message must be quickly and easily understood at the point it is needed, neither too soon that the information be forgotten, not too late for the safe performance of any necessary maneuver. The excessive or insensitive use of traffic signs and other street furniture has a negative impact in the success of the road network as a place.~~

~~Regulatory signs inform road users of traffic laws and regulations. They tell road users what they~~

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POLICY: REGULATORY AND WARNING SIGNAGE | 6 JUNE 2013

must do by law in different situations (where it may not be otherwise obvious). Regulatory signs include, but are not limited to, stop signs, give-way signs, roundabout signs, keep left or keep right signs, no entry sign, no left turn or no right turn signs, school crossings, hospital zone sign, pedestrian, accessible parking, loading, speed limit signs and parking signs.

Warning signs are used when it is deemed necessary to warn traffic of existing or potentially hazardous conditions on or adjacent to a roadway. These can be permanent or temporary traffic hazards and obstacles. Warning signs are easily recognisable, usually diamond shape, yellow/fluorescent background and black symbols or text. Some road warning signs may be red, such as 'prepare to stop' signs, or a bright green colour, such as a warning for pedestrians or children that may be in the area.

Warning signs use diagrams and symbols to alert you of potential hazards or dangers up ahead – for example, a black cross means a crossroad is ahead, or a black T means the road ahead is ending. They will also signal curves or sharp turns ahead, giving you the opportunity to appropriately adjust your driving in a timely manner.

Regulatory Signs

Regulatory signs are a form of prescribed traffic control device which fall within two categories:

1. Regulatory signs which are delegated to council to install on the network they manage. Council can only authorise their installation in accordance with conditions of the delegation, and must seek the advice of Local Traffic Committee prior to exercising its delegation to install this signage.
2. Signs which are ARE NOT delegated to councils. Signs such as speed zone signs can only be authorised by direct Transport for NSW written approval.

Information regarding signs delegated to Council for authorization can be in found within Transport for NSW's Traffic Signs database.

Council may authorise Roadwork Speed Limit signs (Speed Series (R4) Sign No. R4-212n). This should be done in accordance with the Traffic Control at Worksites manual.

Council staff will work with the applicant and gather the pertinent facts for requested changes / additions to regulatory signage. A report may be prepared and submitted to the Local Traffic Committee, who will provide technical advice to Council and/or Transport for NSW.

It is important to note that the legislative power to control traffic through the authorisation of traffic control devices, lies with Transport for NSW and the delegation of this power does not remove Transport for NSW's ability to exercise those delegated functions should circumstances warrant action.

Council does not approve regulatory speed limits within the region; such approval rests with the Roads and Maritime Services.

Council may implement temporary speed restrictions for road works in accordance with the Traffic Control Manual.

Council staff will work with the applicant and gather the pertinent facts for requested changes / additions to regulatory signage. A report may be prepared and submitted to the Local Traffic Committee, who will make a recommendation to Council.

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Warning Signs

[Transport for NSW has responsibility for authorizing and installing warning signs on all State roads, including Castlereagh Highway.](#)

[Council has responsibility for authorizing and installing signs on regional roads. Regional roads include Ilford Road, Bylong Valley Way, Wollar Road, Ulan Road, Hill End Road, Goolma Road, Cope Road and Gollan Road.](#)

[Council is wholly responsible for signage on local roads.](#)

Traffic analysis, engineering, and property use facts and data shall be reviewed when considering warning signs. In the absence of supporting facts and data, warning signs will not be erected on the regions roads.

~~[Warning signs on roads under the care and control of the RMS will be subject to approval by the Roads and Maritime Services.](#)~~

Warning signs will only be considered in the following circumstance and remain subject to budgetary and resource availability constraints:

- a) Speed Advisory Warning Sign - In conjunction with another warning sign where geometrics or operating conditions warrant a reduced speed. Generally not to be installed on roads with a classification lower than Collector and only where defined speed is less than 70km/hr on Collector and Sub-Arterial Roads, and less than 100km/hr on Arterial Roads
- b) Curve or Turn Warning Sign - Installed in locations when inadequate sight lines warrant. Installed when a roadway turns at a right angle, or for roads complying with clause 1, or where the defined radii of the curve indicates an 85th percentile speed of less than 40km/hr.
- c) Blind Driveway Warning Sign - Installed on roads classed as collector and higher where the speed limit is 60 km/hr or greater and inadequate sight lines warrant.
- d) Pedestrian, School, School Crossing, & School Bus Stop Warning Signs - Installation in accordance RMS guidelines
- e) Advance Crossing Warning Signs (Kangaroos, Bicycles, Etc.) - Not installed on roads with a speed limit less than or equal to 60 km/hr. May be installed on collector or arterial roadways with a speed limit of 50 km/hr or greater only where a high incidence of the event occurs
- f) Senior Citizen Warning Signs - Installed on any street in the vicinity of a senior citizen housing project, nursing home, residential care facility or other locations generating crossings by seniors.
- g) Crest Warning Sign - Installed in advance of a downgrade where the length percent of grade, horizontal curvature or other physical features require special precautions on the part of drivers and only on roads classed as Collector or higher, unless specific risk assessment warrants.
- h) Stop Ahead, Give Way Ahead, Signals Ahead Warning Signs - Installed on approaches where the traffic control sign is not continuously visible to the driver for the distances identified in the appropriate guidelines
- i) Chevron Alignment Warning Sign - Installed to give notice of a sharp change of alignment with the direction of travel, and only on roads classed as Collector or higher, unless specific risk assessment warrants.

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POLICY: REGULATORY AND WARNING SIGNAGE | , 6 JUNE 2013

- j) No Through Road Warning Signs - Installed where a roadway terminates in a dead end or where a turn-about is necessary to return to a point of origin.
- k) Disabled Person Warning Signs
 - (i) Council may install warning signs upon the request of a disabled person or by the representative of a disabled person.
 - (ii) Requestors will be asked to notify the Council to remove the sign when the disability no longer exists or the person moves.
 - (iii) Disability specific signs or signs of a more generic nature will be the choice of the requestor.



POLICY Grazing of Stock on Roads

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ADOPTED	
COUNCIL MEETING MIN NO	212/13
DATE:	06/02/2013

VERSION NO	
REVIEW DATE	MAY 2014
FILE NUMBER	A0100021

Objective

To advise applicants for grazing on public road reserves of Council's requirements prior to seeking the issue of a Permits by the [Livestock Health and Pest Authority Local Land Services](#).

[This type of permit is issued for a short period of time over a specific section of road in times of drought or for hazard reduction.](#)

This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, 'Connecting our Region High Quality Road Network that is Safe and Efficient'

Legislative requirements

[Rural Lands Protection Act 1998—Section 104](#)[Local Land Services Act 2013 No. 51 – NSW Legislation](#)

[Local Land Services Regulation 2014 – NSW Legislation](#)

[Crown Lands Act 1989](#)

Policy

[Permits for grazing on public roads reserves are obtained through Local Land Services. As part of the application process Local Land Services will seek concurrence from the relevant road authority. In most cases the roads authority will be Council however in the case of a Crown Road concurrence is required from the Minister administering the Crown Lands Act 1989.](#)

[Under the Local Land Services Act 2013 No. 51 and Regulation 2014, all applicable fees are collected by Local Land Services, not Council](#)

[Council will provide consent to the issue of temporary grazing permits for roads in the Local Government Area under its control pursuant to the Local Land Services Act 2013 No.51 and Regulation 2014, subject to:](#)

[Local Land Services Act Section 78 Stock permits authorising certain uses of travelling stock reserves and public roads](#)

- [1. Any person grazing stock on a road under Council care and control shall take out a Public Liability Insurance Policy to cover any accident that may occur, with a recommended minimum level of indemnity of \\$20 million, and such policy shall be suitably endorsed to cover Council.](#)
- [2. Any condition/requirement imposed by the Local Land Services under the Local Land Services Act 2013 and Regulation 2014.](#)

[Council reserves the right to revoke its approval where road or other damage is occurring or is likely to occur.](#)

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POLICY: GRAZING OF STOCK ON ROADS ~~GRAZING OF STOCK ON ROADS~~ | , 6 JUNE 2013

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If road reserves have high priority weed species then access may be denied or delayed to minimise the spread of the weed.

If the road reserve has recently been chemically treated then access may be delayed if withholding periods apply

Council will consent to the issue of temporary grazing permits for roads in the Mid-Western Regional Council area by the Livestock Health and Pest Authority pursuant to the Rural Lands Protection Act 1998 (Section 101 attached) subject to the following conditions:

1. Any person grazing stock on a road under Council care and control shall take out a Public Liability Insurance Policy to cover any mishap which may occur with a recommended minimum level of indemnity of \$10 million and such policy shall be suitable endorsed to cover Council.
2. Any condition / requirement imposed by the Livestock Health and Pest Authority or requirements under the Rural Lands Protection Act

No fee is applicable in accordance with the Rural Lands Protection Act 1998.

It is recognised that grazing by domestic stock can severely affect native vegetation and, in particular, can prevent or impede regeneration of native species. At the same time, the droving of stock is often a necessary activity. The droving of stock along road reserves is accepted where it is a legitimate part of property management but, where the road reserves have important native vegetation, the use of alternative routes will be encouraged where this is a practical option;

Where road reserves contain high, medium and/or low conservation value or threatened species, the applicant should flash graze to ensure the least amount of impact on the significant vegetation. In addition, applicants are unable to temporarily fence livestock in these sensitive areas. Council will provide conservation value details if present;

Longer term grazing of roadsides that contain native vegetation is not permitted unless it complies with the relevant conditions in the "Unmaintained Roads Policy" and has been leased from the Council as per the 'Road Reserve Leasing Policy'.

Rural Lands Protection Act 1998—SECT 101 Local Land Services Act 2013 No. 51 Section 78

78 Stock permits authorising certain uses of travelling stock reserves and public roads

- (1) An authorised officer of Local Land Services may issue a permit (a stock permit) to any person authorising the person to do anything (or omit to do anything) on or in relation to any public road or travelling stock reserve (whether controlled or managed) specified in the permit in respect of stock owned or in the charge of the person and that would otherwise contravene a provision of this Division.
- (2) Without limiting subsection (1), an authorised officer may issue a stock permit authorising a person to do any one or more of the following—
 - (a) enter a controlled travelling stock reserve with stock,
 - (b) remain on a controlled travelling stock reserve with stock,
 - (c) walk stock on a public road or travelling stock reserve,
 - (d) graze stock on a public road or controlled travelling stock reserve.
- (3) A stock permit cannot be issued authorising a person to graze stock (other than travelling stock) on a public road without the concurrence of—

POLICY: GRAZING OF STOCK ON ROADS | , ERROR! REFERENCE SOURCE NOT FOUND.30.AUGUST.2016

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- (a) in the case of a public road that is not a Crown road—the local authority in which the road is vested, or
- (b) in the case of a Crown road—the Minister administering the Crown Land Management Act 2016.

Note—

Under section 40 of the National Parks and Wildlife Act 1974 the concurrence of the Minister is required before the issue of a permit to graze over a travelling stock reserve within the boundaries of a national park or historic site.

- (4) A stock permit is to be in the approved form.
- (5) Nothing in this section authorises or permits an authorised officer to issue a stock permit authorising a person to do (or omit to do) anything on or in relation to a freeway or tollway within the meaning of the Roads Act 1993.

401 Stock permits authorising certain uses of controlled and managed travelling stock reserves and public roads

- (1) An authorised officer of a responsible board may issue a permit (a "stock permit") to any person authorising the person to do anything (or omit to do anything) on or in relation to any public road or travelling stock reserve (whether controlled or managed) specified in the permit in respect of stock owned or in the charge of the person and that would otherwise contravene a provision of this Division.
- (2) Without limiting subsection (1), an authorised officer may issue a stock permit authorising a person to do any one or more of the following:
 - (a) enter a controlled travelling stock reserve with stock;
 - (b) remain on a controlled travelling stock reserve with stock;
 - (c) walk stock on a public road or travelling stock reserve;
 - (d) graze stock on a public road or controlled travelling stock reserve.
- (3) A stock permit cannot be issued authorising a person to graze stock (other than travelling stock) on a public road without the concurrence of:
 - (a) in the case of a public road that is not a Crown road—the local authority in which the road is vested, or
 - (b) in the case of a Crown road—the Minister for Land and Water Conservation.

Note: Under section 40 of the National Parks and Wildlife Act 1974 the concurrence of the Minister is required before the issue of a

POLICY: GRAZING OF STOCK ON ROADS ~~GRAZING OF STOCK ON ROADS~~ | , 6 JUNE 2013

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~~permit to graze over a travelling stock reserve within the boundaries of a national park or historic site.~~

~~(4) A stock permit is to be in the approved form.~~

~~(5) Nothing in this section authorises or permits an authorised officer to issue a stock permit authorising a person to do (or omit to do) anything on or in relation to a freeway or tollway within the meaning of the Roads Act 1993.~~



POLICY Private Works

*A prosperous
and progressive
community.*

ADOPTED [Reviewing](#)

COUNCIL MEETING MIN NO [242/43](#)

DATE: [6 JUNE, 2013](#)/[2/02/2024](#)

REFERENCE [VERSION 12.0](#)

REVIEW DATE [6 JUNE, 2017](#)/[2/02/2028](#)

FILE NUMBER [A0100056, A0100021](#)

Objective

The purpose of this policy is to:

1. Create a framework for performing private works that is transparent, objective and consistent;
2. Ensure a clear understanding of the roles and responsibilities of each party entering into private works agreement; and
3. To undertake private works at market prices and return a profit to Mid-Western Regional Council.

This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, 'Connecting our Region High Quality Road Network that is Safe and Efficient'

Legislative requirements

Local Government Act 1993

Commonwealth crimes Act 1914

Related policies and plans

- Credit Policy
- Statement of Business Ethics
- Conflict of Interest Policy
- WHS Policy
- Code of Conduct

Scope

This policy applies to any work, undertaken by Council upon agreement with a landowner, on private lands and or public lands outside the responsibility of Council. This policy specifically excludes work performed on Council owned or controlled assets and State Roads.

POLICY: [PRIVATE WORKSPRIVATE WORKS](#) | [VERSION 2.0VERSION 1.0, ERROR! REFERENCE SOURCE NOT FOUND,14 JUNE, 2016](#)

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Policy

Priority for the use of Council's plant, equipment, labour and other resources is to be given to Council's own work program at all times.

No private works job shall be undertaken until the prescribed Private Works Application form is fully completed by the person requesting such private works (the applicant).

In requesting and authorising Mid-Western Regional Council to carry out private works, the applicant shall indemnify Mid- Western Regional Council against any claim, action or process for damage or injury which might arise during the progress of such works and shall keep indemnified Mid-Western Regional Council against any claim, action or process for damage and/or injury which might arise from the existence of such works unless such damage and/or injury is due to or contributed to by an act or omission of Mid-Western Regional Council, its employees or agents.

A project estimate shall be provided to the applicant, in writing, outlining the cost, the timeframe, clearly state that this is an "estimate only" and shall include provision for recouping additional funds should the cost of the project exceed the provided estimate.

Firm quotations may be provided to applicants upon request; however provision of such quotations is at the discretion of the General Manager or relevant Group Manager.

All project estimates and quotes will include a provision for administrative costs and a profit margin. All project estimates and quotes provided are GST-exclusive.

The provision of private works services generally requires payment in advance. Any other arrangement must be in accordance with Council's Credit Policy.

All requests for private works on land outside the Mid-Western Region council area must be approved by the General Manager.

Only approved Council employees shall operate Council plant engaged on private works.

Council is responsible for the payment of Council staff and any of its own sub-contractors engaged on private works. No other payment arrangements are permissible.

All private works jobs will be costed independently to the applicant, where it is acknowledged the applicant may be a Council employee or Councillor.

Where Council employees hire plant, such plant will be on the condition that no third party is involved in the agreement. Private use by staff of Council equipment is prohibited unless authorised by the General Manager.

Small plant are not available for hire.

A timeframe shall be provided to the applicant as to when the works can be undertaken. No Private Works shall take priority over the completion of Council's works program.

Misuse or unauthorised use of Council resources may constitute an offence under the *Commonwealth Crimes Act 1914* as amended, and or other relevant legislation.

Council reserves the right to refuse any applicant for private works.

POLICY: ~~PRIVATE WORKS~~ PRIVATE WORKS | ~~VERSION 2.0~~ VERSION 1.0, ~~ERROR! REFERENCE SOURCE NOT FOUND.~~ 14 JUNE, 2016

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Variation

Council reserves the right to vary the terms and conditions of this policy, subject to a report to Council.



POLICY Public Seating on Footpaths

*A prosperous
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community.*

ADOPTED
COUNCIL MEETING MIN NO
DATE:

VERSION NO	
REVIEW DATE	MAY 2014
FILE NUMBER	A0100021

Objective

Requests may be made to Council for the installation of a park seat with a memorial plaque in memory of a deceased person who had a close connection to the reserve or public space. For the purpose of this Policy, park seats include seats in road reserves.

A plaque placed on a park seat is a public recognition of the significant contribution a person has made to the local area. As such, requests will only be considered for those people who are publicly acknowledged as having made a significant contribution to the local area in a not-for-profit capacity. This may include:

(a) people who contributed to the community through sport, arts and culture, education, conservation of the environment, or by providing assistance to the vulnerable; or

(b) people who have contributed to the development of the region socially, culturally or economically.

The objective of this policy is to enable installation of permanent public seating on footpaths whilst defining appropriate mechanisms to ensure consistency in standards and quality.

This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, 'Connecting our Region High Quality Road Network that is Safe and Efficient'

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Policy

1. Any request for a memorial must be made to Council in writing and addressed to the General Manager. Any request must be made by an appropriate person, such as the next of kin or a near relative of the deceased. An appropriate person may also include the representative of an organisation closely associated with the deceased, where that association is the basis for the request. All applications, whether made by a person, an association or organisation, or an elected representative of any level of government, will be assessed in accordance with this Policy. Where a request for a memorial or a commemorative naming has been made by an organisation, it should be accompanied wherever possible by a letter of permission from a relative of the person being honoured.

1-2. Agreement shall be reached with each applicant on the conditions applicable to seating erection prior to any works being undertaken. All seating construction shall be the subject of this agreement. It will be a condition of a request for a seat to be placed in adjacent footpath in a public road reserve that the applicant make application under Section 138 of the Roads Act 1993. Section 138 applications are now done exclusively via the NSW Planning Portal.

2-3. Construction shall be the sole responsibility of the applicant unless by resolution Council elects to assist.

3-4. Each seat proposal will be the subject of a separate approval of location by the General Manager or delegate. Seats shall be located such that they are a sufficient distance from the edge of the kerb so as not to interfere with opening doors of parked vehicles.

4-5. Specifications for the seat, covering materials, erection details, foundation details, painting, signs etc., shall be lodged with the application for approval, and construction

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POLICY: PUBLIC SEATING ON FOOTPATHS | , ERROR! REFERENCE SOURCE NOT FOUND.30 AUGUST, 2016

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shall not proceed until approval has been granted.

A handover meeting will be arranged between the applicant and Council following completion of the project. Council will inspect the seat following installation to ensure compliance with the approval condition and that the quality of materials and workmanship are to a satisfactory standard.

- 5.6. Unless otherwise determined, Council shall be responsible for maintenance of each seat from the date of handover.
- 6.7. Public Risk and other insurance to cover damages will be arranged by Council to cover the seats from the date of handover the applicant is to be responsible for insurance necessary to cover themselves, members, employees and the seats during construction.
- 7.8. Council shall maintain a register of seats installed under this policy together with their location.
- 8.9. Any applicable fees will be as determined in the Council's Fees & Charges as defined from time to time in the Annual Management Plan.
- 9.10. The applicant may have sole advertising rights on the seats on condition that advertising not include reflectorised materials or other lighting aids, and that Council has the right to remove any offensive or inappropriate advertising. Advertising matter shall not be such that it could be construed either to be an official traffic sign or to contain any representation of an official traffic sign. All advertising shall be submitted to Council for approval.