

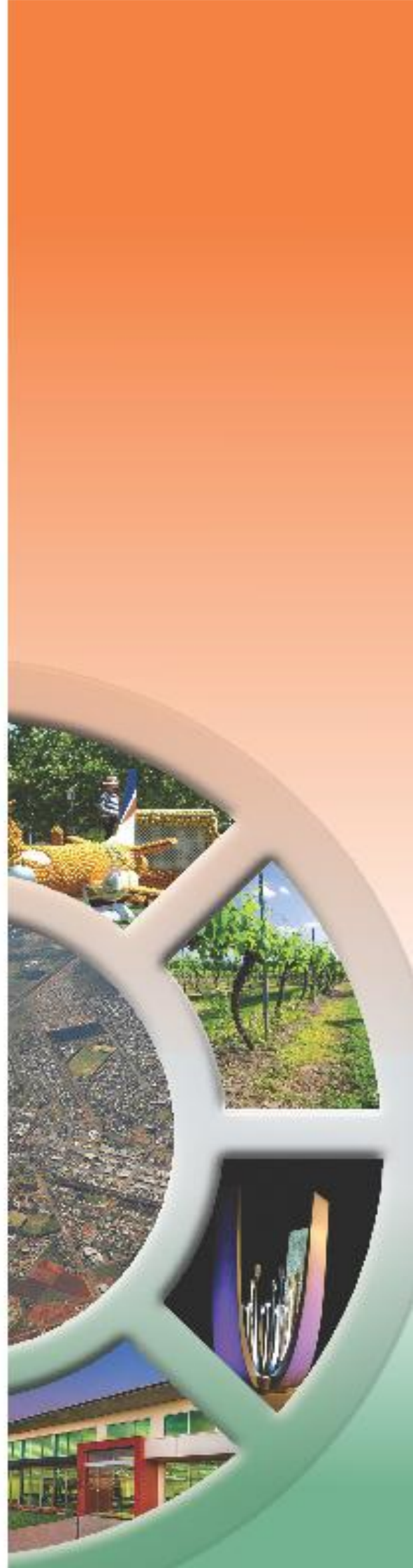


Ordinary Meeting

Tuesday, 10 June 2025

ATTACHMENTS UNDER SEPARATE COVER

- CL03 Review of Council's Local Policies 2025**
- CL04 Endorsement of Draft Model Social Media Policy and Draft Model Media Policy for Public Exhibition**
- CL05 Endorsement of Draft Model Councillor and Staff Interaction Policy for Public Exhibition**
- CL06 Endorsement of Data Breach Policy for Public Exhibition**
- CL07 Local Government Remuneration Tribunal 2025 - Determination of Fees Payable to Mayor and Councillors**



ATTACHMENTS UNDER SEPARATE COVER

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Policy Number	Policy Title	Policy owner	Amended, No Change or Deleted
CS-CP-302	Advertising - Handbill Distribution - Local Policy	Sustainable Development	No change
CS-CP-303	Advertising - Sandwich Board Signs - Local Policy	Sustainable Development	No change
CS-CP-304	Roadside Stalls - Local Policy	Sustainable Development	No change
CS-CP-305	Advertising - Signs - Local Policy	Sustainable Development	No change
CS-CP-306	Vending Vehicles - Local Policy	Sustainable Development	No change
CS-CP-307	Conduct of Councillors & Staff in Assessing & Determining Development Applications - Local Policy	Sustainable Development	Amended – Move to Public Policies
CS-CP-308	Restricted Premises and Sex Services Premises - Local Policy	Sustainable Development	No change
CS-CP-309	Frost Control Fan Policy - Local Policy	Sustainable Development	No change
CS-CP-310	Stormwater Drainage and Disposal - Local Policy	Sustainable Development	No change
CS-CP-311	Approvals - Fencing Adjoining Public Land - Local Policy	Sustainable Development	No change
CS-CP-312	Approvals - Noise Pollution - Loud Speakers - Local Policy	Sustainable Development	No change
CS-CP-313	Approvals - Noise Pollution - Open Air Concerts - Local Policy	Sustainable Development	To be deleted
CS-CP-315	Buildings - Awnings on Commercial Properties - Local Policy	Sustainable Development	No change
CS-CP-316	Buildings - Construction Near Water & Sewerage Assets - Local Policy	Utilities	No changes
CS-CP-317	Buildings - Distance from the Boundary - Local Policy	Sustainable Development	No change
CS-CP-318	Buildings - Floor Heights - Local Policy	Sustainable Development	No change

CS-CP-319	Buildings - Relocation - Local Policy	Sustainable Development	No change
CS-CP-321	Submissions Made Regarding Development & Activity Applications - Local Policy	Sustainable Development	No change – Move to Public Policies
CS-CP-401	Buildings - Engineer's Certificate - Local Policy	Sustainable Development	No change
CS-CP-402	Driveways - Maintenance and Width - Local Policy	Sustainable Development	No change
CS-CP-403	Flood Liable Lands Policy - Local Policy	Sustainable Development	Amended
CS-CP-406	Risk Profile and Assessment Criteria for Earth Dams used for Commercial Aquaculture Production in Griffith LGA - Local Policy	Sustainable Development	No change
EH-CP-202	Smoke Free Outdoor Areas - Local Policy	Sustainable Development	No change
EH-CP-801	Waste - Septic Tanks - Local Policy	Sustainable Development	No change
WO-CP-501	Footpaths - Construction of - Local Policy	Sustainable Development	No change
SD-CP-202	Solar Energy Farms and Battery Energy Storage Systems (BESS) Policy	Sustainable Development	No change
CS-CP-404	Onsite Detention Policy - Local Policy	Utilities	Subject of separate report
PG-CP-401	Tree Preservation Order - Local Policy	Infrastructure & Operations	Subject of separate report
PG-CP-402	Tree Policy - Local Policy	Infrastructure & Operations	Subject of separate report



Advertising – Handbill Distribution

CS-CP-302
(LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	24 Apr 1990	00	24 Apr 1990
2	14 Jan 2003	25	14 Jan 2003
3	11 May 2010	0142	11 May 2010
4	13 Aug 2013	0255	13 Aug 2013
5	22 Aug 2017	17/205	22 Aug 2017
6	23 Aug 2022	22/209	23 Aug 2022

2 Policy Objective

To regulate the distribution of handbills in the public so as to minimise the public nuisance and avoid littering.

3 Policy Statement

- 3.1 Any person or organisation requiring to distribute handbills or advertisements in public must first obtain the approval of Council. Authority to determine such applications is delegated to the Director, Sustainable Development (or equivalent position) or their nominated delegate. It is to be a condition of any approval that the applicant accepts responsibility for the removal forthwith of any litter that may result.
- 3.2 The placing of pamphlets on the windscreens of vehicles is prohibited.

4 Definitions

None

5 Exceptions

None

6 Legislation

None

7 Related Documents

None



8 Directorate

Sustainable Development



Advertising – Sandwich Board Signs

CS-CP-303
(LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	5 Dec 2000	P79	5 Dec 2000
2	14 Jan 2003	25	14 Jan 2003
3	23 Apr 2004	281	23 Apr 2004
4	11 May 2010	142	11 May 2010
5	10 Sep 2013	286	10 Sep 2013
6	22 Aug 2017	17/205	22 Aug 2017
7	23 Aug 2022	22/209	23 Aug 2022

2 Policy Objective

- To protect public safety in relation to objects on public footpaths and footways of public roads, in commercial and industrial zones.
- To establish standards for the size, quality and number of sandwich board signs.
- To define acceptable placements for sandwich board signs in public places.

Land to which this policy applies

This policy applies across the Griffith Local Government Area other than where Council Policy UD-CP-201 "Use of Council Footpaths" applies in parts of the Griffith CBD and parts of Yenda Town Centre.

3 Policy Statement

The Local Government Act 1993 Sections 158 and 159 establish guidelines for Council to prepare and adopt Local Approvals Policies. Such policies are to be placed on exhibition and submissions considered before adoption. Local Approvals Policies are available as public documents.

Structure of Local Policy

This policy includes:

1. Exemptions
2. Criteria for determining approvals
3. Operational policies



3.1 Exemptions

The placement of tourist promotion, event marketing or tourist feature displays which may be intermittent, placed on medians for periods of up to two weeks is exempt from this policy. Council's Director Sustainable Development (or equivalent position) or their nominated delegate is required to be advised of such placements at least seven (7) days prior to their placement.

Advertising Sandwich Board Signs of a temporary nature set up by Real Estate Agents for the purposes of advertising an open home or auction are exempt from the policy.

There are no other circumstances in which a person would be exempt from the necessity to obtain an approval of the Council for display of a sandwich board on a public footpath.

3.2 Determination Criteria

3.2.1 Statutory Requirements

All applications will be assessed and determined under the provisions of

- Local Government Act ,1993 (as amended)
- Environmental Planning and Assessment Act, 1979 (as amended)
- Environmental Planning and Assessment Regulation 2021 (as amended)
- Provisions for State and Environmental Planning (Exempt and Complying Development Codes) 2008
- Any LEP and DCPs that have been adopted by the Council
- The public interest and safety of the locality to traffic and pedestrians

3.2.2 Application

This policy will be applied to the display of Sandwich Board Signs, allowing placement on public footpaths across the Griffith Local Government Area other than where Council Policy "Use of Council Footpaths" (UD-CP-201) applies in parts of the Griffith CBD and parts of the Yenda Town Centre with the prior approval of Council and subject to an annual licence fee being paid.



3.2.3 Physical form

The maximum dimension of the sign shall not exceed 1m². The construction shall be of durable materials and type, able to be stabilised in inclement weather, have a professional presentation of wording and content, and be in clearly visible colours.

3.2.4 Siting

One (1) sandwich board may be placed directly outside that proprietor's shop and not outside any other adjacent shop frontage not conducted by the proprietor (except in arcade developments). A maximum number of two (2) sandwich boards may be placed adjacent to an arcade frontage by proprietors located within the arcade.

The siting of sandwich board signs shall not impede the pedestrian thoroughfare or be within 3 metres of any street furniture or licensed footpath activity. All sandwich board signs are to be located 1 metre off the street kerb, except in the circumstance where adequate justification is given for the other location.

At all times adequate pedestrian thoroughfare distance of 2.6 metres must be maintained.

A sandwich board sign or any form of advertising may not be permitted to be located on a public road median strip.

3.2.5 Indemnity

Public risk insurance liability policy shall be maintained by the proprietor to extend over the sandwich board sign located on Council's footpath, with a minimum public risk indemnity amount of \$20,000,000.

3.3 Operational Policies

3.3.1 Licensing

An annual approval (licence) is required to be obtained for each sandwich board sign that is displayed. A register of approved sandwich board signs shall be maintained by Council's Development Approvals Section.



3.3.2 Fee

An application fee including an annual licence fee is required to be paid. The fee will be set annually in accordance with Council's Revenue Policy and will be placed on exhibition as per the requirements of the Local Government Act, 1993.

An account for the renewal of sandwich board sign licences shall be forwarded to relevant proprietors by Council annually.

3.3.3 Non Complying Sandwich Board Signs

Council shall impound sandwich board signs located on footpaths, roads, and/or medians, where a request by Council's officers to remove a sign has been ignored, where it is unlicensed or non-complying with Council's policy concerning safety or obstruction.

3.3.4 Advertising on Vehicles

This policy does not permit the display of signage or advertising content upon vehicles registered or unregistered that are in breach of the Roads and Motor Traffic Act and Regulations.

3.3.5 Term

This policy remains in force for the term of Council's Office or as may be publicly amended.

4 Definitions

LEP – Local Environmental Plan
DCP – Development Control Plan

5 Exceptions

- a) The placement of tourist promotion, event marketing or tourist feature displays which may be intermittent, placed on medians for periods of up to two weeks is exempted from this policy. Council's Director Sustainable Development (or equivalent position) or their nominated delegate is required to be advised of such placements at least seven (7) days prior to their placement.



- b) Advertising Sandwich Board Signs of a temporary nature set up by Real Estate Agents for the purposes of advertising an open home or auction be exempt from the policy.

There are no other circumstances in which a person would be exempt from the necessity to obtain an approval of the Council for display of a sandwich board on a public footpath.

6 Legislation

Local Government Act 1993

7 Related Documents

None

8 Directorate

Sustainable Development



Roadside Stalls CS-CP-304 (LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	8 Nov 2005	444	8 Nov 2005
2	11 May 2010	0142	11 May 2010
3	13 Aug 2013	0255	13 Aug 2013
4	22 Aug 2017	17/205	22 Aug 2017
5	23 Aug 2022	22/209	23 Aug 2022

2 Policy Objective

- To provide clear objectives and guidelines to enable the sale of farm produce from roadside stalls in accordance with the Griffith Local Environmental Plan 2014 (GLEP 2014); and
- To allow locally grown Griffith produce to be marketed from the property whilst ensuring that any potential hazards associated with this activity are minimised.

3 Policy Statement

3.1 Development Considerations

3.1.1 Zoning and Permissibility

- 3.1.1.1 Roadside stalls for the purpose of this policy must be permissible under the relevant zoning under GLEP 2014.
- 3.1.1.2 Roadside stalls are classified as exempt development and are permissible without development consent where they are located on land zoned RU1 Primary Production and RU4 Primary Production Small Lots under the provisions of the GLEP 2014 and that:
 - a) Any proposed structure meets the development standards set down in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008; and
 - b) The roadside stall does not have direct access to a classified road or a connecting road within 90m of a classified road.
- 3.1.1.3 Where the roadside stall is permissible with consent in another zone or that it does not meet the exempt provisions set out in



3.1.1.2 a development application must be submitted to Council for assessment and determination.

Note: Should the zoning of land change due to an LEP amendment or the like, each stall holder should refer to this policy to determine whether the roadside stall is permissible with or without development consent.

3.1.2 Dimensions of Stall

- 3.1.2.1 The number of roadside stalls permitted on each farm shall not exceed one (regardless of whether it has more than one road frontage or consists of more than one allotment).
- 3.1.2.2 The size of the roadside stall shall not exceed 40m² in floor area, 2.5m in height and a maximum width of 3m.

3.1.3 Produce

- 3.1.3.1 Only locally grown (unprocessed) produce may be sold from the roadside stall.

3.1.4 Health Requirements

- 3.1.4.1 The Food Safety Standards 3.2.2 requires a food business to notify its business information to the NSW Food Authority (prior to the food business commencing any food handling operations) at www.foodnotify.nsw.gov.au or the NSW Food Authority (fees apply).
- 3.1.4.2 The premises must comply with the Food Act 2003 and the Australian and New Zealand Food Safety Standards.
- 3.1.4.3 Annual inspections shall be carried out at the discretion of Council's Environmental Health Officer at a fee prescribed in Council's Revenue Policy.

3.1.5 Location

- 3.1.5.1 The roadside stall shall be located wholly within the subject property and not located within the road reserve.



3.1.6 Building Design

- 3.1.6.1 The design of the structure used for the roadside stall shall not detract from the character of the locality.
- 3.1.6.2 The roadside stall may be fixed or moveable. Where the building/structure is moveable, it shall be constructed in such a manner that it is stable in all weather conditions.
- 3.1.6.3 The roadside stall shall be constructed with good quality materials, painted or decorated in such a way that it is not offensive or detracts from the surrounding environment, nor unreasonably distractive for motorists using roadway(s) in the vicinity of the roadside stall; all to the discretion of Council's Director of Sustainable Development (or equivalent position) or their nominated delegate.
- 3.1.6.4 No lighting or illumination of the roadside stall is permitted.
- 3.1.6.5 No electricity is to be supplied to the roadside stall.

3.1.7 Vehicular Access and Parking

- 3.1.7.2 Entry/exit driveways, manoeuvring and parking areas are to be constructed of an all-weather gravel surface and shall be maintained for the life of the development.
- 3.1.7.3 Access to the roadside stall from a roadway shall be sited in a manner that enables motorists to safely enter and exit the premises in a forward direction.
- 3.1.7.4 Where separate entry/exit driveways are proposed, each driveway shall be signposted and a minimum of 4m in width. Where a combined entry/exit driveway is proposed the combined driveway shall be a minimum of 6m wide.

Note: Council approval is required for the construction of all new driveways.

- 3.1.7.5 A minimum of two parking spaces shall be provided wholly within the site to service the roadside stall.



- 3.1.7.6 A continuous separation (e.g.: landscaped/grassed nature strip) shall be provided between the site activities and the road frontage (excluding driveways).

A separation with a minimum depth of 3m from the site boundary (with no advertising signage or displays), is required.

3.1.8 Hours of Operation

- 3.1.8.1 The roadside stall shall only be permitted to operate during daylight hours only. Daylight hours are defined as the period between one hour after local sunrise and one hour before local sunset.

3.1.9 Security

- 3.1.9.1 Adequate arrangements shall be put in place to secure the roadside stall outside the hours of operation.

3.1.10 Advertising Signage

- 3.1.10.1 To maintain the rural character of the surrounding area, only one advertising sign is permitted;
- 3.1.10.2 A single, well designed advertising sign located within the property is deemed to provide effective identification of the roadside stall.
- 3.1.10.3 Advertising signage must meet the requirements of State Environmental Planning Policy 64 – Advertising and Signage and any Council Development Control Plans and/or policies relating to advertising signage.
- 3.1.10.4 Advertising signage shall not be located within the road reserve.
- 3.1.10.5 Free standing signs and sign on trees, electricity, telephone poles or other inappropriate structures shall not be permitted. Likewise, signs adversely affecting authorised traffic signs shall not be permitted.
- 3.1.10.6 No signs shall be illuminated, constructed from reflective materials or replicate/compromise authorised ~~RMS~~ **Transport for NSW (TfNSW)** traffic signs.
- 3.1.10.7 Advertising signage shall not exceed a total maximum area of 1.5m², and shall not extend above the height of the stall (2.5m).



3.1.10.8 A sign shall not display more than 60 characters (letters, digits or symbols) and not more than one logo.

3.1.10.9 Characters (letters, digits or symbols) shall have minimum dimensions of 150mm x 150mm and maximum dimensions of 350mm x 350mm.

3.1.10.10 Advertising signage and the surrounding vegetation shall be maintained in such a manner that it is clearly visible for approaching traffic during daylight hours.

Note: Native vegetation or roadside vegetation shall not be cleared without consent from Council and/or consent under the Native Vegetation Conservation Act 1997.

3.2 Development Applications

If development consent is required the following information (as a minimum) is required to be submitted in support of a development application to Council:

3.2.1 Statement of Environmental Effects (SEE) including:

3.2.1.1 Detailed site plan indicating layout and elevations of the proposed roadside stall. This includes dimensions and location of stall, site boundary, parking and access provisions (i.e.: entrance/exit access points, manoeuvring areas and number of parking spaces).

3.2.1.2 Type and quantity of goods for sale.

3.2.1.3 Hours of operation and days of trade.

3.2.1.4 Reasons for the proposed development.

3.2.1.5 Details of any works proposed for the construction or upgrading of the access, edge of pavement or any other structures within the road reserve.

3.2.1.6 Details of advertising signage including heights, width, materials, character size, method of attachment, and features of the display (i.e.: wording, colours and logos).



- 3.2.1.7 Hours of operation and length of time proposed (e.g.: two month seasonal stall only).

3.2.2 A development application for a roadside stall must also meet the following requirements:

- 3.2.2.1 Building works must comply with the Building Code of Australia.
- 3.2.2.2 Proposed roadside stalls that are located on a designated classified road must comply with State Environmental Planning Policy (Infrastructure) 2007 and ~~RMS TfNSW~~ requirements to ensure that road safety is maintained (i.e. the development must have an adequate driveway(s), parking areas and internal road design).

Note: Development applications for a roadside stall will be referred to the ~~RMS TfNSW~~ when the proposed development is on land that has direct vehicular or pedestrian access to:

- a) a classified road, or
- b) a road connecting with a classified road, if the access is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the classified road.

A development application fee for a roadside stall shall be paid at the time of lodgement of the application, in accordance with Council's Revenue Policy.

- 3.2.2.3 The entry to the proposed development must have adequate sight distance (relative to the speed zone and landform) available to vehicles traveling along the through road to slow and turn into the development as well as permitting those vehicles leaving the site to have maximum visibility to turn out of the development.
- 3.2.2.4 Access is to be located so as to conform with sight distance requirements outlined in the Austroads 2008 Guide to Road Design.

Note: Any works associated with the design, construction and/or upgrading of an access require approval from Council and may require concurrence from the ~~RMS TfNSW~~.

4 Definitions



Classified roads are defined in SEPP (Infrastructure) 2007. For the purpose of this policy have been identified as follows:

- Main Road 80 East - Irrigation Way (Burley Griffin Way).
- Main Road 80 West – Kidman Way (Hillston Road)
- Main Road 321 South - Kidman Way (south of Griffith)
- Regional Road 321 North – Beelbanger-Rankins Springs Road
- Main Road 84 – Yenda Road
- Regional Road 254 – Whitton Road – Whitton Stock Route Road

Roadside stall has the same meaning set down in Griffith Local Environmental Plan 2014

5 Exceptions

None

6 Legislation

Environmental Planning & Assessment Act 1979
Local Government Act 1993

7 Related Documents

None

8 Directorate

Sustainable Development



Advertising – Signs CS-CP-305 (LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	13 Jul 1999	403	13 Jul 1999
2	14 Jan 2003	25	14 Jan 2003
3	11 May 2010	0142	11 May 2010
4	13 Aug 2013	0255	13 Aug 2013
5	22 Aug 2017	17/205	22 Aug 2017
6	23 Aug 2022	22/209	23 Aug 2022

2 Policy Objective

To protect public safety and safe-guard against unsightly signs.

3 Policy Statement

- 3.1 Council shall require permits for the erection of advertising structures and the fee for such permits shall be in accordance with Council's Revenue Policy.
- 3.2 Council shall impound advertising sign boards located on footpaths when a request by Council's authorised officer to remove such signs has been ignored.
- 3.3 Council shall not permit advertising signs upon the median strips in Banna Avenue.
- 3.4 Where a permit is used, the proponent is to hold a current minimum \$20 million public indemnity cover, indemnifying Council, in order to minimise Council's liability.

4 Definitions

None

5 Exceptions

None

6 Legislation

None



7 Related Documents

None

8 Directorate

Sustainable Development



Vending Vehicles CS-CP-306 (LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	10 Jan 2006	0006	10 Jan 2006
2	11 May 2010	0142	11 May 2010
3	8 Mar 2011	0063	8 Mar 2011
4	13 Aug 2013	0255	13 Aug 2013
5	22 Aug 2017	17/205	22 Aug 2017
6	8 Nov 2022	22/291	8 Nov 2022

2 Policy Objective

To regulate mobile and standing vehicles that display and sell commodities on public or private land.

3 Policy Statement

Approval

- 3.1 An application for approval to operate a vending vehicle within the Griffith Local Government Area must be completed by the applicant and submitted to Griffith City Council for approval by the Director, Sustainable Development (or equivalent position) or their nominated delegate.
- 3.2 After the granting of the initial approval to operate a vending vehicle within the Griffith Local Government Area, subsequent approvals are to be renewed annually with Griffith City Council and will be subject to an application fee. This application should be lodged with Council at least one month prior to the expiry of the previous approval.
- 3.3 An approval to operate a vending vehicle includes approval under the provisions of Section 68 of the Local Government Act 1993 for the purpose of selling of commodities in a public place.
- 3.4 If the vehicle information provided with the initial application changes during the term of this approval, details of the change shall be advised in writing to Council within one week of the variation occurring.



- 3.5 Any vehicle and adjacent areas used for the purpose of displaying and selling commodities without the appropriate approval of Council, and/or not in accordance with this policy, or any licence or direction of Council, is prohibited.
- 3.6 A copy of the certificate of approval must be kept with the vehicle at all times and the certificate must be provided on request by an authorised Council Officer.

Inspection of Vehicle

- 3.7 The Council may require the vehicle to be made available for inspection at any reasonable time.

Hours of Operation

- 3.8 The hours of operation for the vehicle selling or displaying commodities are limited from 8.00am to 7.00pm daily during Daylight Saving period and from 8.00am to 6.00pm daily during other times of the year. In exceptional circumstances, hours of operation may be varied to the discretion of the Director, Sustainable Development (or equivalent position) or their nominated delegate.

Selling Condition

- 3.9 The vehicle must be in motion unless displaying or selling commodities. The vehicle shall not operate within 100 metres from any business or other premises, displaying or selling similar types of commodities, at the same time, unless it is a vending vehicle on public land with Council permission.

Vehicle Condition

- 3.10 All vehicles permitted under this policy shall be maintained in a clean and safe condition. Vehicles displaying or selling food are to comply with the Food Standards, Australian and New Zealand Food Safety Standards, Food Act 2003 and Roads and Maritime Services registration and rules.
- 3.11 The vending vehicle must not be used for sleeping purposes.
- 3.12 Employees' personal belongings, cleaning equipment, soiled equipment, waste and commodities kept in the vehicle are to be physically separated.

Waste Disposal

- 3.13 Suitable garbage receptacles with close-fitting lids must be provided in the vehicle.



- 3.14 When directed, a suitable receptacle must be provided outside the vehicle for placing litter.
- 3.15 All garbage must be removed daily or more frequently when the need arises.
- 3.16 Any waste must be transported to a place that can lawfully be used as a waste facility for that waste. A copy of an appropriate waste management plan must be provided to Council prior to approval.

Public Nuisance

- 3.17 The vehicle shall operate in accordance with the Local Government Act 1993, the Protection of the Environment Operations Act 1997 and such other legislation as may from time-to-time impinge upon the activities hereby approved.
- 3.18 The use of equipment to amplify sounds in or on any public road or public place is prohibited unless prior consent of the Council is obtained. Such applications may be approved with or without conditions.
- 3.19 Vehicles permitted to play amplified sounds shall not emit the amplified sounds whilst the vehicle is in motion.

Road Rules

- 3.20 Vehicles permitted under this policy shall not obstruct roadways or footpaths and shall not be driven or parked in such a way that is a hazard to other road users.
- 3.21 A vehicle permitted under this policy will not be exempt from any road rules, traffic and parking regulations or any similar legislation.
- 3.22 Vehicles permitted under this policy shall not be permitted to sell commodities in a demarcated School Zone.

Statutory Approvals

- 3.23 A vehicle permitted under this policy shall comply with all relevant Acts, Regulations and Council Policies and nothing herein shall be taken as the granting of consent under the Environmental Planning and Assessment Act 1979, particularly Subdivision 27A Mobile Food and Drink Outlets, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.



Public Liability

- 3.24 The proprietor must provide Council with a copy of their current Public Liability Policy for not less than \$20 million dollars indemnifying Griffith City Council against any claims that arise from the operation of the vending vehicle.
- 3.25 The proprietor selling commodities to children must provide Council with a copy of their current Public Liability Policy for not less than \$20 million dollars indemnifying Griffith City Council against any claims that arise from the operation of the vending vehicle.

4 Definitions

Vending vehicle: Includes any mobile or stationary vehicle and any adjacent area reasonably used for the purpose of displaying and selling commodities; but excludes service vehicles such as mechanics, carpet cleaning services, gardening services and also excludes the delivery of pre-ordered commodities such as pre ordered meals.

5 Exceptions

None

6 Legislation

Section 356 of the Local Government Act 1993 (as amended) Local Government Act 1993
Protection of the Environment Operations Act 1997
Food Act 2003

7 Related Documents

None

8 Directorate

Sustainable Development



Conduct of Councillors & Staff in Assessing & Determining Development Applications CS-CP-307 (LOCAL PUBLIC POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	13/04/1999	206	13/04/1999
2	14/01/2003	25	14/01/2003
3	11/05/2010	0142	11/05/2010
4	22/08/2017	17/205	22/08/2017
5	23/08/2022	22/209	22/08/2022

2 Policy Objective

- To ensure that the public has confidence in the integrity of the assessment and determination procedures for development applications.
- To ensure that all applications are treated openly and fairly and that the relevant codes, statutes, regulations and policies are applied consistently and in a professional manner.
- To ensure a consistent decision making process that complies with council's long term strategies for the city.

3 Policy Statement

3.1 Role of Councillors

- To determine and review where appropriate the policies and codes of the council.
- To represent fairly the interests of residents and ratepayers, not just those that support a particular point of view.
- To transmit community concerns to appropriate and authorised council staff for professional advice and recommendations.
- To shield staff from the criticism surrounding council decisions.
- To explain council decisions clearly and unambiguously to all concerned community members.
- To not expect staff to interpret or support the councillor's political agenda or imperatives, nor to provide advice to justify a politically motivated decision.

3.2 Responsibility of Councillors

- To provide staff with the professional respect that their position deserves.
- To avoid any suspicion of attempting to pressure and/or influence staff in the fulfilment of their duties.
- To make decisions based only on the merit of the case.



- In instances where decisions are to be made which conflict with adopted policies or codes, to review the policies or codes to ascertain their ongoing appropriateness.
- To operate within council's Code of Conduct and relevant policies.
- To ensure that the actions of councillors do not unduly delay the decision making process.

3.3 Role of Staff

- To apply the codes, policies and regulations in a professional, consistent and impartial manner.
- To provide council with concise, clear and well written reports with advice that is appropriate, independent, non-political and technically and legally correct.
- To represent or assist to represent the council in the Land and Environment Court (NB this would not be expected in cases where staff recommendations have been negated).
- To provide appropriate advice and assistance to the councillors in their policy formulation role.

3.4 Responsibility of Staff

- To provide council with a preferred course of action based on the best professional analysis of the issues.
- To clearly explain where councillors have discretion to decide a matter (that is, on the planning merits of the case) and where there is no discretion (that is, where a matter is either legal or illegal).
- To advise council where improvements can be made to planning instruments.
- To ensure their work is free from bias and is untainted by corruption or conflict of interest.
- To work within their professional code of ethics, council's Code of Conduct and relevant policies.

3.5 Councillors' Interaction with Applicants and/or Objectors

Councillors, in dealing with applicants and/or objectors:

- (a) shall not play a role in the assessment or determination of applications submitted by relatives, business associates, close friends, employees, employers or other situations where the association is such that it could be perceived to influence the councillor's decision;
- (b) shall record all discussions relative to the application and shall disclose such contacts prior to playing any part in the assessment or determination of the application. All such disclosures are to be recorded;



- (c) shall submit any views expressed or questions asked by the applicant or objector to the relevant staff for technical assessment and advice, and
- (d) shall not in discussions with the applicant or objector make personal reflections or impute improper motives to other councillors or staff.

3.6 Staff Interaction with Applicants and/or Objectors

Staff, in dealing with applicants and/or objectors:

- (a) shall not play a role in the assessment or determination of applications submitted by relatives, business associates, close friends, employees, employers or other situations where the association is such that it could be perceived to influence the staff member's decision;
- (b) shall not in discussions with the applicant or objector make personal reflections or impute improper motives to councillors or other staff members;
- (c) shall clearly explain council's codes, regulations and policies without attempting to criticise such codes, regulations or policies;
- (d) shall seek to provide assistance as could reasonably be expected in the form of suggesting solutions and options available;
- (e) shall ensure that the information and assistance provided is consistent, professional and not influenced by personal opinions.

3.7 Determination of Application

- There shall be a clear delineation and understanding of what applications are to be processed under delegated authority and there should be no attempt by councillors to influence staff in their assessment of those applications falling within that category.
- All applications referred to the council or a committee for determination are to be accompanied by a report that:
 - is legally and technically correct;
 - is non-political and impartial;
 - informs the council/committee of the options available to them;
 - contains an appropriate recommendation based on the merits of the application,
 - explains the ramifications of the available options.
- Where the staff recommendation is negated, clear reasons for overturning the recommendation are to be recorded.
- The council or committee determining the application shall have the right to exclude a member from participating in the determination of an application when the council or the committee is of the opinion that the member's private or personal interests could be perceived to affect the impartial performance of the member in the determination of the application.



3.8 Sanctions

~~Where it would appear that there has been a breach of this Policy, such apparent breach is to be reported in open to the council. The councillor or staff member is to be advised as soon as practicable of the apparent breach and to be given the opportunity to respond in writing.~~

~~Council, having resolved that the councillor or staff member has failed to comply with this Policy can, by resolution:~~

- ~~• request a formal apology;~~
- ~~• counsel the person involved;~~
- ~~• reprimand the person involved;~~
- ~~• pass a sanction motion at the council meeting;~~
- ~~• make public disclosures of the inappropriate conduct;~~
- ~~• refer the matter to an appropriate investigative body if the matter is serious, and/or~~
- ~~• prosecute any breach of the law.~~

3.9 Other Policies

This policy is to be read in conjunction with other relevant policies adopted by the Griffith City Council.

3.10 Acknowledgment

Griffith City Council acknowledges the assistance provided by Stephen Harris of the University of NSW in the development of this policy.

4 Definitions

None

5 Exceptions

None

6 Legislation

None



7 Related Documents

None

8 Directorate

Sustainable Development



Restricted Premises & Sex Services Premises CS-CP-308 (LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	9 Jun 2009	163	9 Jun 2009
2	11 May 2010	0142	11 May 2010
3	13 Aug 2013	0255	13 Aug 2013
4	14 Nov 2017	17/297	14 Nov 2017
5	23 Aug 2022	22/209	23 Aug 2022

2 Policy Objective

- To inform applicants and the community of the primary considerations for the location and establishment of restricted premises and sex services premises.
- To provide guidance for the assessment of restricted premises and sex services premises.
- To minimise potential social impact and nuisance associated with restricted premises and sex services premises.
- To establish local standards, acceptable to the community in general, for the location and establishment of restricted premises and sex services premises.

Land to Which This Policy Applies

This policy applies to all land within the Griffith City Council local government area.

3 Policy Statement

3.1 Locality

The establishment of new restricted premises and sex services premises, after the date of adoption of this policy, will only be considered in areas zoned IN1 General Industry in terms of the Griffith Local Environmental Plan 2002, and in no other zone.

No part of a restricted premises or sex services premises is to be located:

- within 200 metres walking distance from any residential dwelling or residentially zoned land (excluding a bona fide caretakers residence on industrial zoned land); or
- within 200 metres walking distance of any place of worship, school, community facility, child care centre, hospital, or any place likely to be visited by children for recreational or other pursuits; or in arcades or other thoroughfares open to the public or used by the public; or



- within 200 metres walking distance from any other lawfully operating restricted premises or sex services premises.

3.2 Design and development controls

- No internal rooms or spaces of the restricted premises or sex services premises, other than an access corridor, are to be visible from a public place, street or adjoining premises.
- No part of a restricted premises, sex services premises, or the building in which it is situated, will be used as a dwelling unless separate access will be available to the dwelling.
- No more than one sign is to be erected or displayed in public view. Such a sign shall not exceed 600mm in height or width, not be neon illuminated and not flash. Signage may only display the name of the person who conducts the business, or the registered name of the business carried out on the premises; the words "RESTRICTED PREMISES" in capital letters, not more than 50 millimetres in height; or signage required by other legislation.
- No objects, products, or goods related to a restricted premises or sex services premises will be visible from outside the premises.

3.3 Notification and Consultation

In addition to the requirements of Council's relevant DCP, Council may notify any place of worship, school, community facility, child care centre, hospital, or any place likely to be visited by children for recreational or other pursuits – whether in a nearby location or not.

NSW Police, NSW Health, NSW Department of Community Services and NSW WorkCover are preferred agencies to be consulted during the assessment of any application for a restricted premises or sex services premises.

3.4 Additional requirements

In the case of applications involving restricted premises or sex services premises, Council may require a social impact assessment to be undertaken by a suitably qualified professional prior to making a determination.

In the case of applications involving restricted premises or sex services premises, Council may require a Management Plan prior to making a determination. Such a Plan of Management will demonstrate compliance with WorkCover NSW's Health and Safety Guidelines for Brothels (2001), NSW Crime Prevention through Environmental Design Guidelines (2001) and NSW Communicable Diseases Health and Safety Guidelines for Sex on Premises Venues (2002).

In the case of applications involving massage premises and services, Council may require additional information to ensure compliance with Section 16 of the Summary Offences Act 1988.



4 Definitions

Restricted Premises has the same meaning as in the Griffith Local Environmental Plan 2014; but, for the purpose of this policy, also means a building or place used or intended for use of a shop in which:

- any classified publications (other than unrestricted publications) within the meaning of the Classification (Publications, Films and Computer Games) Enforcement Act 1995 are available for sale or rental to the public, or
- a business is conducted involving, selling or disposing of products to which section 578E of the Crimes Act 1900 applies, or
- a business is conducted, an object of which is the display or exhibition of any article that is primarily concerned with sexual behaviour, but is not printed matter, but does not include a shop where the business of a newsagent, clothes or lingerie retailer, video/DVD hire, or registered pharmacist is genuinely carried on.

Sex Services Premises has the same meaning as in the Griffith Local Environmental Plan 2014, but, for the purpose of this policy, also includes massage related services involving sexual acts or sexual services ***Refer to Section 16 of the Summary Offences Act 1988 – accordingly it is an offence for a person being the owner, occupier; or manager; or person assisting in the management of a premises held out as being available for ‘massage, sauna baths, steam baths, facilities for physical exercise, taking of photographs or services of a like nature’ to knowingly suffer or permit sexual services,*** and premises or buildings used for the purpose of a strip club, swingers club, street-based sex workers, bondage and discipline parlours, and the like.

5 Exceptions

None

6 Legislation

None

7 Related Documents

None

8 Directorate

Sustainable Development



Frost Control Fan CS-CP-309 (LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	17 Oct 2000	713	17 Oct 2000
2	11 May 2010	0142	11 May 2010
3	13 Aug 2013	0255	13 Aug 2013
4	22 Aug 2017	17/205	22 Aug 2017
5	24 Mar 2020	20/086	24 Mar 2020
6	8 Nov 2022	22/291	8 Nov 2022

2 Policy Objective

- To find an equitable balance between the use of frost control fans and the amenity of surrounding residents.
- To address the interface issues regarding the installation and operation of frost control fans.
- To set standards appropriate for Griffith City Council LGA for the installation and operation of frost control fans.
- To allow for sustainable agriculture and continued agricultural growth.

3 Policy Statement

3.1 Introduction

Griffith City Council supports the horticultural industry within the Murrumbidgee Irrigation Area.

The Frost Control Fan Policy seeks to provide guidelines for the installation of permanent fans and use of mobile fans to reduce the adverse impacts of frost on horticultural crops, while reducing the likelihood of land use conflict within the locality.

With increasing interest expressed by fruit and nut growers to install frost control fans or mobile wind machines in our rural areas, the need has arisen to revise the initial guidelines as population density increases, in an effort to maintain primary production and to reduce land use conflict.

3.2 What is a frost control fan?

The principal function of the frost control fan is to mix the warmer air from higher atmospheric inversion layers with the cold air layer closer to the ground, normally reducing the risk of frost damage to horticultural crops.



A frost control fan is a machine that consists typically of a tower approximately 10 - 11 metres in height with two (2) to five (5) blades at the top, each being 2.5 - 3 metres long. An engine is mounted at the base of the tower and is used to drive the blade via drive shafts and gearing. The head of the fan rotates through 360 degrees on a vertical axis with the blade spinning between 400 -750 revolutions per minute. The head of the fan takes approximately 5 – 7 minutes to complete one 360 degree rotation.

3.3 Are all Frost Control Fans covered by this Policy?

From the date of adoption, this policy will apply to the installation of permanent and to the use mobile Frost Control Fans in the Griffith City Council local government area, with regard to noise emission / compliance.

Permanent Frost Control Fans require development consent where the use of mobile fans do not require Council's approval however, they are included in this policy for equity purposes with regard to noise emission for compliance testing. For further information see FAQ sheet.

3.4 In what planning zones under the Griffith Local Environment Plan 2014 are frost control fans permitted?

Frost control fans will only be permitted with Council consent in rural zones where intensive plant agriculture (e.g. orchards and vineyards) are permissible without consent. The primary production zones are RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and RU6 Rural Transition under Griffith Local Environmental Plan 2014.

3.5 What application requirements will apply to the installation of permanent frost control fans?

When a development application is submitted to Council for the installation of permanent frost control fans, it must be accompanied by the following information:

- 1) Scaled site diagram showing the proposed location of the frost control fan/s particularly in relation to dwelling houses within 1000 metres of the fans.
- 2) Structural engineer's certification and drawings for the footings and structural steelwork. (This information may be provided by the manufacturer).
- 3) Details of crop/s to be protected by the frost control fans; e.g. citrus, almonds, grapes, and the like.



- 4) Details of the anticipated temperature at which damage occurs to the crop/s proposed to be protected and the anticipated temperature that the fans would come on to protect the crop/s from frost and cut out to cease fan operation.
- 5) The number of frosts on average per year, which currently affect the crop/s to be protected, according to currently available climatic data. For example, Bureau of Meteorology data, or site specific data collected for the past 3 or 4 seasons. For further information see FAQ sheet.
- 6) Applicants are referred to Section 4.15 of the Environmental Planning and Assessment Act, 1979 to address its provisions in their statement of environmental effects, including the provisions of environmental planning instruments, development control plan, the likely impacts of the development and other relevant matters associated with their proposal.
- 7) An acoustic report, prepared by a suitably qualified acoustical consultant, is to be submitted with the application documentation, modelling the extent of impact of the proposed frost control fans upon surrounding non-associated dwellings, with all proposed and existing fans on the farm (or within the same ownership on adjoining or adjacent lands) operating simultaneously.

The assessment model should be based upon manufacturer's sound level data, a copy of which is to be provided with the application. A map should be included in the report with the projected extent of the modelled 55 dB(A) and 45 dB(A) sound level 'contours'.

Further, the report should provide a clear description of the parameters and atmospheric conditions upon which the modelling is premised (e.g. terrain - actual or theoretical, wind speed, temperature, inversion layer present, local known reflective surfaces such as Lake Wyangan, and the like).

All noise assessment should be undertaken in accordance with AS 1055-2018 Acoustics – Description and Measurement of Environmental Noise and AS/NZ IEC 61672.1:2019 Electroacoustics – Sound Meter Levels Part 1 Specifications.

- 8) In relation to the manufacturers' sound power level data, the LAeq measurements must have been taken over a period of 15 minutes, and over a range of distances from 10 metres to 500 metres from the frost control fan. These manufactures' readings must be included in the information submitted with the Development Application.



- 9) If there are no non-associated dwellings within 1000 metres of the proposed frost control fans, the acoustic modelling report will not be required.
- 10) Notwithstanding point 9 above, if there are other permanent frost control fans within 1000 metres of the proposed frost control fans, the accumulated noise may impact upon surrounding non-associated dwellings, and an acoustic report will be required, taking into consideration the cumulative amenity impact of all of the fans, including those on the site.
- 11) The acoustic report should demonstrate how compliance will be achieved with the following criteria, for the closest non-associated dwelling outside the subject site or ownership, on a property not associated with the land over which the application is made, based upon zone of that land adjacent to the application property.

The following criteria apply to existing adjacent land use zones for the cumulative operation of all fans:

Location of affected residence	Outdoor Criteria (L _{Aeq} 15 min)	Indoor Criteria (L _{Aeq} 15 min)
Noise Sensitive Zone	45 dB(A) (max)	25 dB(A) (max)
Non-noise Sensitive Zone	55 dB(A) (max)	35 dB(A) (max)

- 12) If the indoor criteria (assuming all windows closed) can be met through the provision of noise attenuation measures at the closest non-associated dwelling rather than the external noise criteria, compliance will be determined at Council's discretion. Internal criteria can also be achieved through the installation of double glazing, and insulation of bedrooms for the dwelling for example.

Note:

1. A noise sensitive zone is a land use zone adjacent to the frost fan property, primarily meant for noise sensitive land uses typically meant for residential development under Griffith Local Environmental Plan, 2014. The noise sensitive zones are R1 General Residential, R5 Large Lot Residential and RU5 Village Zone, along with E4 Environmental Living Zone.
2. A non-noise sensitive zone is a land use zone adjacent to the frost fan property, primarily meant for primary production under the Griffith Local Environmental Plan, 2014, being RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots RU6 Rural Transition.
3. Other non-noise sensitive land use zones include Environmental Protection Zones (e.g. E2 Environmental Conservation, E3 Environmental Management)



and Industrial Zones (e.g. Industrial General) where existing non-associated dwellings may be located adjacent to primary production lands.

4. Manufacturers' sound power level data must not just be based on the sound power output at 300 metres only, but readings taken at a range of distances & provided to Council.
5. Note that Council will retain all submitted acoustic reports, which will be made available upon request, for an application within 1000 metres of another property boundary, containing frost control fans.

3.6 What standards will apply to the operation of all frost control fans?

Once permanent frost control fans have been approved by Council, they must operate under the following conditions:

1. The frost control fans must have an auto-ignition thermostatic control that is set at all times to a temperature appropriate to the crop being protected, with an anemometer set to shut down the fan operation when wind speeds exceed 10km per hour.
2. The driving engine for the frost control fan must be housed in a noise attenuating housing with an integrated acoustic muffler.
3. As an initial compliance check, noise levels are to be taken following the installation of approved permanent frost control fans. This will be imposed as a condition of consent to ensure that the installed fans do actually achieve the applicant's stated decibel level. The compliance check should be conducted during the atmospheric conditions under which the fans are intended to operate (i.e. during a frost event). Compliance acoustic reports will be undertaken by a suitably qualified acoustical consultant, at the cost of the owner of the frost control fans.
4. The minimum sound data collection for a compliance check should be taken at a range of distances from 10m to 500m from the frost control fans. Further the sound data collection should also be taken at a distance of two to five (2 - 5) metres from a bedroom of the closest non-associated dwelling to the fans. Both data sets should be recorded for a minimum of 15 minutes (or two full revolutions). The resultant compliance report is to be provided to Council to complete the condition of consent, permitting Council to be satisfied that compliance has been achieved, or to advise that amelioration measures need to be taken to bring the fans into compliance.



5. Whilst all frost control fans are in operation, the noise level measured at a distance of 4 metres from any bedroom window of a non-associated dwelling situated on an adjacent property to that containing the frost control fans, must not exceed the outdoor or indoor limit as listed below:

Location of affected residence	Outdoor Criteria (L _{Aeq} 15 min) +2dB(A) considered compliant	Indoor Criteria (L _{Aeq} 15 min) +2dB(A) considered compliant
Noise Sensitive Zone	45 dB(A) (max)	25 dB(A) (max)
Non-noise Sensitive Zone	55 dB(A) (max)	35 dB(A) (max)

6. Compliance checks may be requested at any time, should official complaints be received by Council and there is doubt as to whether the subject frost control fans are operating in accordance with the development consent or this policy in the case of a mobile frost fan. Compliance acoustic reports will be undertaken by a suitably qualified acoustical consultant, at the cost of the fan operator.
7. Post installation noise compliance testing is to be in accordance with relevant Australian Standards, including but not limited to, AS 1055-2018 Acoustics – Description and Measurement of Environmental Noise and AS/NZ IEC 61672.1:2019 Electroacoustics – Sound Meter Levels Part 1 Specifications.
8. If, during post installation compliance testing, when measured in an approved manner, the noise from frost control fans is within 2 dB(A) of the limits listed within this Section, the frost control fans will be deemed to be in compliance.
9. The noise limits contained in this Section apply to the noise from all frost fans on the land under investigation, operating simultaneously; i.e. land over which frost fans have been approved, or lands in the same ownership which contain existing frost fans.
10. A Noise Management Plan should be prepared and provided to adjoining and adjacent non-associated residents within 1000m of the property where the frost fans are installed. This plan at a minimum should provide owner/farm manager contact numbers and emails, complaints procedure, advice on contact prior to impending frost and operation of fans and the like and potential noise mitigation measures to resolve complaints.

Note:

1. For a definition of noise sensitive and non-noise sensitive zones, see Notes 1 & 2 of Section 3.5 of this Policy.



2. Indoor noise levels are to be measured from the inside of a bedroom room of a residence (with all windows closed) not being on the same property as the subject frost control fans.
3. When a noise level check is carried out, the measurement period must be for at least 15 minutes.
4. All noise measurements are to be carried out by either a qualified noise control officer (as authorised under the POEO Act) or a suitably qualified acoustical consultant.

3.7 Can adjacent land alter from a non-noise sensitive zone to noise sensitive?

Council may rezone land which alters the type of the land uses within that new zone so that it becomes a noise sensitive zone. Council may consider changes to zones through a strategic land use strategy, though rezoning may also occur through a site specific planning proposal where Council will carefully consider the appropriateness of the change in predominant land use given the nature of the surrounding land.

3.8 Do the noise criteria apply to other development?

In the circumstance where land to be developed (e.g. subdivided or new dwellings constructed) is within 1,000 metres of existing and / or approved (but not yet installed) frost control fans, the future developer of the land subject to the rezoning or development application, will be responsible for addressing the issue of compliance with this policy.

This may be achieved by doing the following:

- a) The provision of buffers to limit the location of future dwelling houses in relation to their proximity to the existing frost control fans; and / or,
- b) Constructing dwellings to achieve the relevant indoor criterion for the land use zone within which the developed property is located; and / or
- c) At the time of subdivision of that land, Council may impose a condition for the creation of a restriction on the title of the proposed lots, requiring certain noise attenuation measures to be incorporated into the design and construction of any proposed dwelling in that subdivision to enable the indoor criteria to be achieved.



3.9 What happens if complaints are received about an existing frost control fan?

1. In the first instance, a resident should make contact with the land owner or their nominated contact that the fan operation is of concern or disturbing them. The land owner / operator shall prepare a noise management plan under the development consent and will provide it to non-associated residents within the immediate vicinity (e.g. up to 1000 metres) of the property containing the frost fans to encourage dialogue in order to reduce the incidence of complaint and to aid conflict resolution.
2. The noise management plan should include, but not be limited to, contact telephone number of farm manager or land owner, after hour contact details, email address and the like, along with likely times of operation, permitted noise levels, a procedure for providing adjacent non-associated residents with advice on impending fan operation (e.g. 24 hour notice), complaint handling, and potential noise mitigation measures.
3. The noise management plan should be provided to Council for reference and inclusion in the development application / property file records.
4. In the event of non-compliance with the Noise Management Plan, Council will endeavour to establish a dialogue between the affected resident and the owner of the frost control fans, to raise the issues and to try and find possible resolutions.
5. Should any dialogues/negotiations fail, Council will re-assess the subject frost control fan against the requirements of this policy and any associated development consent.
6. Where complaints are received, the complainant should be prepared to allow Council's Officers or the proponent's acoustical consultant reasonable access to their property for the purpose of measuring the sound from the frost control fan if it is deemed necessary, during normal operation atmospheric conditions (i.e. during a frost when the fans are operating, which could be during the night or early hours of the morning). Council may seek to install a noise logger on the complaint's property for an extended period of time to record sound data for evaluation purposes.
7. Should Council receive a complaint concerning the operation of frost control fans, then noise level readings must be taken over at least three consecutive 15 minute (or two full revolutions) periods at 4 metres from any bedroom wall in the non-associated dwelling house the subject of the complaint. The noise level set for the frost control fans must be exceeded on more than two nights within a 60 day



period before Council will notify the operator of the frost control fan that action may need to be taken to ensure the fan operates within its consent.

8. If the frost control fan and its operation comply with its development consent and/or this policy, no further action will be taken. Should the subject frost control fans not be complying, further action will be considered. Where the noise limits are not met, the frequency of usage is a consideration in deciding what action to take. The level of noise exceedance will also be taken into consideration.

Note:

When noise measurements are to be taken, the following points will apply:

1. The sound level meter must be set to measure fast response A-weighted sound pressure levels and the levels must be measured in terms of the equivalent continuous sound level (Leq) metric and the duration of the measurements must be no less than 15 minutes or two full revolutions of the frost fan gear head.
2. Noise measuring instruments must be equivalent to Type 2 (or better) as defined in Australian Standard 1259 “Sound Level Meters”, Parts 1 and 2. The instrument is to be calibrated prior to use.
3. Apart from the provisions already contained in this policy, noise measurements must be conducted in accordance with Australian Standard 2659, “Guide to the use of Sound-measuring Equipment”, Parts 1 and 2.

4 Definitions

Noise sensitive zone is a land use zone adjacent to the frost fan property, primarily meant for noise sensitive land uses, typically meant for residential development under Griffith Local Environmental Plan, 2014.

Non-noise sensitive zone is a land use zone adjacent to the frost fan property, primarily meant for primary production or other general development under the Griffith Local Environmental Plan, 2014, and may include rural, some environmental protection and industrial zones.

Non-associated dwelling is a dwelling not located on the same land as the proposed / approved / existing frost fans, and in separate ownership to those lands.



5 Exceptions

None

6 Legislation

- Environmental Planning & Assessment Act 1979
- Protection of the Environment Operations Act, 1997
- Griffith Local Environmental Plan, 2014

7 Related Documents

- Sumar Produce Pty Ltd v Griffith City Council [2000] NSWLEC 104 (7 June 2000)
- Sumar Produce Pty Ltd v Griffith City Council [2000] NSWLEC 72 (11 April 2000)
- Sumar Produce Pty Ltd v Griffith City Council [2000] NSWLEC 27 (15 February 2000)
- NSW Environment Protection Agency Noise Guide for Local Government
- Griffith City Council Frost Control Fan Policy Frequently Asked Questions Addendum, available on Council's website
- AS 1055-2018 Acoustics – Description and measurement of environmental noise
- AS/NZ IEC 61672.1:2019 Electroacoustics – Sound meter levels Part 1 Specifications

8 Directorate

Sustainable Development



Storm Water Drainage & Disposal

CS-CP- 310

(LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	26 May 1990	C540	26 May 1990
2	14 Jan 2003	25	14 Jan 2003
3	11 May 2010	0142	11 May 2010
4	13 Aug 2013	0255	13 Aug 2013
5	22 Aug 2017	17/205	22 Aug 2017
6	23 Aug 2022	22/209	23 Aug 2022
7	22 Oct 2024	24/265	22 Oct 2024

2 Policy Objective

To ensure development takes place which does not detrimentally affect the amenity of the locality as it relates to adequate disposal of drainage and to prioritise methods of stormwater disposal. This is to include limitation of peak flow throughout the catchment for the critical storm event by means of On-Site Detention (OSD).

3 Policy Statement

- 3.1 For development proposals where drainage cannot be satisfactorily disposed of to the street kerb and gutter and therefore is directed through adjoining properties, an easement is required. The applicant shall arrange to create the easement and install the necessary drainage system prior to the finalisation of subdivision or building works. On-Site detention is to comply with Council's On-Site Detention Policy. Any existing obligation to provide and maintain an OSD system will be found in the development consent applicable to the property or on the property title itself.
- 3.2 The following is the order of priority for the disposal of stormwater from a property:
- Stormwater is to be disposed of by piping to Council's stormwater system
 - Pipe stormwater to Council's stormwater system via adjoining property easement, or owner's approval;
 - Install a stormwater pit and pump system approved by Council.

It is necessary for the developer / land owner to explore and satisfy the above options in the priority order listed. Justification for the option chosen is to be submitted to Council in writing for approval prior to commencement of construction and or installation.



Stormwater pump out systems are not encouraged by Council and will only be considered as a last resort option for any development. Where a pump system is proposed the following criteria will apply:

- In the event of pump failure, an overland flowpath/spillway for stormwater is to be provided to the street which is to be lower than the floor levels of habitable rooms (as defined in the Building Code of Australia). Boundary fencing of the site is to be waterproofed to Council's satisfaction, to the height of the overland flowpath/spillway to ensure neighbouring properties are not impacted. Colorbond/timber boundary fences etc are not considered to be water proof and therefore any build-up of water on boundary fences are to be diverted to Council's satisfaction such as a concrete hobb/retaining wall.
- Pump lines must terminate within the property boundary to a stilling pit from which drainage is by gravity to Council's Stormwater System.
- An audible alarm and flashing light are to be installed to signal during pump failure.
- An electrical point is to be installed, providing a power inlet for a petrol/diesel generator connection to operate the pump during power failure.
- A Restriction to User in accordance with Section 88E of the Conveyancing Act is to be created for the subject property detailing the ongoing operation procedure, maintenance and ownership of the pump system.

No structure/s shall be permitted to be constructed over stormwater infrastructure. This includes all pits, pipes, sumps and overland flow paths. Where drainage easements are in place no structure/s shall be located within the drainage easement. Interallotment drainage systems are to remain the responsibility of the property owners and not Council. Any maintenance of the interallotment drainage systems shall be the responsibility of the property owners.

4 Definitions

OSD – On-Site Detention

5 Exceptions

None

6 Legislation

None



7 Related Documents

On-Site Detention Policy – CS-CP-404

8 Directorate

Sustainable Development



Approvals – Fencing Adjoining Public Land CS-CP-311 (LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	23 Nov 1993	C725	23 Nov 1993
2	14 Jan 2003	25	14 Jan 2003
3	11 May 2010	0142	11 May 2010
4	13 Aug 2013	0255	13 Aug 2013
5	22 Aug 2017	17/205	22 Aug 2017
6	23 Aug 2022	22/209	23 Aug 2022

2 Policy Objective

To establish guidelines for the erection of fences adjoining open space areas.

To enhance the outlook from properties adjoining areas of open space and provide casual surveillance of these areas, whilst ensuring an appropriate level of privacy for those living on the adjoining properties.

3 Policy Statement

- 3.1 All fences shall be applied for and constructed according to the requirements of the relevant Development Control Plan, unless exempted by another environmental planning instrument such as State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 3.2 Council does not contribute towards the cost of the erection of fences where properties are situated adjacent to walkways, parks, etc.
- 3.3 Access from adjoining private property to public open space areas should be via approved pathways and all gates leading onto public open space should open inward.
- 3.4 Footings are to the fence to be contained within the confines of the allotment.

4 Guidelines

Applications must comply with the following:

- 4.1 Fencing to be along common boundaries of public open space with preferred design being visually permeable or 'open in nature';
- 4.2 The fence must be constructed from materials which provide privacy and blend with or enhance the streetscape of the area, or the adjoining open space;
- 4.3 All work is to be carried out in a competent and workmanlike manner;



- 4.4 Height of the fence is to be a maximum of 2 metres, a height exceeding this measurement will require specific approval from Council; and
- 4.5 The fence is to be located so as to conform with sight distance requirements outlined in the Austroads 2008 Guide to Road Design.

5 Definitions

None

6 Exceptions

None

7 Legislation

None

8 Related Documents

None

9 Directorate

Sustainable Development



Approvals – Noise Pollution – Loud Speakers CS-CP- 312 (LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	Before 24 Apr 1990	-	Before 24 Apr 1990
2	14 Jan 2003	25	14 Jan 2003
3	14 Mar 2006	92	14 Mar 2006
4	11 May 2010	142	11 May 2010
5	13 Aug 2013	0255	13 Aug 2013
6	22 Aug 2017	17/205	22 Aug 2017
7	23 Aug 2022	22/209	23 Aug 2022

2 Policy Objective

To restrict the public nuisance caused by the use of loud speakers in public places.

3 Policy Statement

No person shall without prior consent obtained from Council, use or permit to be used any equipment to amplify sounds in or on any public road or public place. Such applications may be approved with or without conditions.

4 Definitions

None

5 Exceptions

None

6 Legislation

None

7 Related Documents

None

8 Directorate

Sustainable Development



Approvals – Noise Pollution – Open Air Concerts CS-CP- 313 (LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	18 Jun 1996	388	18 Jun 1996
2	14 Jan 2003	25	14 Jan 2003
3	11 May 2010	0142	11 May 2010
4	13 Aug 2013	0255	13 Aug 2013
5	22 Aug 2017	17/205	22 Aug 2017
6	23 Aug 2022	22/209	23 Aug 2022

2 Policy Objective

To preserve the amenity of closely settled areas.

3 Policy Statement

The staging of open air rock concerts shall not be permitted unless prior approval is obtained from the Council.

4 Definitions

None

5 Exceptions

None

6 Legislation

None

7 Related Documents

None

8 Directorate

Sustainable Development



Buildings – Awnings on Commercial Properties CS-CP-315 (LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	Before 24 Apr 1990	-	Before 24 Apr 1990
2	14 Jan 2003	25	14 Jan 2003
3	11 May 2010	142	11 May 2010
4	13 Aug 2013	0255	13 Aug 2013
5	22 Aug 2017	17/205	22 Aug 2017
6	23 Aug 2022	22/209	23 Aug 2022

2 Policy Objective

To provide protection for patrons and uniformity with the existing buildings.

3 Policy Statement

Council may require the erection of awnings to new buildings or to an extension to the front boundary of an existing building, or alterations to the frontage of an existing building located within all commercial and retail zoning within the Council's area. This policy is to ensure local streetscape character is preserved, whilst balancing on-going risks to Council and the public of awnings over footpaths.

4 Definitions

None

5 Exceptions

None

6 Legislation

None

7 Related Documents

None



8 Directorate

Sustainable Development



Buildings – Construction Near Water & Sewerage Assets CS-CP- 316

(LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	24 Apr 1990	0	24 Apr 1990
2	22 Dec 1992	C873	22 Dec 1992
3	14 Jan 2003	25	14 Jan 2003
4	11 May 2010	0142	11 May 2010
5	13 Aug 2013	0255	13 Aug 2013
6	10 Dec 2013	0408	10 Dec 2013
7	26 Aug 2014	0267	26 Aug 2014
8	22 Aug 2017	17/205	22 Aug 2017
9	23 Aug 2022	22/209	23 Aug 2022

2 Policy Objective

To protect the Council's interest should problems arise following the construction or placement of a building or structure over or within the zone of influence of a Council water and sewerage asset.

3 Policy Statement

Council may allow modifications to or construction over or near its water or sewerage assets where it has been determined that the block is restricted by unusual site constraints which would impact normal development. Construction over or near a water or sewerage asset must be considered as a last resort.

The following must be considered in the following order of priority when designing a structure near a Council asset:

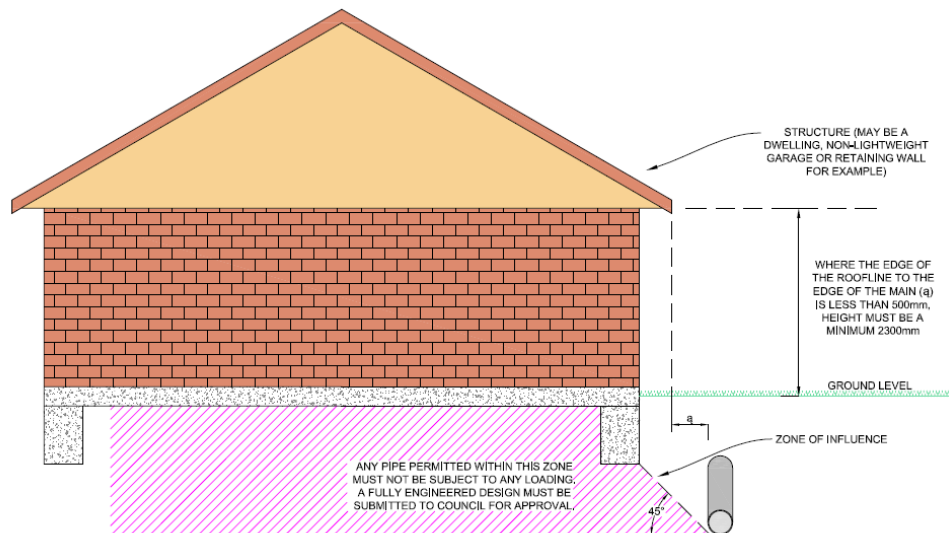
- Option 1: Relocation of the structure;
- Option 2: Relocation of the Council asset;
- Option 3: Building over / near the asset.

Where options 1 and 2 have been exhausted and option 3 is the only remaining alternative, the following conditions apply:

- 1) Property owners are required to indemnify Council and create an easement or caveat in favour of Council.



- 2) A Condition Assessment is to be conducted on Council's asset (including CCTV footage for Council's gravity sewer infrastructure). The Condition Assessment is to be conducted at the property owner's expense and is to be submitted to Council for approval prior to any construction works commencing onsite.
- 3) Council may require the asset/s to be renewed and the renewal to be approved by Council prior to any construction works commencing at the property owners expense.
- 4) All structures, except inground swimming pools (refer clause 4 for inground swimming pools), may be constructed near an asset. The following conditions shall apply:
 - a) The property owner must engage a suitably qualified and experienced Engineer for a design for approval from Council.
 - b) No loading from the structure shall be exerted within the zone of influence and the invert of the asset. Refer to Fig. 1.
 - c) No piercing is permitted within 1 metre of the main. This is subject to change by Council for deep sewer mains.
 - d) Where the edge of the Council asset to the edge of the roofline is less than 500mm, the height of the roof must be at least 2300mm. Refer to Fig. 1.



**FIG. 1 - ZONES REQUIRING ENGINEERED DESIGN -
ALL STRUCTURES EXCEPT SWIMMING POOLS**

- e) The applicant is responsible for arranging to have Council's asset accurately located onsite. This can be achieved by making a formal application to Council's Water & Sewer Department through Council's Customer Service Department. Where no Council record is available for the location of services, all costs are to be borne by the applicant.

An inground swimming pool is not to be constructed within the zone of influence from the top of the pool unless engineering design and calculations completed by a suitably qualified Structural Engineer are submitted to Council demonstrating that the inground pool will not exert loading on Council's asset. Refer to Fig. 2.

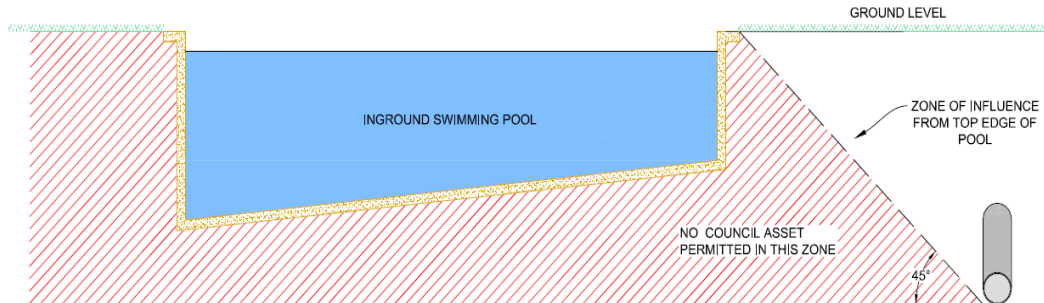


FIG. 2 - PROHIBITED ZONES - INGROUND SWIMMING POOLS

At the request of Council, the land owner is to completely drain all the water from the inground pool so as to reduce the loading on soil surrounding the sewerage main. The land owner is responsible for all costs associated with draining and refilling the pool once Council has completed any required works to the sewerage asset.

- 5) Lightweight structures are permitted to be constructed over an asset providing that there is no less than 600mm cover over the asset. Refer to Fig. 3.

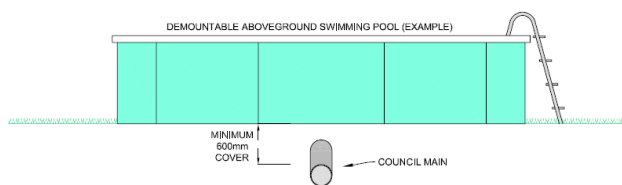
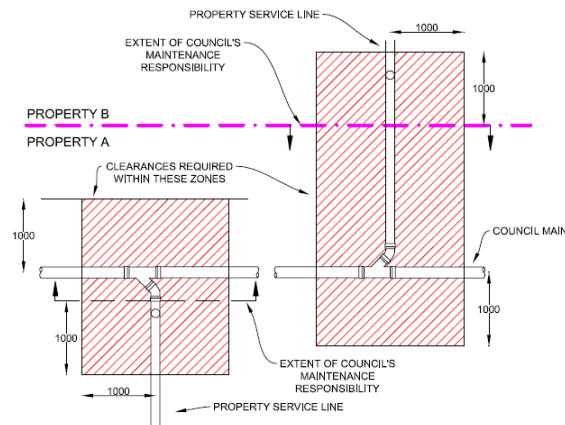


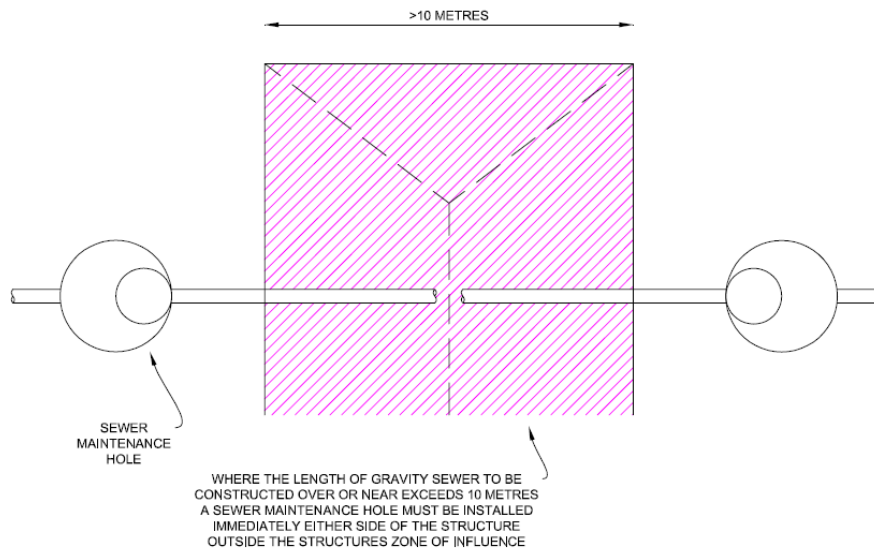
FIG. 3 - LIGHTWEIGHT STRUCTURES

-
- MINIMUM 1000mm
CLEARANCE FROM
OUTER EDGE OF
MAINTENANCE HOLE
IS REQUIRED
- The diagram shows a cross-section of a maintenance hole. A red hatched oval represents the hole's opening. A horizontal line with an arrow points from the text to the outer edge of this oval. Below the oval, a dashed line indicates the hole's depth, and a U-shaped symbol at the bottom represents the manhole structure.

7) A minimum 1 metre clearance is required around Council's maintenance responsibilities for a sewer property connection. The applicant is responsible for arranging to have the sewer property connection accurately located onsite. This can be achieved by making a formal application to Council's Water & Sewer Department through Council's Customer Service Department. Refer to Fig. 5 and the policy 'Council Responsibility – Water and Sewerage Services'.



8) Construction must not cover a length greater than 10 metres of a gravity sewerage main. This may be extended up to a maximum of 80m when maintenance holes placed immediately either side of the structure outside the structures zone of influence. Refer to Fig. 6.



**FIG 6 - STRUCTURES OVER/NEAR A GRAVITY
SEWER MAIN EXCEEDING 10 METRES**

9) Concrete encasing will not be considered.

10) Where concrete slabs are constructed over or near an asset, a full depth joint in the concrete must be included 1 metre either side of the asset. This is subject to change by Council subject to the depth of Council's sewer main. That is, deep sewer mains will require full depth joints in concrete being greater than 1m either side of the sewer main.

Any damage to a water or sewerage asset is to be promptly reported to Council. The costs for repairs shall be responsibility of the property owner or the negligent party.

Where Council is aware of future expansion of its water and sewerage services, the property affected must take into consideration all relevant matters mentioned above when planning new developments.

4 Definitions

Water or sewerage asset:

Infrastructure concerned with the supply of water and sewerage services, owned and maintained by Council. Examples are: gravity sewer mains, sewer maintenance holes, pressure sewerage mains and water mains and associated fittings.



Structure:

A building that is unable to be removed without the need for total or partial demolition. This may be a residence, non-lightweight garage or shed or a retaining wall.

Light weight building or structure:

Includes structures such as demountable aboveground swimming pools and rainwater tanks that are able to be removed via manual handling and buildings up to 60m² in floor area constructed as portal frame or similar with bolted base connections, able to be removed using machinery without the need for partial or total demolition.

CCTV:

Closed Circuit Television.

5 Exceptions

Any proposed variations to this policy will be considered on its merits following receipt of a formal written application and justification.

6 Legislation

Local Government Act 1993 – Section 59A

Local Government (General) Regulation, 2021, Reg. 18-23

7 Related Documents

None

8 Directorate

Utilities



Buildings – Distance from the Boundary CS-CP-317 (LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	Before 24 Apr 1990	0	Before 24 Apr 1990
2	14 Jan 2003	25	14 Jan 2003
3	11 May 2010	142	11 May 2010
4	13 Aug 2013	0255	13 Aug 2013
5	22 Aug 2017	17/205	22 Aug 2017
6	23 Aug 2022	22/209	23 Aug 2022

2 Policy Objective

To protect the interests of all parties when buildings are being constructed in proximity to property boundaries.

3 Policy Statement

- 3.1 Where a building is proposed to be located closer to a property boundary than 1.5 times the setback required by the deemed to satisfy conditions of the Building Code of Australia, a report prepared by a registered surveyor is to be submitted to Council verifying the location of the building prior to work proceeding past floor level.
- 3.2 Notwithstanding point 3.1, Building Certification Officers may condition a Development Consent to require a survey report at any stage for any development. (Note: verification of a building location may be required for circumstances other than boundary clearance eg: proximity to a services main or adjoining building).

4 Definitions

None

5 Exceptions

None

6 Legislation

None



7 Related Documents

None

8 Directorate

Sustainable Development



Buildings – Floor Heights CS-CP- 318 (LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	Before 24 Apr 1990	-	Before 24 Apr 1990
2	23 Oct 1990	C911	23 Oct 1990
3	27 Jun 1991	C332	27 Jun 1991
4	13 Sep 1994	759	13 Sep 1994
5	19 Mar 1996	192	19 Mar 1996
6	14 Jan 2003	25	14 Jan 2003
7	11 May 2010	0142	11 May 2010
8	13 Aug 2013	0255	13 Aug 2013
9	22 Aug 2017	17/205	22 Aug 2017
10	23 Aug 2022	22/209	23 Aug 2022
11	28 Nov 2023	23/277	28 Nov 2023

2 Policy Objective

The objectives of this policy are:

- To ensure that habitable buildings proposed on flood liable lands are constructed to avoid inundation of water or flood damage and to ensure an acceptable level of health and amenity to occupants.
- To ensure that habitable structures not located within mapped flood liable lands comply with the provisions of the National Construction Code.

3 Policy Statement

The floor heights for building approvals in the Council area shall be as follows:

3.1 Buildings

(i) Where Hydrological Studies Are Not Available

A minimum floor height above existing ground level of 410 mm is required for habitable rooms. The 410 mm floor height is to be measured from the highest point of the surrounding ground level relative to the building platform. Where alternate floor heights are proposed, the floor heights are to be justified by the submission of hydraulic drainage design and calculations to suit localised flooding and stormwater flows. The design must take into consideration diversion and/or catchment of stormwater to ensure flows are not directed towards the building and/or neighbouring allotments. A qualified Civil Engineer with experience in Hydraulic Analysis shall design and certify the drainage design. The consultant must sign off



all drawings and calculations and provide details of Professional Indemnity insurance.

(ii) Where Hydrological Studies Are Available

Floor levels shall be determined from Council approved flood studies or flood impact assessments specific to the site.

(iii) Sloped Sites

Section 3.1(i) and 3.1(ii) shall apply.

In addition to Section 3.1(i), the 410mm floor height is to be measured from the highest point of the surrounding ground level relative to the building platform.

In addition to Section 3.1(ii), design and documentation is to be submitted justifying that localised flooding does not impact on the residential building.

Where natural surface levels are to be altered, the floor heights are to be justified by the submission of hydraulic drainage design and calculations to suit localised flooding and stormwater flows. The design must take into consideration diversion and/or catchment of stormwater to ensure flows are not directed towards the building and/or neighbouring allotments. A qualified Civil Engineer with experience in Hydraulic Analysis shall design and certify the drainage design. The consultant must sign off all drawings and calculations and provide details of Professional Indemnity insurance.

(iv) Extensions / Additions

Where an allotment is identified as flood liable, extensions shall be in accordance with the Griffith Flood Liable Lands Policy.

Extensions on allotments which are not identified as flood liable are permitted to be the same floor level as the existing habitable floor level subject to compliance with the Building Code of Australia and shall be treated in the same manner as Section 3.1(i) and 1(iii) within this policy.

3.2 Commercial & Business Lands

Floor heights are to be assessed on the merits of each application (see definition below).

Note: To minimise the likelihood of damage of property from flooding, it is advised that all electrical outlets and perishable items be kept above the stated 1% AEP. The choice of building materials, internal fixtures and floor coverings should also be considered.

3.3 Basements

Engineering designs are to demonstrate that there is no impact from localised flooding on a basement.



3.4 Areas Surrounding Buildings

The existing ground level of the areas surrounding buildings is not to be built up without an engineering and hydrological assessment being submitted and approved by Council. The assessment is to take into consideration the diversion and/or catchment of stormwater to ensure there are no impacts on the building and/or neighbouring allotments.

Areas surrounding buildings include, but are not limited to:

- Concrete or paved footpaths;
- Court yards or patios;
- Landscaping; and
- Lawn areas.

4 Definitions

NCC: National Construction Code (formerly known as the Building Code of Australia)

Habitable Room: As defined in BCA Volume 2 Part 1.1.

AEP: Annual Exceedance Probability - The chance of flood of a given or larger size occurring in any one year, usually expressed as a percentage, e.g. if a peak flood discharge of 500m³/s has an AEP of 5% it means that there is a 5% chance (that is one-in-20 chance) of a 500m³/s or larger events occurring in any one year.

Defined Flood Event: the flood event selected as a general standard for the management of flooding to development.

Merits of Each Case: Where this terminology is used consideration is to be given to collectively assessing the extent of flooding and the likely implications.

Flood Planning Level: The combination of the flood from the defined flood event and freeboard selected for the management of flood risk communities purposes.

Considering Flooding in Land Use Planning Guideline means the Considering Flooding in Land Use Planning Guideline published on the Department's website on 14 July 2021.

Flood Risk Management Manual: Department of Planning and Environment ISBN: 978-1-923076-17-4 June 2023.

Engineering and hydrological assessment documentation is to be submitted to Council demonstrating the likely impact flooding would have on a building.

Unusual features such as banks, adjacent drainage channel, railway lines and the like which may complicate flooding, should be considered.



In all cases the action taken to provide a flood level is to be documented so that Council maintains its indemnification under the current version of the New South Wales Government Flood Plain Development Manual: the management of flood liable land.

5 Exceptions

None

6 Legislation

None

7 Related Documents

Griffith Flood Liable Lands Policy, CS-CP-403

8 Directorate

Sustainable Development



Buildings – Relocation CS-CP-319 (LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	Before 24 Apr 1990	-	Before 24 Apr 1990
2	27 Apr 1993	C4	27 Apr 1993
3	28 Jun 1994	508	28 Jun 1994
4	14 Jan 2003	25	14 Jan 2003
5	11 May 2010	0142	11 May 2010
6	13 Aug 2013	0255	13 Aug 2013
7	22 Aug 2017	17/205	22 Aug 2017
8	23 Aug 2022	22/209	23 Aug 2022

2 Policy Objective

To determine acceptable standards for dwellings to be relocated so as to preserve the amenity of the intended relocation site.

3 Policy Statement

The following conditions shall apply to the relocation of dwellings within urban areas: -

- (a) A development application shall be lodged with Council for determination;
- (b) Information submitted with a development application shall include a statement of environmental effects which details improvements proposed to the dwelling to be carried out following relocation; existing floor plans and elevation drawings, photographs. Where the building is proposed to be relocated from outside Griffith, a report on the suitability of the building to be transported is to be submitted to Council. The report is to be prepared by a person deemed suitably qualified by Council's Building Surveyors.
- (c) The applicant shall arrange an inspection with Council of the building prior to consideration and determination of the application and prior to the relocation;
- (d) The application shall be notified in accordance with the provisions of Griffith Community Participation Plan. Notification is discretionary as indicated in Appendix 1 of the Griffith Community Participation Plan.
- (e) The relocated building shall be required to be refurbished to a standard of finish which is compatible with the adjoining and nearby development and the streetscape in general. As a guide, such standard should include:-
 - (i) aluminium framed windows or other windows of an acceptable standard;
 - (ii) roof iron or other roof materials are to be of good condition;



- (iii) the exterior of the building is to be of neat appearance and, if constructed of fibro or similar material, to be neatly painted, and;
 - (iv) all electrical and plumbing works are to be of an acceptable standard.
- (f) A bond of \$5,000 shall be submitted with each application and shall be refunded on completion of all work. All building work should be completed within twelve (12) months of building approval;
- (g) The failure of the applicant to comply with the required conditions within a period of twelve (12) months will result in Council considering the issue of a demolition order on the building.

4 Definitions

None

5 Exceptions

None

6 Legislation

None

7 Related Documents

None

8 Directorate

Sustainable Development



Submissions Made Regarding Development & Activity Applications

CS-CP-321

(LOCAL PUBLIC POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	31 Aug 1999	25	31 Aug 1999
2	14 Jan 2003	25	14 Jan 2003
3	11 May 2010	142	11 May 2010
4	13 Aug 2013	0255	13 Aug 2013
5	22 Aug 2017	17/205	22 Aug 2017
6	23 Aug 2022	22/209	23 Aug 2022

2 Policy Objective

To provide information to persons making submissions about the disclosure of the contents of their submission made in response to the public consultation part of the assessment of development applications.

3 Policy Statement

- 3.1 Where a submission is made in response to a Development Application which is to be assessed by Council before determination, the submission may be disclosed to the applicant or other bona fide person except where:
- (a) The person making the submission claims confidentiality for reasons of personal hardship or "commercial in confidence" and the claim is clearly expressed in the submission.
 - (b) The Public Officer of Council determines under Section 12A of the Local Government Act, that such disclosure should not be made for any of the reasons expressed in the section, and such may relate to whole or part of a document.
- 3.2 Advice of the terms of the policy shall be made to persons intending to make a submission when undertaking public consultation; the advertisements for development applications, all correspondence, and a counter notice shall clearly state that submissions will be available for public inspections with a few exceptions.

4 Definitions

None



5 Exceptions

None

6 Legislation

None

7 Related Documents

None

8 Directorate

Sustainable Development



Buildings – Engineer's Certificate

CS-CP-401

(LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	Before 24 Apr 1990	-	Before 24 Apr 1990
2	14 Jan 2003	25	14 Jan 2003
3	11 May 2010	0142	11 May 2010
4	13 Aug 2013	0255	13 Aug 2013
5	22 Aug 2017	17/205	22 Aug 2017
6	23 Aug 2022	22/209	23 Aug 2022

2 Policy Objective

To protect the interests of all parties in situations relating to engineering certification where the Director Sustainable Development (or equivalent position) or their nominated delegate feels that such action is justified.

3 Policy Statement

Council shall require supportive documentation by a suitably qualified practising structural engineer when deemed necessary by the Director Sustainable Development (or equivalent position) or their nominated delegate to support a specific performance requirement or to comply with a statutory provision.

4 Definitions

None

5 Exceptions

None

6 Legislation

None

7 Related Documents

None

8 Directorate

Sustainable Development



Driveways – Maintenance & Width

CS-CP-402

(LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	Before 24 Apr 1990	0	Before 24 Apr 1990
2	14 Jan 2003	25	14 Jan 2003
3	11 May 2010	0142	11 May 2010
4	13 Aug 2013	0255	13 Aug 2013
5	22 Aug 2017	17/205	22 Aug 2017
6	23 Aug 2022	22/209	23 Aug 2022

2 Policy Objective

- To delineate responsibility for the maintenance of driveways and access routes to properties.
- To enhance the appearance in residential areas by limiting the width of residential driveways.

3 Policy Statement

- 3.1 Council shall not maintain driveways between the property boundaries and the road shoulder or kerb.
- 3.2 Council shall not maintain laybacks, unless it is impeding on drainage.
- 3.3 Vehicular driveways to residences shall be limited to a maximum width of 7.5 metres.
- 3.4 The driveways shall be to standard specifications as per Griffith City Council's Engineering Guidelines.

4 Definitions

None

5 Exceptions

None

6 Legislation

None

7 Related Documents

Roads – Culverts – Provision and Maintenance (WO-CP-601)



8 Directorate

Sustainable Development



Griffith Flood Liable Lands CS-CP-403 (LOCAL POLICY)

Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	11 Oct 2011	0353	11 Oct 2011
2	13 Aug 2013	0255	13 Aug 2013
3	22 Aug 2017	17/205	22 Aug 2017
4	8 Nov 2022	22/291	8 Nov 2022

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Glossary

AEP	Annual Exceedance Probability. Refers to the probability of a flood event of a certain magnitude occurring in a year. E.g. a 1% AEP flood event is the 100 year ARI flood event.
AHD	Australian Height Datum
ARI	Average Recurrence Interval
Council	Refers to Griffith City Council, who is the consent authority for the approval of developments
DCP	Development Control Plan
DECC	former Department of Environment and Climate Change (<i>now OEH</i>)
DECCW	Department of Environment, Climate Change and Water (<i>now OEH</i>)
EP&A Act	Environmental Planning and Assessment Act, 1979
EPAR	Environmental Planning and Assessment Regulation, 2000
FPA	Flood Planning Area
FPL	Flood Planning Level
LEP	Local Environment Plan
LG Act	Local Government Act, 1993
LGA	Local Government Area
Management Plan	Floodplain Risk Management Plan
Management Study	Floodplain Risk Management Study



Manual	Floodplain Development Manual (2005)
OEH	Office of Environment & Heritage (<i>formerly DECCW</i>)
PMF	Probable Maximum Flood
SEPP	State Environmental Planning Policy
SES	State Emergency Service

1 About This Policy

1.1 Background

This policy seeks to guide proposed development in the management of flood risks for the Griffith City Council Local Government Area. It shall be applied in conjunction with other development control plans adopted by Griffith City Council.

The policy presents a set of flood related assessment criteria which are to be met by all new development. For example, the minimum floor level for new residential development has been based on the 100 year ARI flood event with a 500 millimetre freeboard.

The policy also requires that new development address potential life threatening situations arising from flooding, up to the probable maximum flood. The aim is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods, wherever possible.

The policy also identifies areas where development may be restricted as a result of flood related risks. The restriction of incompatible development in these areas is essential to achieving the objectives of floodplain risk management set out in the Floodplain Development Manual.

This policy has been developed in the context of specific information available on flooding for the area of the Griffith LGA covered by the '*Griffith Floodplain Risk Management Study & draft Floodplain Risk Management Plan*' (September 2011). In addition, it is intended to be used as an interim set of guidelines for all flood prone land within the LGA until incorporated into a comprehensive development control plan (DCP).

1.2 Purpose

The purpose of this policy is to provide matters to be taken into consideration by Griffith City Council when exercising its environmental assessment and planning functions in relation to development in the City of Griffith. The policy addresses the new directions in flood risk management that are embodied in the NSW Government's Flood Prone Land Policy and which are emphasised in the government's Floodplain Development Manual.

1.3 Where Does This Policy Apply?

The policy applies to flood prone land within the whole of the Griffith City Council LGA. There are a number of floodplains within the LGA. The policy includes general



provisions relating to all flood prone land. However, it has been developed in the context of work undertaken as part of the Griffith Floodplain Risk Management Study.

1.4 How Does the Policy Relate To Other Legislation and Regulations

This policy should be read in conjunction with the relevant provisions of the following:

- NSW Government's *Flood Prone Lands Policy* and *Floodplain Development Manual* (2005);
- The *Environmental Planning & Assessment Act 1979*, and regulations thereto,
- Applicable environmental planning instruments, including but not limited to *Griffith Local Environmental Plan 2014*; and,
- other relevant Development Control Plans (DCPs) and Policies adopted by Council including 'Floor Heights - Policy No. 105' (CS-CP-318).

1.5 Objectives

The objectives of this policy are:

- to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property;
- to reduce private & public losses resulting from floods, utilizing ecologically positive methods wherever possible;
- to alert the community to the hazard and extent of land affected by potential floods;
- to inform the community of Council's policy in relation to the use and development of land affected by potential floods;
- to deal equitably and consistently with all matters requiring Council's approval on land affected by potential floods, in accordance with the principles contained in the Floodplain Development Manual issued by the NSW Government;
- to increase public awareness of the potential for flooding across the range of flood events up to the probable maximum flood level; and,
- to ensure that planning and development of essential services and land use generally makes appropriate provision for flood related risk.

2 Definitions

For the purposes of this policy, the definitions as prescribed in the NSW Government's *Floodplain Development Manual* (2005); the Griffith Local Environmental Plan (2014) and the Standard Instrument (2006) shall be adopted¹.

Concessional Allotment Concessional allotments are as defined in Clause 21A and 22 of the Griffith Local Environmental Plan (2014).

¹ Where a development or land use category is not set out in the definitions of the Flood Liable Lands Policy, the definitions set down in Griffith Local Environmental Plan 2002 or the Standard Instrument shall be used.



Commercial Development	Has the same meaning ascribed to <i>commercial premises</i> set down in the Standard Instrument, and also includes <i>pubs</i> and <i>registered clubs</i> also defined in the Standard Instrument.
Critical Infrastructure	Critical infrastructure refers to essential services and other infrastructure where loss of these services during flooding represents an unacceptable risk. This includes services such as <i>water supply system</i> , <i>sewerage system</i> , <i>telecommunication facilities</i> , <i>electricity generating works</i> . It includes structures associated with an <i>emergency services facilities</i> , and <i>hospitals</i> , and designated flood evacuation centres.
Development	<p>is defined in Part 4 of the EP and A Act. In addition, the Manual adopts the following definitions for particular development types.</p> <p>Infill Development refers to the development of vacant blocks of land that are generally surrounded by developed properties and is permissible under the current zoning of the land. Conditions such as minimum floor levels may be imposed on infill development.</p> <p>New Development refers to development of a different nature to that associated with the former land use. Eg, the urban subdivision of land previously used for rural purposes.</p> <p>Redevelopment refers to rebuilding a similar type of development to that housed previously. Eg, as urban areas age, it may become necessary to demolish and reconstruct buildings on a relatively large scale. In general, redevelopment does not require re-zoning.</p>
Extension	Refers to a modification to an existing structure where a secure enclosure is provided.
Floodway	A <u>floodway</u> is defined as an area of the floodplain where significant discharge of water occurs during floods. Floodways are areas that, even if partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels.
Flood Immunity Level	The level at which a road is cut by floodwaters. For example, a road which first becomes inundated by the 20 year ARI flood event has a 20 year flood immunity level.
Flood Planning Area	The area of land below the FPL and thus subject to flood related development controls.
Flood Planning Levels (FPL)	Is the combination of flood levels (derived from significant historical flood events or floods of specific AEPs) and freeboards selected for floodplain risk management



	purposes, as determined in management studies and incorporated in management plans.
Flood Prone Land	Land susceptible to flooding by the PMF event. Flood prone land is synonymous with flood liable land.
Flood Storage	A <u>flood storage</u> is an area of the floodplain that is important for the temporary storage of floodwaters during the passage of a flood. A substantial reduction in the capacity of flood storage areas may cause flood levels to rise and the peak discharge downstream may increase.
Freeboard	refers to a designated height above the design flood which is stipulated to incorporate a suitable factor of safety into development. Freeboard may vary depending upon the proposed type of development.
Industrial Development	Has the same meaning ascribed to <i>industry</i> as set down in the Standard Instrument.
Residential Development	Has the same meaning ascribed to <i>residential accommodation</i> as set down in the Standard Instrument.
Tourist Accommodation	Has the same meaning ascribed to <i>tourist and visitor accommodation</i> as set down in the Standard Instrument.

3 Statutory Context

3.1 Title

This document is called *Griffith Flood Liable Lands Policy* ('the policy').

3.2 Status

The policy is:

- a policy that is required to be listed in the Council's *Summary of Affairs* published under the *Freedom of Information Act 1989*.
- a policy that is a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act, 1979* as it is relevant to provisions contained in *Griffith Local Environmental Plan 2014* in respect to flood liable land.

3.3 Commencement

The policy commences operation on 11/10/2011.

3.4 Where the Policy Applies

The policy applies to all flood prone land within the Griffith LGA.



3.5 Development to Which the Policy Applies

The policy applies to all development except minor alterations to existing buildings listed as exempt development in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

3.6 Council Functions to Which the Policy Applies

The contents of the policy are to be considered by the Council when determining development applications under Part 4 of the *Environmental Planning & Assessment Act 1979*.

3.7 Relevant LEPS/DCPS

The policy supplements the provisions of the *Griffith Local Environmental Plan, 2014* and relevant development control plans for particular land uses or zones.

3.8 Related Documents

The policy has been developed considering the following Council flood related policies that were current as at May 2013:

- Buildings –Floor Heights, Policy CS-CP-318;
- Onsite Stormwater Detention Policy, CS-CP-404

It also considers the findings of a range of flood and floodplain management studies that have been prepared for specific creek and river systems within the LGA. These include:

- Aerodrome Overland Flow Flood Study (2010)
- Aerodrome Overland Flow Floodplain Risk Management Study and Plan (2011)
- CBD Overland Flow Flood Study (2012)
- CDB Overland Flow Floodplain Risk Management Study and Plan (2013)
- Lake Wyangan Flood Study (2012)
- Lake Wyangan Floodplain Risk Management Study and Plan (2013)
- Griffith Main Drain J and Mirrool Creek Flood Study 2015 Vol 1
- Griffith Main Drain J and Mirrool Creek Flood Study 2015 Vol 2 - Part 1
- Griffith Main Drain J and Mirrool Creek Flood Study 2015 Vol 2 - Part 2
- Griffith Main Drain J and Mirrool Creek Flood Study 2015 Vol 2 - Part 3
- Griffith Main Drain J and Mirrool Creek Flood Study 2015 Vol 2 - Part 4
- Griffith Main Drain J and Mirrool Creek Floodplain Risk Management Study and Plan (2015)
- Griffith Main Drain J and Mirrool Creek Flood Study Update 2021 Vol 1
- Griffith Main Drain J and Mirrool Creek Flood Study Update 2021 Vol 2



4 Flood Risk Management Policy

4.1 Objectives

The primary objectives of this policy in terms of achieving sound floodplain management are to:

- guide the development of flood prone land, applying balanced strategies to economically, socially and environmentally manage the potential risk to life and property;
- set aside appropriate areas to convey and/or store floodwaters and to protect and restore the riparian zone; and
- ensure development, when considered both individually and in the context of cumulative development trends, will not cause unreasonable adverse flooding impacts in other locations.

4.2 Applicability

This policy applies to all Flood Prone Land within the Griffith LGA. As defined by the Floodplain Development Manual, this includes all land inundated by flooding up to the PMF. However, different types of control will apply subject to the severity, frequency and magnitude of flooding at any one location. In this regard, development controls typically apply to the area of land that falls within the flood planning area.

4.3 How to Use the Policy

The following is a summary of the steps that should be followed in the assessment of development proposals on or adjacent to flood prone land.

Step 1 - Check that the proposal is permissible relative to the zoning of the land by reference to the *Griffith City Council Local Environmental Plan 2002* or any other applicable environmental planning instrument.

Step 2 - Consider any other relevant planning controls of Council (*e.g. controls in any other applicable development control plans which govern for instance the size and setback of development*).

Step 3 - Where available, determine the relevant floodplain and obtain flood data (*e.g. flood levels and velocities*) from Council's existing flood studies (*refer Section 3.8*). This information can be obtained from Council. Where no flood study has been undertaken, the applicant will need to liaise with Council to determine whether flood restrictions may apply.



Step 4 - Determine the “provisional” hydraulic and hazard categorisation of the site. This may be determined from existing Flood Studies and Floodplain Risk Management Studies. Otherwise, this may be determined in accordance with the procedures outlined in Appendix L of the *Floodplain Development Manual 2005* and the DECC Floodplain Risk Management Guideline titled ‘*Floodway Definition*’.

At this stage applicants are encouraged to consider whether or not the advice of a Consultant and/or Engineer specialising in flood hydrology is required.

Step 5 - In consideration of the provisional hydraulic and hazard categorisation at the site, demonstrate that the development will adhere to the relevant matters for consideration discussed in **Chapter 5**.

Step 6 - Check with Council planning staff to establish any other requirements for a development application. Submit flood assessment with development application once satisfied all requirements have been met.

4.4 Provisional Site Classification

Definition of the provisional hydraulic and hazard categories which exist at the site of a development proposal is required to assess developments within flood prone land. This Policy has adopted the combination of hydraulic and hazard categories defined in the Manual. These are as follows:

- Low Hazard - Flood Fringe
- Low Hazard - Flood Storage
- Low Hazard - Floodway
- High Hazard - Flood Fringe
- High Hazard - Flood Storage
- High Hazard – Floodway

These categories are to be employed when considering development in flood prone land during the term of this policy. Pre-existing information pertaining to areas where classifications have already been developed for particular creeks, rivers or drainage channels can be obtained from the documentation listed in **Section 3.8**.

Where unavailable, the hydraulic and hazard categorisation is to be based on the judgment of an experienced flood hydraulics engineer. Council will not provide provisional site classifications, other than for areas classified as part of a flood study or floodplain risk management plan. Notwithstanding, Council may elect to nominate a provisional site classification in instances where an applicant is not prepared to provide this assessment on request and also reserves the right to review site classifications provided by an applicant.

The following provides additional details for the three hydraulic categories and two hazard categories identified above.



4.4.1 Description of Hydraulic Categories

Floodways

Floodways are shown on mapping that accompanies flood studies and floodplain risk management studies prepared by Council and are generally obtainable on application from Council.

Floodways are required for the conveyance of essential flood flow and are to be retained in a condition capable of doing so. Development in floodway areas is subject to a range of additional controls. It needs to be recognised that floodways are not necessarily indicative of high hazard areas. It is necessary to separately consider the range of factors that contribute to hazard categorisation.

For the purposes of this policy, floodways are defined as those sections of the floodplain:

Where a significant discharge of water occurs during floods. They are often aligned with naturally defined channels.

Which even if partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels.

Where most conveyance of floodwater along a particular flowpath occurs.

Where flow velocities may be relatively high compared to other areas of the floodplain.

Where blockage will either raise flood levels or redirect flood flows. In all cases blockage is to be considered at an “overall” scale in order to identify both broad scale and local impacts and is to consider the cumulative impacts of any other future development.

Flood Storage Areas

Flood storage areas are defined in the Manual as *“those parts of the floodplain that are important for the temporary storage of floodwater during the passage of a flood.”* The manual goes on to indicate that that filling or obstruction of these areas may cause an increase in flood levels and the peak discharge downstream of these areas.

The Development restrictions which apply to “HIGH” hazard flood storage areas and “LOW” hazard flood storage areas are discussed following in **Section 5.1**.



Flood Fringe Areas

Flood Fringe refers to those areas not classified as Floodway or Flood Storage that are located within the extent of the 100 year flood event.

4.4.2 Description of Hazard Categories

Appendix L of the Floodplain Development Manual details the process by which hazard categories are defined. In general, it involves firstly consideration of the peak depths and velocities present at a site and relates this to low and high hazard categories. It then outlines a range of additional factors, such as available warning times, flood risk along evacuation routes and vulnerable populations which also contribute to hazard. Consideration of these combined factors will result in definition of the final hazard categorization.

4.4.3 Existing Provisional Hydraulic and Hazard Category Mapping

At the time of the current revision, provisional hydraulic and hazard categories had been documented in the following reports for parts of the Griffith Local Government Area:

Griffith Floodplain Risk Management Study

The Griffith Floodplain Risk Management Study documented provisional hydraulic and hazard classifications for the area throughout the Main Drain 'J' floodplain. Specifically, this covers the area of the Griffith Local Government Area bounded by the Main Branch Canal to the north/east and the Mirrool Branch Canal to the south. The Study also provides hydraulic and hazard categories at Yenda and within the Griffith CBD area.

Other Studies

A range of other studies have been undertaken, or are in the process of being completed where hydraulic and hazard categorisation may be available or may become available in the future. These include:

- Aerodrome Overland Flow Flood Study (2010)
- Aerodrome Overland Flow Floodplain Risk Management Study and Plan (2011)
- CBD Overland Flow Flood Study (2012)
- CDB Overland Flow Floodplain Risk Management Study and Plan (2013)
- Lake Wyangan Flood Study (2012)
- Lake Wyangan Floodplain Risk Management Study and Plan (2013)
- Griffith Main Drain J and Mirrool Creek Flood Study 2015 Vol 1
- Griffith Main Drain J and Mirrool Creek Flood Study 2015 Vol 2 - Part 1
- Griffith Main Drain J and Mirrool Creek Flood Study 2015 Vol 2 - Part 2
- Griffith Main Drain J and Mirrool Creek Flood Study 2015 Vol 2 - Part 3
- Griffith Main Drain J and Mirrool Creek Flood Study 2015 Vol 2 - Part 4



- Griffith Main Drain J and Mirrool Creek Floodplain Risk Management Study and Plan (2015)
- Griffith Main Drain J and Mirrool Creek Flood Study Update 2021 Vol 1
- Griffith Main Drain J and Mirrool Creek Flood Study Update 2021 Vol 2

4.5 Flood Planning Level

For the Griffith LGA, the 100 year ARI flood level plus a freeboard of 500 mm has been adopted as the Flood Planning Level (*FPL*). Mapping has been prepared which shows the Flood Planning Area's extent across the Main Drain 'J' floodplain and Lake Wyangan. Council is able to supply the FPL for properties located within the Main Drain 'J' floodplain.

Alternate flood planning levels may apply to particular land uses. A summary of the FPL's adopted for this policy is identified below.

- The finished floor levels of habitable rooms shall be at least equal to the FPL where known, or where not known, 500mm above the 100 year ARI flood level as advised at the time by Council.
- Flood Planning Levels shall be as follows for the following land uses:

Commercial & Industrial = 100 year flood level with 25% of the floor area to be 500 mm above the 100 year flood level. Council will give consideration to a lower floor level (*absolute minimum 1:20 year flood level*) only in circumstances to achieve mobility access standards and compatibility with existing street frontages.

Critical Utilities = If at all avoidable, critical utilities should be constructed outside of flood prone land. Where construction of critical facilities within flood prone land is unavoidable, they shall be flood free during the PMF event.

Subdivision = 100 year + 500 mm freeboard

Garages and Storage sheds = 20 year ARI flood level

4.6 Land Use Categories

The following land use categories have been identified for the purpose of considering flood related controls on potential development.

- Residential accommodation (as defined in the Standard Instrument)
- Commercial premises and industry (as defined in the Standard Instrument)
- Critical infrastructure (including *water supply system, sewerage system, telecommunication facilities, electricity generating works, emergency services facilities, and hospitals as defined in the Standard Instrument* and designated flood evacuation centres)



- Subdivisions (as defined in the Environmental Planning and Assessment Act, 1979) and boundary adjustments (as defined in Griffith Local Environmental Plan 2014).
- Caravan parks, tourist and visitor accommodation (as defined in the Standard Instrument)
- Fencing
- Car parks

4.7 Matters for Consideration

Development of any of the above land use categories may proceed subject to determination of a site's provisional hydraulic and hazard categories. The matters for consideration which apply to each land use type for hydraulic and hazard categories has been addressed in **Section 5**.

5 Matters for Consideration

The following section identifies the matters for consideration which are relevant to specific land uses that fall within flood prone land. The matters for consideration have been developed in the context of the hydraulic categories adopted by the Manual.

5.1 Flood Storage and Flood Fringe

The following section outlines the matters for consideration which apply to flood prone land categorised as flood storage or flood fringe. In general:

- Development in flood storage **and flood fringe** areas has the potential to adversely impact on flooding at adjacent properties. Accordingly, development in these areas is subject to certain controls on filling, and blockage of this land.
- ~~Flood Fringe areas are generally locations which will have little effect on the downstream conveyance of floodwaters.~~

In addition, consideration is given to the flood hazard posed to users of the proposed development.

5.1.1 Residential Development

New Development, Infill Development and Redevelopment

(a) Floor Levels

The elevation of all habitable floor levels shall be equal to or above the FPL. The minimum elevation for garages, sheds and other structures ancillary to residential development is the peak 100 year ARI flood level.



(b) Flood Proofing

Flood proofing shall be provided to all aspects of the proposed development up to the FPL. Flood proofing for the building are required and flood proofing measures may be considered on a case by case basis.

(c) Flood Impact on Other Properties

Where development will take place in a designated flood storage area, the applicant is required to demonstrate that the net loss in flood storage is negligible. Where practical, excavation and other works may be proposed to address this requirement

Any development must also ensure that existing overland flow paths are not impeded. Additional drainage infrastructure may be required to achieve this objective.

Council will review each development on a case by case basis to establish the level of investigation required to assess the impact of flooding on other properties. It is recommended that the applicant liaise with Council to establish whether a Flood Impact Assessment Report is required for the proposed development.

(d) Site Access and Flood Evacuation Requirements

The internal access road shall be equivalent to the flood immunity level of the adjoining public road. However, Council may also consider access roads as low as the 20 year ARI flood event in certain circumstances.

Where there is greater than dual occupancy proposed, a flood risk assessment will be undertaken to demonstrate that evacuation of the residents during flooding can proceed safely without increasing demand on emergency service resources. Consideration should be given to the site's emergency response requirements.

Developments reliant upon evacuation through high hazard floodway or high hazard flood storage conditions will not be supported by Council.

The applicant is encouraged to liaise with Council to establish the level of investigation required to assess the flood risk at a particular property.

Extensions

In general, extensions shall proceed in accordance with the guidelines outlined above. Notwithstanding, extensions undertaken on single dwelling and dual occupancy may be exempt from item (d) above.

In addition, consideration will be given to floor levels for minor extension or modifications below the FPL provided:



- the area of the extension's floor level covers no more than 20% of the existing floor level, or 40 m², whichever is greater,
- the extension is above the level of the 20 year ARI flood event.
- the extension is as high as practical without modification to the existing roofline.

5.1.2 Commercial and Industrial Development

New Development & Redevelopment

(a) Floor Levels

At least 25 % of the floor level provided for this type of development shall be at an elevation equal to the 100 year ARI flood level plus a minimum of 500 mm. The remaining 75% of the floor level shall be sited at a level equivalent to the peak 100 year ARI flood level.

Where multiple units will be provided at an industrial or commercial subdivision, at least 25 % of the floor level of each unit must be at an elevation equivalent to or above the FPL.

The application shall demonstrate the feasibility of moving bulky or heavy items to the raised area.

Consideration may be given to floor levels below this for non-habitable parts of the development (including garages, sheds). However, all floor levels will be required to be a minimum of the 20 year ARI flood level.

(b) Flood Proofing

Flood proofing shall be undertaken in accordance with that described for residential properties in **Section 5.1.1**.

(c) Flood Impact on Other Properties

The flood impact on other properties shall be assessed in accordance with that described in **Section 5.1.1**.

(d) Site Access and Flood Evacuation Requirements

For all industrial and commercial developments, the internal access road shall be equivalent to the flood immunity level of the adjoining public road.

Furthermore, where flood free access up to and including the 100 year ARI flood event is not available, a flood risk assessment shall be undertaken to demonstrate that evacuation can proceed safely without increasing demand on emergency services.



Extensions

In general, extensions shall proceed in accordance with the guidelines outlined above.

In addition, consideration will be given to floor levels for minor extension or modifications below the FPL provided:

- the area of the extension's floor level covers no more than 20% of the existing floor level, or 60 m², whichever is greater,
- the extension is above the level of the 20 year ARI flood event.
- the extension is as high as practical without modification to the existing roofline.

5.1.3 Critical Infrastructure

Where possible, critical infrastructure should be located outside the Flood Planning Level. However, the policy recognises that this is not possible in all circumstances, in which merit assessment will apply.

New Development & Redevelopment

Critical infrastructure is defined in accordance with the definition provided in **Section 2**. However, this is not intended to be an exhaustive list of critical infrastructure and Council may elect to define additional development types as critical.

(a) Floor Levels

The floor level of all critical infrastructures shall be at or above the level of the Probable Maximum Flood (PMF).

(b) Flood Proofing

Flood proofing shall be provided for all parts of the building up to and including the level of the PMF. Preferably, this is to be achieved by filling the portion of the site containing the critical infrastructure, however alternative methods may also be considered.

A certified structural engineer's report will be required to verify that the structure can withstand forces generated by flooding for all floods up to and including the PMF event.

(c) Flood Impact on Other Properties

The flood impact on other properties shall be assessed in accordance with the procedures described in **Section 5.1.1**.



(d) Site Access and Flood Evacuation Requirements

Appropriate access shall be provided to the site up to and including the PMF.

Extensions

Extensions to critical infrastructure shall be undertaken in accordance with the guidelines described above.

5.1.4 Subdivisions

The sub-division of land will be subject to the matters for consideration identified above for the relevant land use type (i.e. residential or commercial/industrial). In addition, the following flood related controls will apply to the sub-division of flood liable land.

(a) Floor Levels

The minimum floor level shall be in accordance with the guidelines adopted for residential and industrial/commercial development in **Sections 5.1.1 and 5.1.2.**

(b) Flood Proofing

Flood proofing shall be provided for all the proposed lots up to FPL.

(c) Flood Impact on Other Properties

A flood impact assessment is required to verify that the subdivision does not result in adverse flood impacts to properties located off-site.

Council will only support subdivisions in flood prone land, provided the applicant can demonstrate to Council's satisfaction the requirements of Appendix L of the Manual 2005 have been met. Such applications are to be prepared by a suitably qualified civil engineer/surveyor/hydrologist with a demonstrated experience in flood assessment of land development proposals.

Furthermore, assessment of several different ARI flood events may be required to verify that the impact of flooding is not increased for floods other than the 100 year ARI flood event.

Where required, appropriate compensatory works shall be incorporated into the sub-division.



(d) Site Access and Flood Evacuation Requirements

Safe vehicular access shall be provided at the level of the 100 year ARI flood event to each individual allotment within a residential sub-division. Modification of this criteria may be considered where the adjoining public road is below the 100 year ARI flood and it is demonstrated through a flood risk assessment that residents of the sub-division can be evacuated to ground situated above the PMF without increasing the demand on emergency services.

For a commercial and industrial sub-division, the access road shall be sited at flood immunity level of the adjacent public road.

5.1.5 Existing Entitlements

- Council may support the replacement of an existing dwelling within flood prone areas provided the new dwelling is permissible according to the zoning and evidence is submitted with applications to demonstrate the existence of the dwelling. The applicants must demonstrate the existence of the former dwelling by photographs and/or records of building approvals.
- Approvals should be submitted for any dwelling erected after 1 January 1996 (*being the gazettal date of Interim Development Order No. 1*)
- Levels of habitable floors of the former dwelling based on AHD and certified by a Registered Surveyor must be submitted with the application.
- Council will not support replacement of an existing dwelling to be located within a High Hazard – Floodway.

5.1.6 Caravan Parks & Manufactured Housing

- Caravan Parks & Manufactured Housing permissible under Council's zoning shall be restricted to Low Hazard flood areas.
- Applicants are to assess proposals for Caravan Parks and Manufactured Housing in accordance with the building development controls outlined above.
- Evacuation plans shall be prepared as part of the on-site management plans required for the site.

5.1.7 Carparks

- Carparks are permitted within flood prone areas provided the applicant can demonstrate the potential damage to motor vehicles from flooding is minimised.
- Proposals for carparks shall also ensure that motor vehicles do not become moving debris during floods, which threaten the integrity of structures, safety of people or damage other property.
- Proposals for basement carparks shall ensure risk to human life from the inundation of basement and other car park or driveway areas is minimised.



5.1.8 Fences

- Fences of a continuous design, such as paling fences, and continuous brick fences, shall be permissible in flood fringe areas, subject to Council approval. In some cases, Council may require the applicant to demonstrate that fencing will not result in any significant increase in flood levels and flow velocities off site. In this regard, each case will be assessed on its merits.
- Some limitations may apply to fences which create a continuous impermeable design within flood storage areas.
- Post and rail fences may be permitted and shall be designed so as to permit the unimpeded flow of flood waters.
- Fencing of a continuous design may be permitted in flood prone areas (other than floodways) provided that the applicants can demonstrate that the proposed fencing does not generate an adverse impacts on flooding.

5.1.9 Rezoning of Land

The following will apply to rezoning applications of flood prone land:

- Any ministerial direction given pursuant to Section 117(2) of the Environmental Planning and Assessment Act, 1979 in respect to flood prone land.
- Rezoning applications in flood prone land will not be considered unless a Floodplain Risk Management Study has been undertaken or investigations are completed to confirm potential impacts of the full range of floods (including the PMF) on the future development of the rezoned land are minimal (ie development is of minor significance).
- The applicant will also be required to prepare hydraulic and hazard category mapping for the proposed rezoning site, where this is not available from existing studies.
- Council will not support the rezoning of flood prone land for all sites provisionally classified as High Hazard and/or floodway in accordance with the Floodplain Development Manual (2005), unless it can be shown that works proposed as part of the rezoning will reduce the hazard categorization of the land, while at the same time not adversely impacting flood characteristics for adjacent or nearby properties. Such applications are to be prepared by a suitably qualified civil engineer / surveyor / hydrologist with a demonstrated experience in flood assessment of land development proposals.

5.2 Floodways

A definition of floodway areas is provided in **Section 4.4.1**. In general, development within a floodway is discouraged for the following reasons:

- the potential to redirect flows;
- the level of potential danger to personal safety; and,
- significant financial losses due to the damage potential.



Notwithstanding, there may be circumstances in which certain types of development could proceed, subject to a range of considerations. These considerations are in addition to the relevant requirements outlined in **Section 5.1**.

The types of development that may be appropriate within low hazard floodways include:

- infill development;
- existing entitlements/ concessional allotments, where provision is made in accordance with the guidelines of the Griffith LEP; and
- replacement and extensions to existing structures.

In general, the following types of activities in area provisionally categorised as “floodway” will not be permitted:

- sub-division;
- rezoning; and,
- new development.

For development in the floodway, landowners / developers will be given opportunity to further refine the floodway, but at their own cost. Applications are to be prepared by a suitably qualified civil engineer/surveyor/hydrologist with a demonstrated experience in flood assessment of land development proposals. It is expected that any changes to the floodway development would be difficult to justify.

The relevant controls that apply to development within floodway areas are identified in the following.

5.2.1 Low Hazard Floodways

General

The following provides a summary of development which is permissible in low hazard floodways. Each proposal to develop in low hazard floodways will be considered on the basis of its merits. In general, development of floodways may proceed where either one of two conditions can be met:

- The proposal is located in an area of the floodway where a substantial amount of development already exists and existing development can be utilised to construct new buildings and structures without measurably increasing the lateral blockage of a floodway (*e.g. infill development*); or,
- The proposal is located on a large enough lot such that the proposal and associated filling is minor relative to the overall conveyance of floodwater and any localised impacts can be maintained wholly on site (*e.g. concessional allotments on rural land*).



Where permissible, development shall proceed in accordance with the following principles:

Infill Development

Infill development generally occurs where undeveloped lots exist within urbanised areas or subdivisions. A definition of infill development is provided in **Section 2**.

The following controls shall apply to infill development in floodway areas.

- The building is located to avoid any additional blockage of the lateral extent of the floodway. In this regard, the “shadow” of upstream development must be utilised when siting the proposed dwelling (refer Figure 1).
- The maximum permissible floor area shall be in accordance with the provisions of other DCP’s. However, the footprint development will need to consider the shadow requirements outlined immediately above.
- Any other structures (e.g. garages) must be sited to also observe shadow requirements.
- Habitable rooms will be sited above the flood planning level.

An example of infill development that incorporates the principles of shadow development is shown in **Figure 1**. Please note, **Figure 1** is solely intended as an example of what might constitute development within the shadow of a pre-existing building.



Figure 1 Example of a “Shadow” created by an existing development

Concessional Allotments / Existing Entitlements

Concessional allotments are recognised in the Griffith LEP 2002. The following outlines the assessment criteria for construction of an additional dwelling on an area where concessional allotments are permitted. In general, the following will also apply to existing entitlements.

- Where a property is only partially affected by the floodway extent, the proposed dwelling shall be located outside the floodway, unless reasons can be given why locating the building within the floodway generates more optimal flood risk management outcomes (for example, the combined consideration of hazard and blockage suggests the property is best located in a floodway where it can also utilise an existing road and avoid any requirement for fill).



- Where the property boundary falls wholly within the floodway extent the property should be sited to minimise the impact on flooding. This should include consideration of the following aims:
 - Develop in the shadow of an existing structure, where applicable;
 - Minimise the volume of fill required to develop the property. This may be achieved by positioning the house on locally raised terrain. Notwithstanding, hazard categorisation and evacuation requirements will still need to be considered.
 - Locate the property to avoid any off-site flood impacts. In this regard, Council may require the proponent engage a suitably qualified flood engineer to assess the proposal.
- Adequate evacuation from the site must be provided in accordance with the principles outlined in Section 5.1.

Redevelopment

Re-development is defined in **Section 2**. Re-development of a lot located within the floodway on land zoned 1 (a) rural or 1(c) rural residential by the Griffith LEP 2002 should observe the principles outlined above for concessional allotments.

Where redevelopment in the floodway occurs on existing land under the Griffith LEP, redevelopment should generally occur in accordance with the principals outlined above for infill development.

Extensions

Extensions to existing dwellings are permissible. However, where they are located within a floodway zone, they must observe the following:

- No greater than 60 m² in area for residential developments. Variations to this for industrial, commercial and rural residential will be considered on a case by case basis.
- They are to observe the principles of shadow development outlined for infill development. That is, any extensions must avoid increasing the blocked area of the floodway.
- Habitable rooms must be constructed with a minimum floor level not less than the Flood Planning Level.

Fences

Where dividing fences across floodways are unavoidable, they are to be constructed only of open type fencing that will not restrict the flow of flood waters and be resistant to blockage.



5.2.2 High Hazard Floodways

Development within highway hazard floodways is generally discouraged. Council may consider granting permission to minor developments including extensions provided the requirements outlined in **Section 5.2.1** can be met. It is noted that only very minor sections of the Main Drain 'J' floodplain have been categorised as "High" hazard.

5.3 Additional Flood Proofing Matters for Consideration

The following provides additional guidance in relation to flood proofing measures which have been described above. These flood proofing measures shall apply to all development which will have the potential to be flood affected.

Electrical installations

Electrical fixtures such as power points, light fittings and switches are to be sited above the FPL unless they are on a separate circuit (with earth leakage protection) to the rest of the building.

Building Materials

Where parts of the building are proposed to be below the FPL, they are to be constructed of water-resistant materials.

Large buoyant objects

Areas where cars, vans and trailers etc are parked, displayed or stored are not to be located in areas subject to property hazard. Containers, bins, hoppers and other large floatable objects also are not to be stored in these areas. Heavy vehicle parking areas are not to be located in areas subject to property hazard.

Method of construction

Timber framed, light steel construction, cavity brickwork and other conventional domestic building materials are generally not suitable forms of construction where the property hazard is high. Where property hazard is high, the structure shall be certified by a practicing structural engineer to withstand the hydraulic loads (*including debris*) induced by the flood waters.

Structural Design

All buildings shall prior to occupation be certified by a civil or structural engineer that the structures can withstand the forces of floodwaters, buoyancy and debris loadings up to the 100 year ARI flood event plus freeboard.



Car Parks

- Where possible basement car parks are to be protected from inundation from the 100 year ARI flood event.
- The minimum surface level of open space car parking subject to inundation within high hazard areas shall be designed giving regard to vehicle stability in terms of depths and velocity during inundation by flood waters.

6 Supporting Documentation to be Submitted with an Application

6.1 Survey Plans

Development applications affected by this policy shall be accompanied by a survey plan showing:

- the position of the existing building/s or proposed building/s;
- the existing ground levels to Australian Height Datum around the perimeter of the building and contours of the site, and,
- the existing and proposed floor levels relative to Australian Height Datum.

Applications for earthworks, filling of land and subdivision shall be accompanied by a survey plan (with a contour interval of 0.1m) showing relative levels to Australian Height Datum.

6.2 Flood Impact Assessment and Flood Risk Assessment

Where required by the matters for consideration outlined in **Section 5**, a Flood Impact Assessment is to be supplied addressing the issues outlined in Appendix L of the New South Wales Government (2005) Floodplain Development Manual.

For large scale developments, or developments in critical locations, particularly where an existing catchment based flood study is not available, it may be necessary to prepare a flood study based on the results of a fully dynamic one or two dimensional computer model. Alternatively, where a flood study already exists, it will be necessary to use the hydraulic model developed for that flood study to assess the development proposal. In either case, the assessment should:

- quantify the potential impact of the development proposal on flood behaviour elsewhere in the floodplain and particularly across adjoining land/properties; and,
- determine the potential impact of flooding on the development proposal and the future users of the development plus the cumulative impacts resulting from the development.

The following information shall be submitted in plan form for the pre-developed and post-developed scenarios:



- flood profiles for the full range of events for total development including all structures and works;
- water surface contours;
- velocity vectors;
- velocity depth product contours; and,
- delineation of flood risk precincts relevant to individual floodplains.

Alternatively, the flood impact assessment can include flood level, velocity and hazard difference mapping that shows the increase in each of these flood characteristics due to the proposed development. These increases are to be considered and commented on in the context of the NSW Government's Flood Prone Land Policy.

Applicants should check with Council Officers to confirm the need for a specialist flood study. For smaller developments consideration may be given to the use of an existing flood study if available and suitable (*e.g. it contains sufficient local detail*), or otherwise a flood study is to be prepared. Where the controls for a particular development proposal require an assessment of structural soundness during potential floods, the following impacts must be addressed:

- hydrostatic pressure,
- hydrodynamic pressure,
- impact of debris, and
- buoyancy forces.

Alternatively, or together with a flood impact assessment, the applicant may be required to prepare a flood risk assessment for the proposed development. The assessment will be required to demonstrate that the full range of risks associated with flooding at the site have been considered and suitable measures proposed to adequately mitigate the risk.

7 References

1. Department of Environment and Climate Change (2007), 'Floodway definition – Floodplain Risk Management Guideline'.
2. Griffith City Council (2010), 'Griffith Aerodrome Overland Flow Flood Study' prepared by WMAwater.
3. Griffith City Council (2011), 'Griffith Aerodrome Overland Flow Floodplain Risk Management Study' prepared by WMAwater.
4. Griffith City Council (2006), 'Griffith Flood Study (Issue No. 3)', prepared by Patterson Britton & Partners.
5. Griffith Floodplain Risk Management Study and Draft Floodplain Risk Management Plan 2011, prepared by WorleyParsons Pty Ltd.
6. Griffith City Council (2002), 'Griffith Local Environmental Plan 2002'.
7. Griffith City Council (1996), 'Interim Development Order No. 1'.
8. Griffith City Council, Floor Levels Policy, CS-CP-318.



9. New South Wales Government (2005), 'Floodplain Development Manual: the management of flood liable land'; ISBN 0 7347 5476 0.
10. Griffith CBD Catchment Overland Flow Flood Study (2012), prepared by WMAwater
11. Griffith Major Overland Flow Floodplain Risk Management Study and Plan for CBD Catchments (2013), prepared by WMA
12. Lake Wyangan Flood Study (2012), prepared by BMT WBM.
13. Land Wyangan (Draft) Floodplain Risk Management Study & Plan (2013), prepared by BMT WBM



Risk Profile and Assessment Criteria for Earth Dams used for Commercial Aquaculture Production in the Griffith Local Government Area CS-CP- 406

(LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	10/06/2014	0191	10/06/2014
2	22/08/2017	17/205	22/08/2017
3	23/08/2022	22/209	23/08/2022

2 Policy Objective

To establish appropriate criteria for assessing development proposals for commercial aquaculture production in existing or new earth dams in the Griffith Local Government Area.

3 Policy Statement

3.1 Purpose

Whilst farm dams less than 15 ML can be constructed for water storage purposes without development consent and dams greater than 15 ML with consent, their use for commercial aquaculture creates a greater risk of potential groundwater contamination because of the quantities of feed of unknown composition, excreta, detritus and the possible presence of other organic and inorganic contaminants such as antibiotics, growth stimulants and heavy metals. Should contamination occur, there may be impacts on other groundwater users and the environment by way of water sources connected to groundwater, as well as salinity migration.

It is therefore reasonable to assess the risk of groundwater contamination when proposals for aquaculture production are being considered, and should a risk be determined, to require certain mitigation actions.

The level of risk (from level 0, low risk, to level 2, high risk) determines the risk mitigation requirements. It is also the case that some proposals will seek to use existing farm dams and others will be constructing new dams, thereby justifying a differential approach to risk assessment and management.

3.2 Scope

This procedure applies to unlined earth dams used for commercial aquaculture production and not aquaculture production in sealed tanks or ponds.

Aquaculture takes a broad definition to include all species.



Commercial production is defined as that requiring a licence or permit from another Agency, including but not limited to permits issued under Part 2(4) of the Fisheries Management (Aquaculture) Regulation 2017.

“Extensive” and “Intensive” aquaculture are as defined in Part 1(3) Definitions of the Fisheries Management (Aquaculture) Regulation 2017.

The various maps referred to in assessing the Risk Profile are those contained in Griffith City Council Local Environment Plan 2014.

Flood prone land is that defined by any Flood Study adopted by Council or draft Flood Study that has been exhibited.

Earth dams can be excavated earth tanks where the high water level is lower than or the same as the natural surface, or those where excavated earth is used to construct an embankment designed so that the high water level is above natural surface. For the former, the separation distances defined in the Risk Profile are measured from the high water level. For the latter, the separation distances defined in the Risk Profile are measured from the outside toe of the earth bank. See Figures 1 and 2.

Most earth dams are likely to exhibit small seepage rates. For the purpose of these procedures, a negligible seepage rate net of inflows and evaporation is defined as less than 3.5 mm per day change in water depth when the dam is near full.

Figure 1 – Excavated earth tank

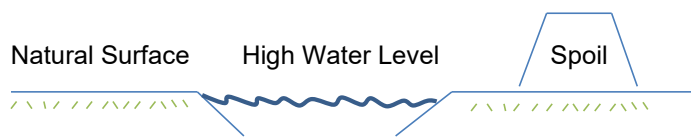
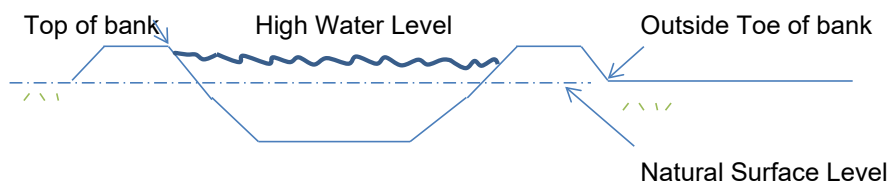


Figure 2 – Earth dam with compacted embankment





3.3 Risk Profile for commercial aquaculture production in earth dams

Level 2

- Dam located within Groundwater Vulnerability Map, or
- Dam located less than 20m from an area identified in Wetlands Map, or
- Dam located less than 20m from an area identified in Riparian Lands and Watercourses Map, or
- Dam located on flood prone land, or
- Dam located less than 100m from an existing stock and domestic groundwater well or bore, or
- Result following application of the Simple Water Balance Model to existing dams (see Risk Mitigation Measures) for 14 days is not negligible.

Level 1

- Dam located less than 20m from property boundary, or
- Dam located less than 20m from a water supply channel other than a terminal channel used to supply the dam, or
- Insufficient clay content in the earth at the dam location, as demonstrated by the field assessment of soil texture known as the “ribbon test”, or
- Visual evidence or evidence from simple field tests of unstable soil such as dispersion, slumping, slaking, rilling or erosion, or
- For existing dams, visual evidence of existing water ponding or seepage on or adjacent to the exterior of the embankment

Level 0

None of the above



3.4 Risk Mitigation Measures for Commercial Aquaculture Production in Earth Dams

Risk Profile	Existing earth dams	New earth dams	
		Extensive aquaculture	Intensive aquaculture
Level 0	No measures required	Construction of dam by competent and experienced operator.	Geotechnical report required to determine construction method, and Construction of dam in accordance with the geotechnical report by competent and experienced operator.
Level 1	Simple Water Balance Model applied for 14 days	Geotechnical report required to determine construction method, and Construction of dam in accordance with the geotechnical report by a competent and experienced operator.	Geotechnical report required to determine construction method, and Construction of dam by competent and experienced operator, and Geotechnical certification that dam constructed in accordance with report.
Level 2	Superior Water Balance Model applied for 56 days	Geotechnical report required to determine construction method, and Construction of dam by competent and experienced operator, and Geotechnical certification that dam constructed in accordance with report.	Geotechnical report required to determine construction method, and Construction of dam by competent and experienced operator, and Geotechnical certification that dam constructed in accordance with report.



3.5 Water Balance Model used to measure water seepage rates

Seepage Rate (mm/day) = change in water level when dam near full (mm) + rainfall (mm, based on 'top of bank' surface area) + inflows (converted to mm) – evaporation (mm)

Simple Water Balance Model:

- Change in water level measured from temporary peg
- Rainfall measured by on site rain gauge
- Survey of top of bank and high water level required to calculate rainfall and inflow effects
- Evaporation assumed from Bureau of Meteorology published data
- 14 day duration of measurements

Superior Water Balance Model:

- Change in water level measured from within a still water chamber
- On site weather station for rainfall and evaporation measurements
- Survey of top of bank and high water level required to calculate rainfall and inflow effects
- 56 day duration of measurements
- Independent verification of measurements
- May also require piezometer installation and measurements

3.6 Other considerations

Existing dams with a Risk Profile of Level 1 or Level 2 will not be approved for commercial aquaculture production if seepage rates are above negligible.

Treatments are available to reduce seepage rates (imported clay; scarifying and re-compaction; incorporation of flocculating materials; impermeable membrane liners) and approval will be reconsidered if treatment results in a negligible seepage rate.

Griffith City Council strongly recommends a pre-DA lodgement meeting for aquaculture projects.

1. Rowland, S.J. (n.d.), Site Selection and Design for Aquaculture, NSW Department of Primary Industries (available from the Department web site).
2. Regulation 4 of the Fisheries Management (Aquaculture) Regulation 2017.
3. Regulation 3 of the Fisheries Management (Aquaculture) Regulation 2017.
4. Griffith Local Environment Plan 2014.
5. Various Griffith City Council Flood Studies.

4 Definitions

None



5 Exceptions

None

6 Legislation

None

7 Related Documents

None

8 Directorate

Sustainable Development



Smoke-Free Outdoor Areas EH-CP- 202 (LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	13 Dec 2011	0400	13 Dec 2011
2	13 Aug 2013	0255	13 Aug 2013
3	22 Aug 2017	17/205	22 Aug 2017
4	23 Aug 2022	22/209	23 Aug 2022
5	13 Feb 2024	24/031	13 Feb 2024

2 Policy Objective

The objectives of Griffith City Council in banning smoking and using e-cigarettes on Council owned and controlled land, outdoor public areas and within vehicles is to:

- Improve the health of community members;
- Improve public amenity and maintenance of Council property;
- Raise community awareness of the issues associated with smoking;
- Provide community leadership in taking measures to protect the health and social wellbeing of the community; and
- Minimise cigarette butt pollution on Council owned and controlled land and within public places.

3 Policy Statement

This policy prohibits smoking and using e-cigarettes in the following areas on Council owned and controlled land, outdoor public areas and within vehicles specifically:

- Within ten (10) metres of all children's playground equipment in outdoor public places;
- Public swimming pools;
- Spectator areas at sports grounds or other recreational areas used for organised sporting events;
- Public transport stops and platforms, including taxi ranks;
- Within 4 metres of a pedestrian access point to a public building;
- In commercial outdoor dining areas being:
 - a seated dining area;
 - within 4 metres of a seated dining area on licensed premises, restaurant or café; and
 - within 10 metres of a food fair store or on public land as approved by Council.
- Within ten (10) metres of Council owned or managed buildings; and
- Within cars with a child under the age of 16 years in the vehicle.



3.1 Principles

This policy recognises that Council has:

- An obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community;
- A commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette butt litter found in outdoor spaces;
- An understanding that the damaging effect of passive smoking and using e-cigarettes while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas; and
- An acknowledgement that the indirect effects of people smoking and using e-cigarettes in an outdoor area can result in children playing with and swallowing discarded cigarette butts; cigarette-derived particles accumulating on clothing and skin; and smoking causing sensory irritations such as eye watering, coughing, difficulty in breathing or asthma.

3.2 Authorised Persons

The following Griffith City Council staff are “authorised persons”:

- Environment & Public Health Coordinator
- Compliance Officers
- Planning & Environment Compliance Officer

The following State Government staff are “authorised persons”:

- NSW Health Authorised Inspectors
- NSW Police

3.3 Signage

The following open space areas will be signposted via signage or adhesive stickers, wherever practicable, to provide smoke-free zones:

- Within ten (10) metres of all children's playground equipment in outdoor public places.
- On all public land used for commercial outdoor dining areas being: a seated dining area; within 4 metres of a seated dining area on licensed premises, restaurant or café; within 10 metres of a food fair store or on public land as approved by Council (alternatively agreement/lease conditions may be used).
- Within ten (10) metres of Council owned building entrances.



3.4 Leases, licenses and other Council agreements

Council buildings and outdoor dining areas that are leased, licensed or hired by Council will have smoke-free clauses inserted into their agreements for use.

3.5 Enforcement

In implementing Council's Smoke-Free Outdoor Areas Policy a program of community education and awareness, specifically targeting residents and day visitors, may be undertaken.

Where Councils have policies which prohibit smoking and using e-cigarettes in locations not covered by state-wide legislation (Smoke-free Environment Act 2000) or where policies go further than the state bans, they are enforced by Council.

Enforcement of this Policy will be supported by persuasion and self-policing rather than by punitive enforcement.

4 Definitions

Smoke means use, consume, hold or otherwise have control over a tobacco product, non-tobacco smoking product or e-cigarette that is generating smoke or an aerosol or vapour.

5 Exceptions

None

6 Legislation

Under the NSW Local Government Act 1993 Council has the power to:

- Erect suitably worded and strategically placed notices in “public places” (such as places including but not limited to public reserves, Crown reserves, public bathing reserves, public baths, public swimming pools, public parks and public roads) within the local government area of Griffith prohibiting smoking (s.632 (1) and (2)(e) of the Act);
- Serve, by means of an authorised person, a penalty notice (current Penalty \$110.00) upon any person who fails to comply with the terms of any such notice (s.679 of the Act and cl.5-7 of, and Schedule 1 to, the General Regulation);
- Demand by means of an authorised person, the name and address of any person reasonably suspected of failing to comply with the terms of any such notice (see, relevantly, s.680 of the Act);



- Remove, by means of an authorised person, from community land any person who fails to comply with the terms of any such notice (s.681 of the Act); and
- Otherwise prohibit smoking and using e-cigarettes in any place within the local government area of Griffith, in respect of which Council is the owner or occupier, as a condition of entry to that place.

The *Smoke-free Environment Act 2000* has been amended to ban smoking and using e-cigarettes in the following outdoor places from 7 January 2013:

- Within 10 metres of children's play equipment in outdoor public places;
- Public swimming pools;
- Spectator areas at sports grounds or other recreational areas used for organised sporting events;
- Public transport stops and platforms; including ferry wharves and taxi ranks; and
- Within 4 metres of a pedestrian access point to a public building.

The ban on smoking and using e-cigarettes in commercial outdoor dining areas in licensed premises and restaurants commenced on 6 July 2015.

7 Related Documents

(WHS-PO-019) Smoking Policy – Internal Policy

8 Directorate

Sustainable Development



Waste – Septic Tanks EH-CP- 801 (LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	27 Jun 1991	C339	27 Jun 1991
2	14 Jan 2003	25	14 Jan 2003
3	11 May 2010	0142	11 May 2010
4	13 Aug 2013	0255	13 Aug 2013
5	22 Aug 2017	17/205	22 Aug 2017
6	23 Aug 2022	22/209	23 Aug 2022

2 Policy Objective

To require effective and hygienic disposal of effluent from all occupied premises.

3 Policy Statement

Council requires the installation of an on-site sewage management system to all occupied premises that cannot be serviced by sewer drainage.

4 Definitions

None

5 Exceptions

None

6 Legislation

None

7 Related Documents

None

8 Directorate

Sustainable Development



Solar Energy Farms and Battery Energy Storage Systems (BESS) Policy SD-CP-202

(LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	23/07/2024	24/203	23/07/2024

2 Policy Objectives

The objectives of the policy are as follows:

- To minimise potential land use conflicts.
- To ensure any visual impacts of the development are mitigated.
- To avoid the sterilisation of productive agricultural land where possible.
- To ensure that adequate provisions are made to restore developed land at the end of the life of the development.
- To ensure hazards and risks associated with Battery Energy Storage Systems (BESS) are assessed with mitigation measures (if required) proposed to avoid offsite impacts.

3 Policy Application

Land to which this policy applies

This policy applies to all land within the Griffith local government area.

Application of the Policy

This policy applies to all new development applications for electricity generating works involving solar photovoltaic systems (solar farms) with a capacity of more than 1.0 MW which are not co-located with a large-scale electricity user such as an industry. The policy also applies to all development applications for electricity generating works involving Battery Energy Storage Systems (BESS). The policy does not apply to electricity generating works which can be installed under State Environmental Planning Policy (Transport and Infrastructure) 2021 or State Environmental Planning Policy (Exempt and Complying Development) 2008 as exempt or complying development.

4 Background

Solar farm and BESS developments are considered forms of electrical generating works as defined in the Griffith Local Environmental Plan 2014 and State Environmental Planning Policy (Transport and Infrastructure) 2021.



Consent Authority

The consent authority for electricity generating works varies based on the capital investment value of the development. State Environmental Planning Policy (Planning Systems) 2021 includes triggers for Regionally significant development and State significant development:

- i. Regionally significant development: Electricity generating works with a Capital Investment Value (CIV) of more than \$5 million, but less than \$30 million. The Regional Planning Panel is the consent authority for Regionally significant development.
- ii. State significant development: Electricity generating works with a CIV of more than \$30 million. The Minister for Planning or delegate is the consent authority for State significant development.
- iii. Local development: Electricity generating works with a CIV of less than \$5 million. Griffith City Council or delegate is the consent authority for local development.

5 Site Selection

Site selection is an important component of a solar farm or BESS development. The Applicant must carefully consider a range of sites and carry out a constraints and opportunities analysis to justify the proposed location of a solar farm or BESS development.

The following types of sites should be avoided:

- a) Sites which contain class 1 – 3 (land and soil capability class) (LSC) soils as depicted on the Land and Soil Capability Mapping for NSW (available at: <https://espade.environment.nsw.gov.au>).
- b) Sites which have a delivery entitlement and volume of water available under that entitlement that is or will be adequate for the use of the land for the purpose of intensive plant agriculture and the lands are currently or have historically been cultivated for intensive plant agriculture crops without severe limitations.
- c) Sites which are located in low lying areas visible from elevated perspectives from visual receivers.
- d) Sites which are located less than 1 km from land zoned R1 – General Residential, R5 – Large Lot Residential or RU5 – Village.
- e) Sites located on classified or arterial roads.
- f) Sites which are located in positions which would have a visual impact on nearby properties, especially existing dwellings and lots on which dwellings could be constructed in the future.

6 Mandatory Assessment Requirements

- a) The Assessment issues and requirements detailed in the NSW Department of Planning, Housing and Infrastructure (DPHI) **Large Scale Solar Energy Guidelines** (the



Guidelines) (Section 5 and Appendix A and C) must be followed in the preparation and submission of a development application for any solar farm or BESS, including (but not limited to) the following technical studies, plans or considerations:

- i) Visual Impact Assessment.
 - ii) Landscape Character Assessment and Concept Landscape Plan.
 - iii) Agricultural Impact Assessment.
 - iv) Waste Management and Circular Design assessment and plan.
 - v) Decommissioning Plan.
 - vi) Glint and Glare Assessment in accordance with Appendix C of the Guidelines.
 - vii) Traffic Impact Assessment.
 - viii) Noise and Vibration Assessment.
 - ix) Concept Civil Plans for stormwater, services and site access.
 - x) Consideration of the power frequency and electric and magnetic field exposure guidelines referenced by the Australian Radiation Protection and Nuclear Safety Agency.
- b) Other Assessment Requirements (which will be required by Council based on the selected site and particulars of the proposal):
- i) Biodiversity Assessment in accordance with the *Biodiversity Conservation Act 2016*.
 - ii) Aboriginal Cultural Heritage Assessment.
 - iii) Flood Impact Assessment.
 - iv) Air Quality Assessment.
 - v) Preliminary Hazard Analysis (PHA) is required for all developments which include BESS. The PHA must be prepared in accordance with Hazardous Industry Planning Advisory Paper No 4 – Risk Criteria for Land Use Safety Planning, Hazardous Industry Planning Advisory Paper No 6 – Hazard Analysis and Multi-level Risk Assessment.
 - vi) Workforce management plan including workforce accommodation considerations during construction.
 - vii) Geotechnical Investigation.
 - viii) Preliminary Site Investigation (contamination).

7 Development Controls

The following development controls must be considered by the Applicant and will be considered by Council in the assessment of the development application.

- a) The development must be sited and carried out to minimise the impacts on farming, residential, tourism and business operations in the locality.
- b) The developer should assess the cumulative impact of the development having regard to solar energy farms already built and those approved but not yet constructed. Council does not favour large expanses of land being covered with solar energy farms where there is significant cumulative impact.



- c) Where the proposal is located within a 5km radius from the extent of urban and villages, the proposal (including the Visual Impact Assessment) must demonstrate that it will not impact on the scenic value and character of the locality.
- d) Solar farms should be located at least 25 m from all property boundaries and 200 m of any dwelling not associated with the development or residential zoned land.
- e) BESS should be located at least 50 m from all property boundaries and 500 m from any dwelling not associated with the development or residential zoned land.
- f) A 10 metre wide landscape buffer with native species designed to screen solar farms or BESS from roads and dwellings must be installed to ensure a minimum height at maturity of 3 metres.

8 Conditions of Consent for Solar Farms and BESS

The following conditions of consent will be imposed by Council on development consents for Solar Farms and BESS to ensure adequate financial assurances for site rehabilitation are in place:

Prior to the commencement of works, the Applicant must provide a mechanism to ensure sufficient funding is available to rehabilitate the site following the lifespan of the solar farm or BESS. This could include a form of financial assurance (bond) held by the landowner of the site or other suitable mechanism. Proof of this ongoing financial assurance must be submitted to Council prior to the commencement of works.

Note: Other conditions would be imposed by Council based on the assessment of the development and in consideration of standard conditions of consent.

9 Conditions of Consent for BESS

The following conditions of consent will be imposed by Council on development consents for BESS:

- a) Prior to the commencement works, the Applicant must prepare a Fire Safety Study (FSS) in accordance with Hazardous Industry *Planning Advisory Paper No 2 (HIPAP No.2) Fire Safety Study Guidelines* (Department of Planning, Housing and Infrastructure 2011) and *Large-scale external lithium-ion battery energy storage systems – Fire safety study considerations* (Fire and Rescue NSW, 2023).
- b) Prior to the commencement works, the Applicant must prepare an Emergency Response Plan in accordance with *Hazardous Industry Planning Advisory Paper No 1 (HIPAP No.1) Emergency Planning* (Department of Planning, Housing and Infrastructure 2011).

Note: Other conditions may be imposed based on the findings and recommendations of the PHA and a peer review carried out by or on behalf of Griffith City Council.

10 Definitions



Term	Definition
Applicant	The Applicant of a proposal seeking consent for a development application or modification application.
Consent Authority	The authority responsible for granting or refusing consent for a development application or modification application.
Decommissioning	The removal of solar panels and ancillary infrastructure and the re-establishment of the site for its previous use.
Glare	A continuous source of bright or strong light caused by the reflection of sunlight on a solar energy project.
Glint	A momentary flash of bright or strong light caused by the reflection of sunlight on a solar energy project.
Landscape	A holistic area comprised of its various parts including landform, vegetation, buildings, villages, towns, cities and infrastructure.
Landscape Character	An area or sense of place definable by the quality of its built, natural and cultural elements.
Electricity Generating Works	means a building or place used for the purpose of— (a) making or generating electricity, or (b) electricity storage.
Visual Receiver	An individual and or defined groups of people who have the potential to be affected by a proposal from a view location.
View Location	A place or situation from which a proposed development may be visible.

11 Legislation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

State Environmental Planning Policy (Exempt and Complying Development) 2008

State Environmental Planning Policy (Hazards and Resilience) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Planning Systems) 2021

Griffith Local Environmental Plan 2014

12 Related Documents

NSW Department of Planning, Housing and Infrastructure (DPHI) Large Scale Solar Energy Guidelines (as amended)

Hazardous Industry Planning Advisory Paper No 1 (HIPAP No.1) Emergency Planning (Department of Planning, Housing and Infrastructure 2011)

Hazardous Industry Planning Advisory Paper No 2 (HIPAP No.2) Fire safety Study Guidelines (Department of Planning, Housing and Infrastructure 2011)

Large-scale external lithium-ion battery energy storage systems – Fire safety study considerations (Fire and Rescue NSW, 2023)



13 Directorate

Sustainable Development



Footpaths – Construction of WO-CP- 501 (LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	28 Apr 1992	C218	28 Apr 1992
2	14 Jan 2003	25	14 Jan 2003
3	8 Apr 2008	0129	8 Apr 2008
4	22 Apr 2008	0140	22 Apr 2008
5	11 May 2010	0142	11 May 2010
6	13 Aug 2013	0255	13 Aug 2013
7	22 Aug 2017	17/205	22 Aug 2017
8	23 Aug 2022	22/209	23 Aug 2022

2 Policy Objective

To establish a standard for the construction of new or replacement of paved footpaths.

3 Policy Statement

Any new or replacement footpaths constructed in the Griffith city centre (Figure 1) are to be constructed as per the advice of the Urban Design team and consistent with the recommendations listed in the Griffith CBD Strategy.



FIGURE 1

Other areas are to be considered on their merits.



4 Definitions

None

5 Exceptions

None

6 Legislation

None

7 Related Documents

None

8 Directorate

Sustainable Development

MODEL SOCIAL MEDIA POLICY

2022



MODEL SOCIAL MEDIA POLICY

2022

ACCESS TO SERVICES

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Introduction

Social media – opportunities and challenges

Social media is at the heart of modern communication. Since its inception, social media has grown in popularity and influence and is now fundamental to not just how people interact with one another, but also to how we work, play and consume information and ideas.

Social media can be broadly defined as *online platforms and applications - such as social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards - that allow people to easily publish, share and discuss content*¹. Significantly, one of social media's key features is its unprecedented reach and accessibility, in that anyone with a computer or mobile device can use social media to generate content which has the potential to be viewed and shared by hundreds of millions of people worldwide.

Despite its obvious benefits, social media also presents a variety of challenges and risks. These include:

- the emergence of new, harmful forms of behaviour, such as cyber-bullying and trolling;
- maintaining the accuracy, reliability and integrity of information disseminated from multiple sources;
- organisations can be held liable for content uploaded onto their social media platforms by third parties²;
- content uploaded in a person's private capacity can adversely affect their employment and cause significant reputational damage to colleagues and employers; and
- rapid innovation can make it difficult to keep pace with emerging technologies and trends.

In addition, potential corruption risks may arise due to social media use. These include:

- customers, development proponents / objectors, tenderers, or other stakeholders grooming public officials by behaviours such as 'liking' specific posts, reposting content, or sending personal or private messages;
- public officials disclosing confidential or sensitive information;
- using social media for sponsorship opportunities, which may unfairly advantage one sponsor over another and lack transparency; and
- public agencies or officials promoting certain businesses by behaviours such as 'following' them, 'liking' content, or making comments, which may result in those businesses being favoured over others.

Social media and local government in NSW

As in the federal and state jurisdictions, social media has become an important tool in government and political discourse at the local level. In the context of NSW local government, social media has two primary functions:

- a) it is used by councils to interact and share information with their communities in an accessible and often more informal format.
- b) it enables councillors to promote their achievements and address their constituents directly about community issues and events in ways that either complement or bypass traditional news and print media.

In addition, many councils use social media as the platform through which they webcast their meetings. This increases transparency by providing visibility of council decision making in real time.

¹ NSW Department of Education. Social media policy: Implementation procedures – November 2018

² As confirmed by the High Court of Australia in *Fairfax Media Publications Pty Ltd v. Voller, Nationwide News Pty*

Limited v. Voller, and Australian News Channel Pty Ltd v. Voller, 8 September 2021.

However, councils and councillors are not immune from the challenges associated with social media, which can pose a significant risk both in a legal sense, and in terms of a council's ability to operate in a unified and coordinated way. It is therefore vital that councils have the right policy settings in place so that both councils and councillors can realise the full benefits of social media whilst mitigating risk.

The development and intent of this policy

The Model Social Media Policy has been developed by the Office of Local Government (OLG) in consultation with councils. It is applicable to councils, county councils and joint organisations.

The Model Social Media Policy sets out an exemplar approach by incorporating examples of best practice from the social media policies of a diverse range of NSW councils, as well as from Commonwealth and State Government agencies.

The Model Social Media Policy provides councils, county councils and joint organisations with a robust framework for the administration and management of their social media platforms. It also sets standards of conduct for all council officials who use social media in their official capacity. It has been developed to be fit-for-purpose in a digital age where innovation and emerging trends are the norm.

The Model Social Media Policy recognises that councils use social media differently depending on factors such as a council's size and resources, the demographics of a local government area, and council's willingness to engage with their community in this way. For these reasons, the Model Social Media Policy ensures a degree of flexibility by including optional and adjustable provisions which enables each council to tailor the policy to suit its own unique circumstances.

Content of the Model Social Media Policy

At the heart of the Model Social Media Policy are the four 'Principles' of social media engagement. These are:

- Openness
- Relevance
- Accuracy
- Respect

These principles, which are expanded upon in Part 1, should underpin every aspect of a council's social media activity and all councils and council officials should commit to upholding them.

Except for Part 8, this policy applies to council social media pages and councillor social media pages.

The Model Social Media Policy is structured as follows:

- | | |
|---------------|--|
| Part 1 | Sets out the principles of social media engagement for councils |
| Part 2 | Contains two administrative models that councils can adopt in relation to the management of their social media platforms |
| Part 3 | Details the administrative framework for councillors' social media platforms |
| Part 4 | Prescribes the standards of conduct expected of council officials when engaging on social media in an official capacity or in connection with their role as a council official |
| Part 5 | Provides a framework by which councils can remove or 'hide' content from their social media platforms, and block or ban third parties |
| Part 6 | Prescribes how councils' social media platforms should be used during emergencies |
| Part 7 | Contains information about records management and privacy requirements relating to social media |

Part 8	Relates to personal use of social media by council officials
Part 9	Provides information about where concerns or complaints about a councils' or council officials' social media platform(s), or the conduct of council officials on social media, can be directed.
Part 10	Definitions

Adoption

While not mandatory, the Model Social Media Policy reflects best practice and all councils, county councils and joint organisations are encouraged to adopt it. In doing so, they are free to adapt the policy to suit their local circumstances and operating environments or to supplement it with their own provisions.

Alternate and adjustable provisions are marked in **red**.

Note: In adopting the Model Social Media Policy, Joint Organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the Model Social Media Policy, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Enforcement

Clause 3.1(b) of the *Model Code of Conduct for Local Councils in NSW* provides that council officials must not conduct themselves in a manner that is contrary to a council's policies. If adopted by a council, a breach of the policy will be a breach of the council's code of conduct.

Concerns or complaints

Concerns or complaints about the administration of a council's social media platforms should be made to the council's general manager or social media coordinator in the first instance. Councils should provide clear information about where any concerns and complaints can be directed in Part 9 of this model policy.

Acknowledgements

The Office of Local Government wishes to thank Local Government NSW, councils, the Independent Commission Against Corruption, the Information and Privacy Commission of NSW, the NSW Ombudsman, Resilience NSW, and the State Archives and Records Authority of NSW for their invaluable assistance in drafting this model policy.

Model Social Media Policy

Part 1 – Principles

1.1 We, the councillors, staff and other officials of **Griffith City Council**, are committed to upholding and promoting the following principles of social media engagement:

Openness	Our social media platforms are places where anyone can share and discuss issues that are relevant to our Council and the community we represent and serve.
Relevance	We will ensure our social media platforms are kept up to date with informative content about our Council and community.
Accuracy	The content we upload onto our social media platforms and any other social media platform will be a source of truth for our Council and community and we will prioritise the need to correct inaccuracies when they occur.
Respect	Our social media platforms are safe spaces. We will uphold and promote the behavioural standards contained in this policy and our Council's code of conduct when using our social media platforms and any other social media platform.

Part 2 – Administrative framework for council's social media platforms

Platforms

2.1 Council will maintain a presence on the following social media platforms:

- Facebook
- Instagram
- LinkedIn

2.2 Council's social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.

Establishment and deletion of Council social media platforms

2.3 A new council social media platform, or a social media platform proposed by a council related entity (for example, a council committee), can only be established or deleted with the written approval of the General Manager or their delegate.

2.4 Where a council social media platform is established or deleted in accordance with clause 2.3, the General Manager or their delegate may amend clause 2.1 of this policy without the need for endorsement by the Council's governing body.

Appointment and role of the Social Media Coordinator

- 2.5 The General Manager will appoint a member of council staff (Communications and Integrated Planning Coordinator) to be the council's social media coordinator (SMC). The SMC should be a suitably qualified member of staff.
- 2.6 The General Manager may appoint more than one SMC.
- 2.7 The SMC's role is to:
- a) approve and revoke a staff member's status as an authorised user
 - b) develop and/or approve the training and/or induction to be provided to authorised users
 - c) maintain a register of authorised users
 - d) maintain effective oversight of authorised users
 - e) moderate the Council's social media platforms in accordance with Part 5 of this policy
 - f) ensure the Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media (see clauses 7.1 to 7.4 of this policy)
 - g) ensure the Council adheres to the rules of the social media platform(s)
 - h) ensure the Council's social media platforms are set up and maintained in a way that maximises user friendliness and any technical problems are resolved promptly.
- 2.8 The SMC may delegate their functions under paragraphs (e) and (f) of clause 2.9 to authorised users.
- 2.9 The SMC is an authorised user for the purposes of this policy.

Authorised users

- 2.10 Authorised users are members of council staff who are authorised by the **General Manager/SMC** to upload content and engage on social media on the Council's behalf.
- 2.11 Authorised users should be members of council staff that are responsible for managing, or have expertise in, the events, initiatives, programs or policies that are the subject of the social media content.
- 2.12 The General Manager/SMC will appoint authorised users when required.
- 2.13 An authorised user must receive a copy of this policy and induction training on social media use and Council's obligations before uploading content on Council's behalf.
- 2.14 The role of an authorised user is to:
- a) ensure, to the best of their ability, that the content they upload onto social media platforms is accurate
 - b) correct inaccuracies in Council generated content
 - c) engage in discussions and answer questions on Council's behalf on social media platforms
 - d) keep the Council's social media platforms up to date
 - e) where authorised to do so by the SMC:
 - i) moderate the Council's social media platforms in accordance with Part 5 of this policy
 - ii) ensure the Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media (see clauses 7.1 to 7.4 of this policy)
- 2.15 When engaging on social media on Council's behalf (such as, but not limited

to, on a community social media page), an authorised user must identify themselves as a member of Council staff but they are not obliged to disclose their name or position within the Council.

- 2.16 Authorised users must not use Council's social media platforms for personal reasons.

Administrative tone

- 2.17 Authorised users upload content and engage on social media on the Council's behalf. Authorised users must use language consistent with that function and avoid expressing or appearing to express their personal views when undertaking their role.

- 2.18 Authorised users may use more personal, informal language when engaging on Council's social media platforms, for example when replying to comments.

Register of authorised users

- 2.19 The **SMC/General Manager** will maintain a register of authorised users. This register is to be reviewed **annually** to ensure it is fit-for-purpose.

Ceasing to be an authorised user

- 2.20 The **General Manager/ SMC** may revoke a staff member's status as an authorised user, if:
- the staff member makes such a request
 - the staff member has not uploaded content onto any of the Council's social media platforms in the last **6 months**.
 - the staff member has failed to comply with this policy
 - the **General Manager/SMC** is of the reasonable opinion that the staff member is no longer suitable to be an authorised user.

Part 3 – Administrative framework for councillors' social media platforms

- 3.1 For the purposes of this policy, councillor social platforms are not council social media platforms. Part 2 of this policy does not apply to councillors' social media platforms.

- 3.2 Councillors are responsible for the administration and moderation of their own social media platforms (in accordance with Parts 3 and 5 of this policy), and ensuring they comply with the record keeping obligations under the *State Records Act 1998* (see clauses 7.1 to 7.4 of this policy) and council's records management policy in relation to social media.

- 3.3 Clause 3.2 also applies to councillors in circumstances where another person administers, moderates, or uploads content onto their social media platform.

- 3.4 Councillors must comply with the rules of the platform when engaging on social media.

Induction and training

- 3.5 Councillors who engage, or intend to engage, on social media must receive induction training on social media use. Induction training can be undertaken either as part of the councillor's induction program or as part of their ongoing professional development program.

Identifying as a councillor

- 3.6 Councillors must identify themselves on their social media platforms in the following format:

Councillor "First Name and Last Name".

- 3.7 A councillor's social media platform must include a profile photo which is a clearly identifiable image of the councillor.
- 3.8 If a councillor becomes or ceases to be the mayor, deputy mayor, or the holder of another position (for example, chairperson of a committee), this must be clearly stated on the councillor's social media platforms and updated within **14 days** of a change in circumstances.

Other general requirements for councillors' social media platforms

- 3.9 Councillor social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.
- 3.10 A councillor's social media platform must include a disclaimer to the following effect:
- "The views expressed and comments made on this social media platform are my own and not that of the Council".*
- 3.11 Despite clause 3.10, mayoral or councillor media releases and other content that has been authorised according to the Council's media and communications protocols may be uploaded onto a councillor's social media platform.
- 3.12 Councillors may upload publicly available Council information onto their social media platforms.
- 3.13 Councillors may use more personal, informal language when engaging on their social media platforms.

Councillor queries relating to social media platforms

- 3.14 Questions from councillors relating to their obligations under this policy, technical queries relating to the operation of their social media platforms, or managing records on social media may be directed to the General Manager/SMC in the first instance, in accordance with Council's councillor requests protocols.

Other social media platforms administered by councillors

- 3.15 A councillor must advise the General Manager/SMC of any social media platforms they administer on which content relating to the Council or council officials is, or is expected to be, uploaded. The councillor must do so within:
- a) **Two weeks** of becoming a councillor, or
 - b) **Two weeks** of becoming the administrator.

Part 4 – Standards of conduct on social media

4.1 This policy only applies to council officials' use of social media in an official capacity or in connection with their role as a council official. The policy does not apply to personal use of social media that is not connected with a person's role as a council official.

4.2 Council officials must comply with the Council's code of conduct when using social media in an official capacity or in connection with their role as a council official.

4.3 Council officials must not use social media to post or share comments, photos, videos, electronic recordings or other information that:

- a) is defamatory, offensive, humiliating, threatening or intimidating to other council officials or members of the public
- b) contains profane language or is sexual in nature
- c) constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
- d) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
- e) contains content about the Council, council officials or members of the public that is misleading or deceptive
- f) divulges confidential Council information

- g) breaches the privacy of other council officials or members of the public
- h) contains allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*
- i) could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
- j) commits the Council to any action
- k) violates an order made by a court
- l) breaches copyright
- m) advertises, endorses or solicits commercial products or business
- n) constitutes spam
- o) is in breach of the rules of the social media platform.

4.4 Council officials must:

- a) attribute work to the original author, creator or source when uploading or linking to content produced by a third party
- b) obtain written permission from a minor's parent or legal guardian before uploading content in which the minor can be identified.

4.5 Council officials must exercise caution when sharing, liking, retweeting content as this can be regarded as an endorsement and/or publication of the content.

4.6 Council officials must not incite or encourage other persons to act in a way that is contrary to the requirements of this Part.

- 4.7 Councillors must uphold and accurately represent the policies and decisions of the Council's governing body but may explain why they voted on a matter in the way that they did. (see section 232(1)(f) of the *Local Government Act 1993*).

Part 5 – Moderation of social media platforms

Note: Councils and council officials should be aware that they may be considered a 'publisher' of any content uploaded onto a social media platform they administer, including content that:

- is uploaded by a third party; and/or
- appears on their social media platform because they have 'liked', 'shared', or 'retweeted' the content, or similar.

5.1 Council officials who are responsible for the moderation of the Council's or councillors' social media platforms may remove content and 'block' or ban a person from those platforms. Such actions must be undertaken in accordance with this Part.

5.2 For the purposes of this Part, 'social media platform' and 'platform' means both the Council's and councillors' social media platforms.

House Rules

5.3 Social media platforms must state or provide an accessible link to the 'House Rules' for engaging on the platform.

- 5.4 At a minimum, the House Rules should specify:
- a) the principles of social media engagement referred to in clause 1.1 of this policy
 - b) the type of behaviour or content that will result in that content being removed or 'hidden', or a person being blocked or banned from the platform
 - c) the process by which a person can be blocked or banned from the platform and rights of review

- d) a statement relating to privacy and personal information (see clause 7.4 of this policy)

- e) that the social media platform is not to be used for making complaints about the Council or Council officials.

Note: If the Council adopts clause 5.4(e), the House Rules should include information about, or a link to, Council's complaints handling policy.

5.5 For the purposes of clause 5.4(b), third parties engaging on social media platforms must not post or share comments, photos, videos, electronic recordings or other information that:

- a) is defamatory, offensive, humiliating, threatening or intimidating to council officials or members of the public,
- b) contains profane language or is sexual in nature
- c) constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
- d) contains content about the Council, council officials or members of the public that is misleading or deceptive
- e) breaches the privacy of council officials or members of the public
- f) contains allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*,
- g) violates an order made by a court
- h) breaches copyright
- i) advertises, endorses or solicits commercial products or business,

- j) constitutes spam

- k) would be in breach of the rules of the social media platform.

Removal or 'hiding' of content

5.6 Where a person uploads content onto a social media platform that, in the reasonable opinion of the moderator, is of a kind specified under clause 5.5, the moderator may remove or 'hide' that content.

5.7 Prior to removing or 'hiding' the content, the moderator must make a record of it (for example, a screenshot).

5.8 If the moderator removes or 'hides' the content under clause 5.6, they must, where practicable, notify the person who uploaded the content that it has been removed and the reason(s) for its removal and their rights of review.

5.9 A person may request a review of a decision by a moderator to remove or 'hide' content under clause 5.6. The request must be made in writing to the General Manager and state the grounds on which the request is being made.

5.10 Where a review request is made under clause 5.9, the review is to be undertaken by the **General Manager/SMC** or a member of staff nominated by the General Manager who is suitably qualified and who was not involved in the decision to remove or 'hide' the content.

5.11 **Council reserves the right to close the acceptance of commentary from third parties on any Council social media channels when Council moderation of commentary is ceased.**

Blocking or banning

- 5.12 If a person uploads content that is removed or 'hidden' under clause 5.6 of this policy on **three (3)** occasions, that person may be blocked or banned from **the social media platform**.
- 5.13 **A person may only be blocked or banned from a Council social media platform with the approval of the General Manager/SMC. This clause does not apply to blocking or banning a person from a councillor's social media platform.**
- 5.14 The duration of the block or ban is to be determined by the **General Manager/SMC**, or in the case of a councillor's social media platform, the councillor.
- 5.15 A person may request a review of a decision to block or ban then from a social media platform. The request must be made in writing to the General Manager and state the grounds on which the request is being made.
- 5.16 Where a review request is made under clause 5.14, the review is to be undertaken by the General Manager or a member of staff nominated by the General Manager who is suitably qualified and who was not involved in the decision to block or ban the person. Where the decision to block or ban the person was made by the General Manager, the review must be undertaken by another senior and suitably qualified member of staff who was not involved in the decision.
- 5.17 Where a person that is the subject of a block or ban continues to engage on a social media platform(s) using an alternative social media account, profile, avatar, etc., a moderator may block or ban the person from the platform(s) immediately.
- 5.18 **Council reserves the right to immediately remove, without consultation, any**

commentary from third parties on any Council social media channel which is deemed by the SMC to be offensive, discriminatory or defamatory to any person.

Part 6 – Use of social media during emergencies

- 6.1 During emergencies, such as natural disasters or public health incidents, the **Communications and Integrated Planning Coordinator and Officer(s)** will be responsible for the management of content on the Council's social media platforms.
- 6.2 To ensure consistent messaging both during and after an emergency, authorised users and council officials must not upload content onto the Council's or their own social media platforms which contradicts advice issued by the agency coordinating the emergency response, or agencies supporting recovery efforts.
- 6.3 Training on social media use during emergencies should be included in training and/or induction provided to authorised users and councillors.

Part 7 – Records management and privacy requirements

Records management

- 7.1 Social media content created, sent and received by council officials (including councillors) acting in their official capacity is a council record and may constitute open access information or be subject to an information access application made under the *Government Information (Public Access) Act 2009*. These records must be managed in accordance with the requirements of the *State Records Act 1998* and the Council's approved records management policies and practices.
- 7.2 You must not destroy, alter, or remove social media content unless authorised to do so. If you need to alter or remove social media content, you must do so in accordance with this policy, and consult with the Council's records manager and comply with the requirements of the *State Records Act 1998*.
- 7.3 When/if a councillor's term of office concludes, the councillor must contact the Council's records manager and **general manager/SMC** to manage/transfer records of social media content created during their term of office and comply with the requirements of the *State Records Act 1998*.
- 7.4 In fulfilling their obligations under clauses 7.1 to 7.3, council officials should refer to any guidance issued by the State Archives and Records Authority of NSW relating to retention requirements for councils' and councillors' social media content³.

³ See State Archives and Records Authority of NSW 'Government Recordkeeping / Advice and Resources / Local

Government' and 'Social media recordkeeping for councillors'

Privacy considerations and requirements

7.5 Social media communications are in the public domain. Council officials should exercise caution about what personal information, if any, they upload onto social media.

7.6 The *Privacy and Personal Information Protection Act 1998* applies to the use of social media platforms by the Council and councillors. To mitigate potential privacy risks, council officials will:

- a) advise people not to provide personal information on social media platforms
- b) inform people if any personal information they may provide on social media platforms is to be used for official purposes
- c) moderate comments to ensure they do not contain any personal information
- d) advise people to contact the Council or councillors through alternative channels if they have personal information they do not want to disclose in a public forum.

7.7 Council officials must ensure they comply with the *Health Records and Information Privacy Act 2002* when engaging on and/or moderating social media platforms. In fulfilling their obligations, council officials should refer to any guidance issued by the Information and Privacy Commission of NSW, such as, but not limited to, the Health Privacy Principles.

Part 8 – Private use of social media

Note: Activities on social media websites are public activities. Even though privacy settings are available, content can still be shared and accessed beyond the intended recipients.

The terms and conditions of most social media sites state that all content becomes the property of the site on which it is posted⁴.

What constitutes 'private' use?

8.1 For the purposes of this policy, a council official's social media engagement will be considered 'private use' when the content they upload:

- a) is not associated with, or does not refer to, the Council, any other council officials, contractors, related entities or any other person or organisation providing services to or on behalf of the Council in their official or professional capacities, and
- b) is not related to or does not contain information acquired by virtue of their employment or role as a council official.

8.2 If a council official chooses to identify themselves as a council official, either directly or indirectly (such as in their user profile), then they will not be deemed to be acting in their private capacity for the purposes of this policy.

Use of social media during work hours

8.3 Council staff may only access and engage on social media in their private capacity while at work during breaks.

⁴ Social Media: Guidance for Agencies and Staff (Government of South Australia) – page 9

8.4 Council staff who access and engage on social media in their private capacity during work hours must ensure it not does not interfere with the performance of their official duties.

Part 9 – Concerns or complaints

- 9.1 Concerns or complaints about the administration of a council's social media platforms should be made to the council's **general manager/SMC** in the first instance.
- 9.2 Complaints about the conduct of council officials (including councillors) on social media platforms may be directed to the general manager.
- 9.3 Complaints about a general manager's conduct on social media platforms may be directed to the mayor.

Part 10 - Definitions

In this Model Social Media Policy, the following terms have the following meanings:

authorised user members of council staff who are authorised by the General Manager or SMC to upload content and engage on the Council's social media platforms on the Council's behalf

council official in the case of a council - councillors, members of staff and delegates of the council (including members of committees that are delegates of the council);

in the case of a county council – members, members of staff and delegates of the council (including members of committees that are delegates of the council);

in the case of a joint organisation – voting representatives, members of staff and delegates of the joint organisation (including members of committees that are delegates of the joint organisation)

minor for the purposes of clause 4.4(b) of this policy, is a person under the age of 18 years

personal information information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion

SMC is a council's social media coordinator appointed under clause 2.7 of this policy

social media online platforms and applications - such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards - that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to Facebook, Twitter, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr and Wikipedia



MODEL MEDIA POLICY

2022



MODEL MEDIA POLICY

2022

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Introduction

Media – opportunities and challenges

The Model Media Policy has been developed to provide a framework to assist councils when dealing with the media and to ensure that media engagement by councillors and staff is consistent, accurate and professional and enhances the council's reputation.

Effective media engagement can assist councils to keep their community informed, explain decisions and to promote community confidence in the council and its decisions.

The term "media" used in this policy means print, broadcast and online media used for communicating information to the public, including, but not limited to, newspapers, magazines, internet publishers, radio, and television broadcasters.

The advancement of technology and the development of non-traditional media means that the media now has unprecedented reach and accessibility. Anyone with a computer or hand-held device can access media platforms and actively engage in content which has the potential to be viewed and shared by hundreds of millions of people worldwide.

How a council is portrayed in the media impacts greatly on how the organisation is perceived. Media can be an effective tool to promote council programs, events, and initiatives. In addition, media can be invaluable in times of crisis or emergency when information needs to be communicated to the public.

Despite its obvious benefits, media also presents a variety of challenges and risks. These include:

- maintaining the accuracy, reliability, and integrity of information
- ensuring confidential information is managed appropriately, and
- the increased exposure and risk to reputation where information is not managed appropriately

The development and intent of this policy

The Model Media Policy has been developed by the Office of Local Government (OLG) in consultation with councils. It is applicable to councils, county councils and joint organisations.

The Model Media Policy sets out an exemplar approach by incorporating examples of best practice from the media policies of a diverse range of NSW councils, as well as from Commonwealth and State Government agencies.

The Model Media Policy provides councils, county councils and joint organisations with a robust framework for the administration and management of their interactions with the media. It also sets standards of conduct for all council officials who are required to interact with media in their official capacity.

The Model Media Policy recognises that councils interact with media differently depending on factors such as a council's size and resources and the demographics of a local government area. For these reasons, the Model Media Policy ensures a degree of flexibility by including optional and adjustable provisions which enables each council to tailor the policy to suit its own unique circumstances.

Content of the Model Media Policy

At the heart of the Model Media Policy are the four 'principles' of media engagement. These are:

- Openness
- Consistency
- Accuracy
- Timeliness.

These principles, which are expanded upon in Part 1, should underpin every aspect of a council's media engagement and all councils and council officials should commit to upholding them.

This policy applies to engagement between council officials and the media. It does not

apply to social media use. OLG has developed a separate model policy for social media use.

The Model Media Policy is structured as follows:

- | | |
|---------------|---|
| Part 1 | Sets out the principles of media engagement for councils |
| Part 2 | Contains two administrative models that councils can adopt in relation to the management of media enquiries and dealing with the media |
| Part 3 | Details the council's authorised spokespersons when engaging with the media |
| Part 4 | Prescribes the standards of conduct expected of council officials when engaging with the media in an official capacity or in connection with their role as a council official |
| Part 5 | Prescribes who will be the spokesperson to the media during emergencies |
| Part 6 | Prescribes how councillors should engage with the media in the lead up to an election |
| Part 7 | Contains information about records management requirements relating to media |
| Part 8 | Definitions |

Adoption

While not mandatory, the Model Media Policy reflects best practice and all councils, county councils and joint organisations are encouraged to adopt it. In doing so, they are free to adapt the policy to suit their local circumstances and operating environments or to supplement it with their own provisions.

Optional and adjustable provisions are marked in red.

Note: In adopting the Model Media Policy, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the Model Media Policy, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Enforcement

Clause 3.1(b) of the *Model Code of Conduct for Local Councils in NSW* provides that council officials must not conduct themselves in a manner that is contrary to a council's policies. If adopted by a council, a breach of the policy will be a breach of the council's code of conduct.

Concerns or complaints about the administration of a council's engagement with media should be made to the council official responsible for media management in the first instance.

Acknowledgements

The Office of Local Government wishes to thank the councils involved in drafting this Policy for their invaluable assistance.

Model Media Policy

Part 1 – Principles

1.1 We, the councillors, staff, and other officials of **Griffith City Council** are committed to upholding and promoting the following principles of media engagement:

Openness We will ensure that we promote an open exchange of information between our council and the media.

Consistency We will ensure consistency by all councillors and staff when communicating with the media.

Accuracy The information we share with the media will be a source of truth for our council and community and we will prioritise the need to correct inaccuracies when they occur.

Timeliness We will ensure that we respond to media enquiries in a timely manner.

Part 2 – Administrative framework for engagement with the media

Appointment and role of the Media Coordinator

1.2 The General Manager will appoint a member of council staff (Communications and Integrated Planning Coordinator) to be the Council's Media Coordinator. The Media Coordinator should be a suitably qualified member of staff.

1.3 The General Manager may appoint more than one Media Coordinator.

1.4 The Media Coordinator's role is to:

- a) be the lead point of contact for all media enquiries, requests for interviews, requests to film or photograph council staff, facilities or events for news and current affairs purposes
- b) be responsible for preparing all media statements prior to their release
- c) liaise with relevant staff members within the organisation where appropriate
- d) ensure that media statements are approved by the Mayor and/or General Manager prior to their release
- e) develop and/or approve media training and/or induction to be provided to relevant staff and/or councillors
- f) maintain a record of all media enquiries and responses

- g) ensure that media organisations and their representatives are treated professionally, equally and without bias
- h) ensure that media enquiries are dealt with promptly
- i) provide guidance to councillors approached by the media for comment to avoid communication of misinformation, and
- j) ensure that all media releases are published on the Council's website.

Part 3 – Who can engage with the media

The General Manager

- 1.5 The General Manager is the official spokesperson for the Council on operational and administrative matters.
- 1.6 The General Manager may delegate to other council staff to speak on their behalf where appropriate, (for example, where the delegated staff member has professional expertise regarding the subject matter, or the general manager is unavailable).

The Mayor

- 1.7 The Mayor is the principal member and spokesperson of the governing body of the Council, including representing the views of the Council as to its local priorities (section 226(c) of the *Local Government Act 1993*).
- 1.8 If the Mayor is unavailable, the Deputy Mayor may act as the Council's spokesperson.
- 1.9 The Mayor may delegate their role as spokesperson to other councillors where appropriate, (for example, where another councillor is best placed to comment, because the issue is of particular interest to them, or it is within their particular area of expertise).

Councillors

- 3.1 As a member of the governing body and as a representative of the community, councillors are free to express their personal views to the media.
- 3.2 When engaging with the media councillors:
 - must not purport to speak for the Council unless authorised to do so.

- must clarify when speaking to the media that they are expressing their personal views as an individual councillor and that they are not speaking for the Council (unless authorised to do so)
 - must uphold and accurately represent the policies and decisions of the Council
 - must not disclose council information unless authorised to do so, and
 - must seek information and guidance from the **General Manager/ Media Coordinator** where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks.
- 3.3 In the interests of promoting a positive, safe and harmonious organisational culture, councillors should endeavour to resolve personal differences privately and must not prosecute them publicly through the media.

- 3.4 Where councillors (including the Mayor) become aware of potential issues that could result in media interest, they should provide this information to the **General Manager/ Media Coordinator**.

Council Staff

- 3.5 Council staff must not speak to the media about matters relating to the Council unless authorised by the **General Manager/Media Coordinator** to do so.
- 3.6 If Council staff receive a media enquiry or they are invited to comment to the media on a matter relating to the Council, they must refer the enquiry to the **General Manager/Media Coordinator**.
- 3.7 Council staff are free to express their personal views to the media on matters that do not relate to the Council, but in

doing so, must not make comments that reflect badly on the Council or that bring it into disrepute.

- 3.8 If authorised to speak to the media, Council staff:
- must uphold and accurately represent the policies and decisions of the Council
 - must not disclose Council information unless authorised to do so by the **General Manager/Media Coordinator**, and
 - must seek information and guidance from the **General Manager/ Media Coordinator** where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks
- 3.9 Where Council staff become aware of potential issues that could result in media interest, they should provide this information to the **General Manager/Media Coordinator**.

Tone

- 3.10 All media engagement by council officials must be conducted in a professional, timely and respectful manner.

Induction and training

- 3.11 The Council must provide training to Council officials who engage or are authorised to engage with the media.
- 3.12 Media engagement training will be provided to councillors as part of their induction or refresher training or as part of their ongoing professional development program.

Councillors' questions about media engagement

- 3.13 Councillors must direct any questions about their obligations under this policy to the **General Manager/ Media Coordinator**.

Part 4 – Standards of conduct when engaging with the media

- 4.1 Council officials must comply with the Council's code of conduct when engaging with the media in an official capacity or in connection with their role as a council official.
- 4.2 Council officials must not share information or make comments to the media through either direct or indirect mechanisms that:
- a) are defamatory, offensive, humiliating, threatening, or intimidating to other council officials or members of the public
 - b) contains profane language or is sexual in nature
 - c) constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
 - d) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
 - e) contains content about the Council, council officials or members of the public that is misleading or deceptive
 - f) divulges confidential Council information
 - g) breaches the privacy of other council officials or members of the public
 - h) contains allegations of suspected breaches of the Council's code of conduct or information about the

consideration of a matter under the
*Procedures for the Administration of the
Model Code of Conduct for Local
Councils in NSW*

- i) could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
- j) commits the Council to any action
- k) violates an order made by a court
- l) breaches copyright
- m) advertises, endorses, or solicits commercial products or business.

Part 5 – Use of media during emergencies

- 5.1 During emergencies, such as natural disasters or public health incidents, **the Communications and Integrated Planning Team** will be responsible for coordinating media releases and statements on behalf of the Council.
- 5.2 Councillors, Council staff and other Council officials must not provide comment or information to the media that is inconsistent with official advice issued by the Council and any other agency coordinating the emergency response.
- 5.3 Training on media engagement during emergencies will be provided to councillors and relevant staff and other Council officials.

Part 6 – Media engagement in the lead up to elections

- 6.1 This policy does not prevent the mayor or councillors who are candidates at a council or any other election from providing comment to the media in their capacity as candidates at the election.
- 6.2 Any media comment provided by the mayor or councillors who are candidates at a council or another election must not be provided in an advertisement, newspaper column, or a radio or television broadcast paid for by the council or produced by the council or with council resources.

Part 7 – Records management requirements

- 7.1 Media content created and received by council officials (including councillors) acting in their official capacity is a council record and may be subject to information access applications made under the *Government Information (Public Access) Act 2009*. These records must also be managed in accordance with the requirements of the *State Records Act 1998* and the Council's approved records management policies and practices.

Part 8 - Definitions

In this Model Media Policy, the following terms have the following meanings:

council official	<p>in the case of a council – means councillors, members of staff and delegates of the council (including members of committees that are delegates of the council);</p> <p>in the case of a county council – means members, members of staff and delegates of the council (including members of committees that are delegates of the council);</p> <p>in the case of a joint organisation – means voting representatives, members of staff and delegates of the joint organisation (including members of committees that are delegates of the joint organisation)</p>
Media Coordinator	means a person appointed under clause 1.3 of this policy
media	means print, broadcast and online media used for communicating information to the public, including, but not limited to, newspapers, magazines, internet publishers, radio, and television broadcasters
personal information	means information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
social media	means online platforms and applications, such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards, that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to Facebook, Twitter, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr and Wikipedia





Social Media COMM-PO-401 (INTERNAL POLICY)

1 Policy History

Revision No.	Consultative/WHS Committee	SMT
1		20/08/2012
2	18/08/2015	

2 Policy Purpose

Council recognises the benefits of using social media as a means for marketing, promotion and disseminating time-sensitive information to the widest possible audience. It is acknowledged certain risks are associated with social media and this policy has been developed to assist staff to administrate and access social media in a responsible manner.

This policy sets out the standards of behaviour expected when making reference to Griffith City Council ('Council') on social media platforms, including social networking sites when the user is using a computer, tablet, smart phone or other hand-held device not owned or controlled by Council.

3 Policy Objective

- To extend existing corporate messages online by developing and maintaining relationships with community members who access social media.
- To provide a 'personal touch' in order to promote corporate messages.
- To provide an additional, user friendly method of communicating and encourage two way conversations as a way to connect with Council to provide feedback, seek help, suggest ideas and obtain information.

4 Policy Scope

This policy applies to all workers including: employees, labour hire staff, volunteers, apprentices, work experience students, subcontractors, and contractors of Griffith City Council (**users**) who contribute social networking sites, website and external blogs who identify themselves as being associated with Council.

This Policy does not form part of any employee's contract of employment, nor does it form part of any contract for service.

This policy should be read in conjunction with Social Media Guidelines (COMM-FO-402).



5 Application of the Policy

- Apart from the potentially damaging effects a blog or social networking entry may have on Council, inappropriate blogs on internal or external sites can also have adverse consequences for a User in terms of future career prospects, as the material remains widely and permanently accessible to other site users.
- There is no such thing as a 'private' social network/social media platform. Posting information on-line is a public activity. Users should be aware information placed on social media/networking sites, such as Facebook, may easily be forwarded on to a third party.
- It is the responsibility of the user to understand how the social network/social media platform site they are accessing operates.
- This policy does not apply to personal use of social media platforms where the User makes no reference to Council or any of Council's employees, contractors, other Council Officials, related entities or any other person or organisation providing services to or on behalf of Council.
- To this end users should not identify themselves as representing Council or Council related entities when participating in personal social media platforms.

6 Social Media Usage Considerations

Electronic communication activity produces a "digital footprint" that is difficult to erase, is not controllable and may re-surface as evidence at any time.

Be mindful information you share privately may not remain that way. Messages / posts / tweets etc. can be forwarded, copied or printed and distributed. Information posted online does not always remain private and can affect your personal and profession.

7 Social Media & Cyberbullying

A User must not harass, bully, intimidate or threaten another employee contractor or other Council Official (or a person the User knows to be a relative or associate of a Council Official) when contributing to a Social Networking Site or accessing a Social Media Platform.

Cyber bullying involves the use of electronic communication technologies to support deliberate, repeated and hostile behaviour by an individual or group that is intended to harm others.

Electronic communication can encompass:

- email
- Short Message Service (SMS)
- Multimedia Message Service (MMS)
- social media networking/photo sharing websites, blogs and chat rooms



Work place cyber bullying may be identified to have occurred when it can be established:

- there is a relationship to a role or individual at Council
- the bullying has been conducted during Council time or by using Council resources
- an event or incident can be linked to having occurred during Council time

Specific examples of cyber bullying can include, but are not limited to:

- malicious or threatening emails, SMS communications or on social media/networking sites, blogs or forums
- electronic communication which features offensive content such as profane language or explicit images.
- electronic communication aimed at correcting or providing feedback to an individual that are copied to a group with the effect of public shaming or demeaning the individual
- electronic content that promotes, fosters or perpetuates discrimination related to gender, ethnicity, disability, religion or sexual preference
- distribution of embarrassing, offensive or manipulated images or videos of an individual

Acts of cyber bullying are in breach of the Workplace Bullying Policy and Code of Conduct.

8 When does the Social Media Policy apply?

This policy has been developed to assist Council staff and business units who:

- Are authorised to administer, or contribute to, Council's official social media sites;
- Propose to use a social media platform or online community to promote the Council's policies, programs, events and services to engage internally with staff or with the Griffith community or to distribute content;
- Use social media in a personal capacity.

9 How is Social Media used at Griffith City Council?

- A two-way mechanism to encourage feedback and comment from stakeholders and residents
- A listening mechanism to improve understanding of public attitudes towards particular topics or issues;
- A tool to share information and consult with specific communities on current or planned policies, programs or services;
- A tool to share highly targeted information, for example media releases to direct to the community, activities and events to subscribers;



- Legislative and policy information to stakeholders;
- A way of fostering debate on a topic or issue; and
- An innovative way of delivering or supporting direct services such as self-help programs, lifestyle activities, advice services and more.

10 Personal Online/ Social Media Activities (*Speaking ‘about’ Griffith City Council*)

- Be conscious about mixing personal and business life. There is no separation for others between personal and business profiles within social media. Council respects the right to free speech rights for all employees, however community members, customers, Councillors and key stakeholders as well as your colleagues may have access to the online content posted. Publishing information online that has been intended for specific person or a small group can and may be forwarded on.
- Be mindful of the global audience. While your message may be accurate in some parts of the world, it could be inaccurate or violate regulations in others.
- Be responsible for actions. Users will be held responsible for online activity which brings Council’s reputation into disrepute. Use common sense and take the same caution with social media as with all other forms of communication.
- Follow the Council’s Code of Conduct as well as all other Council Policies, Procedures and Guidelines including the Community Consultation Policy, Internet and Email Guidelines and Conditions of Access and Workplace Bullying Policy when using social media. Be respectful of all individuals, races, religions and cultures.
- If talking about Council, only share publicly available information. Engage only in discussions where you are knowledgeable about the topic. If you are unsure if information is publically available or is otherwise inappropriate to post, contact the Corporate Communications Officer before posting any such information.
- Be mindful of the Media Policy and Delegation of Authority.

11 Professional Online Activities (*Speaking ‘on behalf of’ Griffith City Council*)

- Only users who are authorised by the General Manager are permitted to publish a blog or social network entry on any sites operated by Council, and the content of any such blog or entry must first be approved by the General Manager before publishing.
- Follow Council’s Code of Conduct as well as all other Council Policies, Procedures and Guidelines including the Community Consultation Policy, Internet and Email Guidelines and Conditions of Access and Workplace Bullying Policy. Be respectful of



all individuals, races, religions and cultures when using social media. All interaction should be in the spirit of our corporate values and principles, tailored to each respective audience.

- Approval processes exist for all publications and communication on behalf of Council. Refer to the Communication Strategy.
- Share only publicly available information. Engage only in discussions where you are knowledgeable about the topic. If you are unsure if information is publically available or is otherwise inappropriate to post, contact the Corporate Communications Officer before posting any such information.
- Seek further advice or comment on issues outside your area of expertise.
- Mind copyrights and give credit to the owners. Always make sure to give credit to the original authors of any content being published (text, images, trademarks, video etc.) from a third party, and that Council has the copyright or written approval for using such material.
- Monitor relevant social media channels daily. Ensure you know what is being discussed, so you can respond appropriately if issues arise.
- Know and follow record management practices. Council has regulatory and legal obligations to retain certain information as records. Ensure all relevant information which will be interpreted as a Council position is captured and registered on Council's records management system (TRIM). Online Council statements can be held to the same legal standards as traditional media communications.
- Inappropriate content on all social media tools implemented by Council includes:
 - Profane language or content;
 - Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, colour, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
 - Sexual content or links to sexual content;
 - Solicitations of commerce;
 - Conduct or encouragement of illegal activity;
 - Information that may tend to compromise the safety or security of the public or public systems; or
 - Content that violates a legal ownership interest of any other party.
- It is not permitted to use corporate email addresses to create personal accounts for sites unrelated to Griffith City Council.

Please refer to the Social Media Guidelines (COMM-FO-402) document for complete details the types of social media utilised by Council.



12 Use of Social Networking, including Blogging Sites and Social Media Platforms

Users must not represent or indicate they represent Council or any of its related entities unless specifically authorised to do so in writing by the General Manager.

If a user is authorised to represent the Council or any of its related entities, the User must disclose they are an employee, contractor or other Council Official of Council or a related entity and what the users role and accountabilities are.

A User authorised to represent Council or a related entity must ensure:

- Any content they publish is factually accurate and complies with relevant policies of Council;
- They only comment on topics that fall within their area of responsibility at Council;
- A User must not disparage or make any adverse comment about Council, any policy or decision of Council or any of Council's related entities, employees, contractors and other Council Officials or any other person or organisation providing services to or on behalf of Council.
- They do not post material that is obscene, defamatory, threatening, harassing, discriminatory or hateful to another person or entity or which causes (or could cause) insult, offence, intimidation or humiliation.
- They do not disclose another person's personal information.
- They respect copyright, privacy, financial disclosure, occupational health and safety, employment and other applicable laws.
- They do not create any legal or contractual obligations on behalf of Council unless expressly authorised by Council.
- A User may only disclose publicly available information and must not disclose or caused to be disclosed Confidential Information.
- A User must use a disclaimer when referring to Council or a related entity of Council or a Council Official. Such a disclaimer is *'the views expressed in this post are mine only and do not necessarily reflect the views of Council'*.
- A User must not transmit or send Council's documents or emails or text messages (in any format) to any external parties or organisations unless expressly authorised to do so.
- They do not send or cause to be sent chain or SPAM emails or text messages in any format.
- If the User subsequently discovers a mistake in their blog or social networking entry, they are required to immediately inform Director and then take steps authorised by Director to correct the mistake. All alterations should indicate the date on which the alteration was made.



13 Compliance with this Policy

Users must comply with the requirements of this policy. Any breach of this policy may result in disciplinary action which may include termination of employment (or, for Persons other than employees, the termination or non-renewal of contractual arrangements).

Other disciplinary action that may be taken includes, but is not limited to, issuing a warning, suspension or disconnection of access to all or part of Council's Computer Network whether permanently or on a temporary basis.

14 Variations to the Policy

Council reserves the right to vary, replace or terminate this policy from time to time.

15 Definitions

GCC – Griffith City Council.

Social Media

In this Policy the term “social media” includes (not limited to):

- Social networking sites e.g. Facebook, LinkedIn, Google +
- Video and photo sharing websites e.g. Flickr, YouTube
- Micro-blogging sites e.g. Twitter
- Weblogs, including corporate blogs, personal blogs or blogs hosted by traditional media publications
- Forums and discussion boards such as Yahoo! Groups or Google Groups
- Online encyclopaedias such as Wikipedia
- Any other web sites that allow individual users or companies to use simple publishing tools.

Blogging means the act of using web log or 'blog'. 'Blog' is an abbreviated version of 'weblog' which is a term used to describe websites that maintain an ongoing chronicle of information. A blog is a frequently updated website featuring diary-style commentary, audio-visual material and links to articles on other websites.

Confidential Information includes but is not limited to trade secrets of Council; non-public information about the organisation and affairs of Council such as: pricing information such as internal cost and pricing rates; marketing or strategy plans; commercial and business plans; contractual arrangements with third parties; tender policies and arrangements; financial information and data; training materials; technical data; schematics; proposals and intentions; designs; policies and procedures documents; concepts not reduced to material form; information which is personal information for the purposes of privacy law; and all other



information obtained from Council or obtained in the course of working or providing services to Council that is by its nature confidential.

Computer includes all laptop computers and desk top computers.

Council Official includes employees, agents and contractors (including temporary contractors), administrators appointed under section 256 of the Local Government Act 1993 (NSW), members of council committees, conduct reviewers, delegates of council, work experience employees and volunteers of Council.

Hand held device includes all such devices which are used by users, inside and outside working hours, in the workplace of the Council (or a related corporation of Council) or at any other place. Such devices include, but are not limited to, PDAs, iPhones, tablets, iPads, other handheld electronic devices, smart phones and similar products, and any other means of accessing social networking sites or a social media platform.

Intellectual Property means all forms of intellectual property rights throughout the world including copyright, patent, design, trade mark, trade name, and all Confidential Information and including know-how and trade secrets.

Person includes any natural person, company, partnership, association, trust, business, or other organisation or entity of any description and a Person's legal personal representative(s), successors, assigns or substitutes.

Post within this policy means broadcasting information in a public forum.

Social Networking Site' and 'Social Media Platform means a web-based or group of web-based application(s) that enables the creation and exchange of user-generated content. Social Networking can occur in a variety of formats including chat rooms, weblogs, and social blogs and includes, but not limited to, Facebook, My Space, Bebo, Friendster, Flickr, YouTube, Twitter, Yahoo Groups, Google Groups, Whirlpool, Instagram and other similar sites.

16 Exceptions

None

17 Legislation

None

18 Related Documents

Code of Conduct (GOV-CP-404)
Mobile Device Policy (IT-PO-301)
Staff Email & Internet Policy (IT-CP-302)



Social Media Guidelines (IT-FO-402)
Statements to the Media Policy (COMM-CP-401)
Workplace Bullying Policy (HR-PO-213)

19 Directorate

Economic & Organisational Development



Council official acknowledgement

I acknowledge and confirm:

- receiving a copy of Council's Social Media Policy;
- I have read and will comply with the Policy; and
- I understand there may be disciplinary consequences if I fail to comply the Social Media Policy, including up to termination of my employment.

Name:

Signed:

Date:



Statements to the Media – Mayor & Councillors COMM-CP-401 (PUBLIC POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	14/01/2003	25	14/01/2003
2	30/09/2008	0393	30/09/2008
3	11/05/2010	0142	11/05/2010
4	09/06/2015	15/161	09/06/2015
5	11/04/2017	14/15160	11/04/2017
6	12/04/2022	22/101	17/05/2022

2 Policy Objective

- Maintain effective communication between Council and the community.
- Ensure information is provided by those who are authorised to speak on Council matters.
- Maintain community confidence in the processes of Council by:

Ensuring all communication with the media is consistent, well informed, timely and appropriate and is a true representation of Council.

Clearly identify Council's authorised spokespersons and also identify the subjects upon which they are able to comment.

Improving communication with internal and external customers and enhance Council's public image.

Positively promote the Council's role in the community and to assist the community to better understand that role.

3 Roles and Responsibilities of Mayor and Councillors

3.1 Mayor

The Mayor is the official Council spokesperson on matters concerning policy and decision making. This includes speaking at civic occasions, community events, chairing public meetings and making major Council announcements.

The Mayor may, at any time, delegate this authority to speak to another Councillor

3.2 Councillors

All Councillors should notify the Communications Officer of any contact with the media that relates to Council matters.

When communicating with the media, Councillors are not to use or disclose information gained during the ordinary course of business of Council in a way that may:



- a) cause significant damage or distress to a person;
- b) damage the interests of Council or a person; or
- c) confer an unfair commercial or financial advantage on a person or business when dealing with the media; or
- d) disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, Workshops or briefing sessions).

All Councillors should notify the Communications Officer of any contact with the media that relates to Council matters.

The Councillor Chairperson of a Council Committee is the primary spokesperson on matters that have been discussed by a Committee. Priority should be given to the Chairperson to comment on Council decisions, projects and initiatives associated to the relevant Committee unless the Mayor elects to do so.

Unless requested by the Mayor or Deputy Mayor (in the Mayor's absence) Councillors should not write Letters to the Editor on behalf of Council.

3.3 Council Committee Chairperson

The Chairperson of a Council Committee is the primary spokesperson on matters that have been discussed by a Committee. Priority should be given to the Chairperson to comment on Council decisions, projects and initiatives associated to the relevant Committee unless the Mayor elects to do so.

Contact with the media should be done in the first instance (where possible) by Media Release. All Chairpersons should notify the Council Corporate Communications Officer of any contact with the media that relates to Council matters.

3.4 Council Committee Members

When communicating with the media, Council Committee members are not to use or disclose information gained during the ordinary course of business of Council in a way that may:

- e) cause significant damage or distress to a person;
- f) damage to the interests of Council or a person; or
- g) confer an unfair commercial or financial advantage on a person or business when dealing with the media; and
- h) disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, Workshops or briefing sessions).



All Committee members should notify the Communications Officer of any contact with the media that relates to Council matters.

4 Role and Responsibilities of the General Manager

The General Manager is the official Council spokesperson on all matters concerning Council's operations including staff, administrative, election and industrial issues. In addition, the General Manager may act as the Council spokesperson in regard to technical or legislative matters and all issues relating to the day to day management of Griffith City Council.

At the General Manager's discretion, the approval of media releases or responding to enquiries on routine operational issues may be delegated to Directors or facility managers. In addition to this, the General Manager may delegate authority for other officers to communicate with the media on specific issues. All media requests are to be referred the Communications Officer.

Contact with the media should be done in the first instance (where possible) by Media Release. The Corporate Communications Officer should be notified of any contact with the media that relates to Council matters.

When communicating with the media, the General Manger is not to use or disclose information gained during the ordinary course of business of Council in a way that may:

- i) cause significant damage or distress to a person;
- j) damage the interests of Council or a person; or
- k) confer an unfair commercial or financial advantage on a person or business when dealing with the media; or
- l) disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, Workshops or briefing sessions).

5 Related Documents

GOV-CP-404 – Code of Conduct
GOV-CP-402 – Council Committees

6 Directorate

Economic & Organisational Development



Council official acknowledgement

I acknowledge and confirm:

- receiving a copy of Council's Statements to the Media Policy;
- I have read and will comply with the Policy; and
- I understand there may be disciplinary consequences if I fail to comply the Statements to the Media Policy, including up to termination of my employment.

Name:

Signed:

Date:



Model Councillor and Staff Interaction Policy (New)

(PUBLIC POLICY)

Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1			

Part 1 - Introduction

- 1.1 The Model Councillor and Staff Interaction Policy (the Policy) provides a framework for councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.
- 1.2 The Policy complements and should be read in conjunction with Griffith City Council's Code of Conduct (the Code of Conduct).
- 1.3 The aim of the Policy is to facilitate a positive working relationship between councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.
- 1.4 It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

Part 2 - Application

- 2.1 This Policy applies to all councillors and council staff.
- 2.2 This Policy applies to all interactions between councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.
- 2.3 This Policy applies whenever interactions between councillors and staff occur, including inside or outside of work hours, and at both council and non-council venues and events.
- 2.4 This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the General Manager.
- 2.5 The Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct.



Part 3 - Policy Objectives

3.1 The objectives of the Policy are to:

- a) establish positive, effective and professional working relationships between councillors and staff defined by mutual respect and courtesy
- b) enable councillors and staff to work together appropriately and effectively to support each other in their respective roles
- c) ensure that councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties
- d) ensure councillors have adequate access to information to exercise their statutory roles
- e) provide direction on, and guide councillor interactions with, staff for both obtaining information and in general situations
- f) maintain transparent decision making and good governance arrangements
- g) ensure the reputation of Council is enhanced by councillors and staff interacting consistently, professionally and positively in their day-to-day duties
- h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

Part 4 - Principles, roles and responsibilities

- 4.1 Several factors contribute to a good relationship between councillors and staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.
- 4.2 The Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the General Manager, who in turn, is accountable to the Council's governing body.
- 4.3 Section 232 of the *Local Government Act 1993* (the LGA) states that the role of a councillor is as follows:
 - a) to be an active and contributing member of the governing body
 - b) to make considered and well-informed decisions as a member of the governing body
 - c) to participate in the development of the integrated planning and reporting framework
 - d) to represent the collective interests of residents, ratepayers and the local community



- e) to facilitate communication between the local community and the governing body
- f) to uphold and represent accurately the policies and decisions of the governing body
- g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

4.4 The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.

4.5 It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.

4.6 Council commits to the following principles to guide interactions between councillors and staff:

<u>Principle</u>	<u>Achieved by</u>
Equitable and consistent	Ensuring appropriate, consistent and equitable access to information for all councillors within established service levels.
Considerate and respectful	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions.
Ethical, open and transparent	Ensuring that interactions between councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct.
Fit for purpose	Ensuring that the provision of equipment and information to councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of 9 people.
Accountable and measurable	Providing support to councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data.

4.7 Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors need to accept that:

- a) responses to requests for information from councillors may take time and consultation to prepare and be approved prior to responding
- b) staff are not accountable to them individually



- c) they must not direct staff except by giving appropriate direction to the General Manager by way of a council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA
 - d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions
 - e) they must not contact a member of staff on council-related business unless in accordance with this Policy
 - f) they must not use their position to attempt to receive favourable treatment for themselves or others.
- 4.8 The General Manager is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay.
Council staff need to understand:
- a) they are not accountable to individual councillors and do not take direction from them. They are accountable to the General Manager, who is in turn accountable to the Council's governing body
 - b) they should not provide advice to councillors unless it has been approved by the General Manager or a staff member with a delegation to approve advice to councillors
 - c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner
 - d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
 - e) they must provide full and timely information to councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

Part 5 - The Councillor Requests System

- 5.1 Councillors have a right to request information provided it is relevant to councillor's exercise of their civic functions. This right does not extend to matters about which a councillor is merely curious.
- 5.2 Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.
- 5.3 The General Manager may identify Council support staff, being the Personal Assistant to the General Manager and Mayor, under this Policy for the management of requests from councillors.



- 5.4 Councillors can use the councillor requests system to:
- a) request information or ask questions that relate to the strategic position, performance or operation of the Council
 - b) bring concerns that have been raised by members of the public to the attention of staff
 - c) request ICT or other support from the Council administration
 - d) request that a staff member be present at a meeting (other than a meeting of the council) for the purpose of providing advice to the meeting.
- 5.5 Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a councillor's request lacks specificity, the General Manager or staff member authorised to manage the matter is entitled to ask the councillor to clarify their request and the reason(s) why they are seeking the information.
- 5.6 Staff must make every reasonable effort to assist councillors with their requests and do so in a respectful manner.
- 5.7 The General Manager or the staff member authorised to manage a councillor request will provide a response as soon as practicable.
- 5.8 Requests under clause 5.4 (d) must be made 3 days before the meeting. The General Manager, or members of staff that are listed at Schedule 1 of this Policy, are responsible for determining:
- a) whether a staff member can attend the meeting; and
 - b) which staff member will attend the meeting.
- Staff members who attend such meetings must be appropriately senior and be subject matter experts on the issues to be discussed at the meeting.
- 5.9 Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.
- 5.10 Staff will inform councillors of any confidentiality requirements for information they provide so councillors can handle the information appropriately.
- 5.11 Where a councillor is unsure of confidentiality requirements, they should contact the General Manager, or the staff member authorised to manage their request.
- 5.12 The General Manager may refuse access to information requested by a councillor if:



- a) the information is not necessary for the performance of the councillor's civic functions, or
 - b) if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of staff time and resources, or
 - c) the councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
 - d) the General Manager is prevented by law from disclosing the information.
- 5.13 Where the General Manager refuses to provide information requested by a councillor, they must act reasonably. The General Manager must advise a councillor in writing of their reasons for refusing access to the information requested.
- 5.14 Where a councillor's request for information is refused by the General Manager on the grounds referred to under clause 5.12 (a) or (b), the councillor may instead request the information through a resolution of the council by way of a notice of motion. This clause does not apply where the General Manager refuses a councillor's request for information under clause 5.12 (c) or (d).
- 5.15 Nothing in clauses 5.12, 5.13, and 5.14 prevents a councillor from requesting the information in accordance with the *Government Information (Public Access) Act 2009*.
- 5.16 Where a councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of staff time and resources the council may, on the advice of the General Manager, resolve to limit the number of requests the councillor may make.
- 5.17 Councillor requests are state records and must be managed in accordance with the *State Records Act 1998*.

Part 6 - Access to Council Staff

- 6.1 Councillors may directly contact members of staff that are listed in Schedule 1 of this Policy. The General Manager may amend this list at any time and will advise councillors promptly of any changes.
- 6.2 Councillors can contact staff listed in Schedule 1 about matters that relate to the staff member's area of responsibility.
- 6.3 Councillors should as far as practicable, only contact staff during normal business hours.
- 6.4 If councillors would like to contact a member of staff not listed in Schedule 1, they must receive permission from the General Manager.



- 6.5 If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager Personal Assistant to the General Manager and Mayor who will provide advice about which authorised staff member to contact.
- 6.6 The General Manager or a member of the Council's executive leadership team may direct any staff member to contact councillors to provide specific information or clarification relating to a specific matter.
- 6.7 A councillor or member of staff must not take advantage of their official position to improperly influence other councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the General Manager or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

Part 7 – Councillor Access to Council Buildings

- 7.1 Councillors are entitled to have access to the council chamber, meeting rooms, mayor's office (subject to availability) and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must obtain approval from the General Manager.
- 7.2 Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager.

Part 8 – Appropriate and Inappropriate Interactions

- 8.1 Examples of appropriate interactions between councillors and staff include, but are not limited to, the following:
 - a) councillors and council staff are courteous and display a positive and professional attitude towards one another
 - b) council staff ensure that information necessary for councillors to exercise their civic functions is made equally available to all councillors, in accordance with this Policy and any other relevant Council policies
 - c) council staff record the advice they give to councillors in the same way they would if it was provided to members of the public
 - d) council staff, including Council's executive team members, document councillor requests via the councillor requests system
 - e) council meetings and councillor workshops are used to establish positive working relationships and help councillors to gain an understanding of the complex issues related to their civic duties



- f) councillors and council staff feel supported when seeking and providing clarification about council related business
 - g) councillors forward requests through the councillor requests system and staff respond as soon as practicable
- 8.2 Examples of inappropriate interactions between councillors and staff include, but are not limited to, the following:
- a) councillors and council staff conducting themselves in a manner which:
 - i) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
 - ii) constitutes harassment and/or bullying within the meaning of the Code of Conduct, or is unlawfully discriminatory
 - b) councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
 - c) staff approaching councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
 - d) subject to clause 5.12, staff refusing to give information that is available to other councillors to a particular councillor
 - e) councillors who have lodged an application with the council, discussing the matter with staff in staff-only areas of the council
 - f) councillors being overbearing or threatening to staff
 - g) staff being overbearing or threatening to councillors
 - h) councillors making personal attacks on staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media
 - i) councillors directing or pressuring staff in the performance of their work, or recommendations they should make
 - j) staff providing ad hoc advice to councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community



- 8.3 Where a councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of staff at risk, the General Manager may restrict the councillor's access to staff.
- 8.4 Any concerns relating to the conduct of staff under this Policy should be raised with the General Manager.

Part 9 - Complaints

- 9.1 Complaints about a breach of this policy should be made to the General Manager (if the complaint is about a councillor or member of council staff), or the Mayor (if the complaint is about the General Manager).
- 9.2 Clause 9.1 does not operate to prevent matters being reported to OLG, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

Part 10 - Legislation

Local Government Act 1993

Part 11 - Related Documents

Code of Conduct Policy (GOV-CP-404)

Part 12 - Directorate

Economic and Organisational Development

Schedule 1 - Authorised Staff Contacts for Councillors

1. Clause 6.1 of this Policy provides that councillors may directly contact members of staff that are listed below. The General Manager may amend this list at any time.
2. Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.
3. Councillors should as far as practicable, only contact staff during normal business hours.
4. If councillors would like to contact a member of staff not listed below, they must receive permission from the General Manager or their delegate.
5. If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or the Personal Assistant to the General Manager and Mayor who will provide advice about which authorised staff member to contact.



6. In some instances, the General Manager or a member of the Council's executive leadership team may direct a council staff member to contact councillors to provide specific information or clarification relating to a specific matter.

<i>Authorised staff members Name</i>	<i>Position</i>
Brett Stonestreet	General Manager
Shireen Donaldson	Director Economic & Organisational Development
Max Turner	Acting Director Business, Cultural, Financial Services
Graham Gordon	Director Utilities
Phil King	Director Infrastructure and Operations
Carel Potgieter	Acting Director Sustainable Development
Kim Burgess	Personal Assistant to the General Manager and Mayor
Leanne Austin	Governance Manager
Tanya Pattison	Communications and Integrated Planning Coordinator
Vacant	Communications and Integrated Planning Officer



Data Breach Policy GOV-CP-317 (PUBLIC POLICY)

1. Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	19/07/2021 (SMT)		
2	23/04/2024	24/114	27/05/2024

2. Policy Objective

This Data Breach Policy has been developed to provide transparency regarding Griffith City Council's process for managing Data Breaches of Council Held Information and to assist Council to meet its legal obligations concerning Mandatory Reporting of Data Breaches under the *Privacy and Personal Information Protection Act 1998* (PPIP Act) and Privacy Act.

The objective of this Policy is to outline Council's approach to identifying and managing a Data Breach, including:

- Providing specific examples of incidents considered to constitute a Data Breach.
- Outlining the ~~five~~ **six** essential steps in responding to a Data Breach.
- Addressing the considerations surrounding mandatory or voluntary notification of individuals whose privacy may be affected by a Data Breach. This ensures the Council responds effectively to such incidents.
- Assisting the Council in mitigating potential harm to both the affected individuals and the Council itself.

3. Policy Scope

Council's Data Breach Policy applies to all stakeholders, including Councillors, employees, volunteers, and contractors, and encompasses all activities involving the collection and retention of personal or classified information.

Any individual who suspects that a theft, breach or exposure of Griffith City Council protected data or sensitive data has occurred, must immediately provide a description of what occurred to their Manager and Director.

Any Council staff found in violation of this policy may be subject to disciplinary action, up to and including termination of employment. Any third-party partner company found in violation may have their network connection terminated.



Data Breach Policy GOV-CP-317 (PUBLIC POLICY)

Council will implement a training initiative designed to educate employees on the potential risks associated with data breaches and to clarify their roles and responsibilities in identifying, addressing, reporting, and preventing such occurrences.

4. Policy Statement

4.1 What is a data breach?

A data breach occurs when there is a failure that has caused or has the potential to cause unauthorised access to Council data, such as:

- accidental loss or theft of classified material data or equipment on which such data is stored (e.g. loss of paper record, laptop, tablet or mobile phone, compact disk or USB stick);
- unauthorised use, access to, or modification of data or information systems (e.g. sharing of user login details (deliberately or accidentally) to gain unauthorised access or make unauthorised changes to data or information systems;
- unauthorised disclosure or misuse of classified material or personal information (e.g. email sent to an incorrect recipient or document posted to an incorrect address or addressee), or personal information posted onto Council website without consent;
- compromised user account (e.g. accidental disclosure of user login details through phishing);
- failed or successful attempts to gain unauthorised access to Council IT network information or information systems;
- equipment failure;
- malware infection;
- disruption to or denial of IT services.

A data breach most commonly, but not exclusively, results in unauthorised access to, or the unauthorised collection, use, or disclosure of personal information.

Council is committed to maintaining comprehensive records of all Data Breaches, irrespective of severity or containment status. Effective management of data breaches, including appropriate notification where necessary, is crucial for minimizing potential harm to affected individuals or organizations, safeguarding Council's reputation, and mitigating future breaches.

4.2 What is an 'eligible' data breach?

In accordance with the PPIP Act, Council is obligated to notify the Privacy Commissioner and affected individuals of eligible data breaches under the Mandatory Data Breach Notification Scheme.

An eligible data breach is an unauthorised access, disclosure or loss of an individual's personal information which is likely to result in serious harm to the affected individual.



Data Breach Policy GOV-CP-317 (PUBLIC POLICY)

Determining if a data breach necessitates mandatory reporting obligations involves a dedicated assessment by the Data Breach Response Team, and may also be guided by legal advice.

In assessing seriousness of the breach, the Data Breach Response Team will consider:

- the type of data that has been breached;
- the data context;
- the risk of individuals being identified;
- the circumstances of the breach.

Council's *Data Breach Response Plan* outlines a process to assess eligibility and seriousness so that a risk threshold can be applied to data breach protocols.

4.3 Potential Impacts of a data breach

The impact of a data breach depends on the nature and extent of the breach and the type of information that has been compromised. Some breaches may involve only one or two people while others may affect hundreds or thousands. Larger breaches expose a wider group of people and could require considerable notification and remediation activities. However, it is not only the initial size of the breach that determines its impact. If there is a breach of sensitive or confidential information, reputational and financial harm can occur to both Council and staff.

Serious impacts of a data breach could include:

- risk to individuals' safety;
- financial loss to an individual or organisation;
- damage to personal reputation or position;
- loss of public trust in Council and/or the services it provides;
- commercial risk through disclosure of commercially sensitive information to third parties;
- threat to Council's systems, impacting the capacity to provide services;
- impact on reputation, finances, interests or operation.

Breaches of personal data can result in significant harm, including people having their identities stolen or the private home addresses of protected or vulnerable people being disclosed. In some circumstances, this can expose an individual to a significant risk of harm. As such, even a breach affecting a small number of people may have a large impact.

4.4 Responding to a data breach

The immediate actions taken once a data breach is suspected or identified are crucial in minimising the harm that the data breach could cause. This process will be managed by the Data Breach Response Team, which includes Executive decision makers, information management and technology/security, the Privacy Officer and Communication staff.



Data Breach Policy GOV-CP-317 (PUBLIC POLICY)

The below actions will be undertaken in response to an identified data breach when it occurs:

1. Report
2. Contain
3. Assess
4. Notify
5. Review
6. Record

Steps 1 - 3 and 6 will be followed for all Data Breaches. Steps 4 and 5 only need to be followed if the preceding steps result in any notification or review requirements. Each step will be considered, and to the extent appropriate, implemented in responding to a Data Breach.

1. **Report** – Any Council Officer who suspects that a data breach has occurred must immediately provide a description to their Manager and Director.
2. **Contain** – All necessary steps possible should be taken to contain the breach and minimise any resulting damage.
3. **Assess-Evaluate** – Assess the type of data involved in the breach, and the risks associated with the breach within 30 days, to determine if there are reasonable grounds to believe that an eligible data breach has occurred. Consider the type of data breach, who is affected, what caused the breach, and what are the specific risks that could follow.
4. **Notify** – If on assessment an eligible data breach has occurred, Council will:
 - i. Notify the NSW Privacy Commissioner and each affected individual
 - ii. Issue a public notification on Council's website where notifying each affected individual is not practicable
 - iii. In instances where Data Breaches involve other public agencies, the General Manager (or delegate) will directly engage with the affected agencies to address any notification requirements for Mandatory Reporting Data Breaches.
 - iv. Notify the Office of the Australian Information Commissioner (OAIC) if a Commonwealth Notifiable Data Breach has been identified.
 - v. Council may consider voluntary data breach notification to the IPC for non-eligible data breaches.
 - vi. Council will consider other internal and external notifications and approvals, and communicate with such external agencies and stakeholders as is reasonably required in the individual circumstances of a particular Data Breach (e.g. the Police, Cyber Security NSW, the Australian Tax Offices etc).

~~**Act** – Take all reasonable steps to mitigate the harm done by the suspected breach.~~

5. **Review Prevent** – Council will conduct a detailed review of all data breaches to determine all relevant causes and consider what short or long-term measures could be taken to prevent any reoccurrence. From its review of a particular data breach,



Data Breach Policy GOV-CP-317 (PUBLIC POLICY)

Council will undertake any recommended steps to further mitigate and remediate Council's procedures, policies and IT systems to prevent future data breaches. Put into action preventative efforts, based on the type and seriousness of the breach. This may include a security audit of both physical and technical security controls, a review of policies and procedures, a review of employee training practices or a review of contractual obligations with contracted service providers. If the breach has been reported to the Privacy Commissioner, further preventative and remedial actions may be recommended subsequent to the Privacy Commissioner's assessment.

6. **Record** – Details of the Data Breach incident are to be recorded in Council's Data Breach and Legislative Compliance Register – Record No: 19/35743. Eligible data breaches for which public notifications have been issued will be published in a public notification register on Council's website. All documents relating to the data breach are to be recorded in Content Manager.

5. Review

Regular reviews, testing, and updates will be conducted for this Policy, following Council's established policy review procedures or prompted by evolving best practices and legislative changes.

6. Definitions

Affected Individual	Means an "affected individual" as defined in the PPIP Act.
Commonwealth Notifiable Data Breach	Means an "eligible data breach" as defined in the Privacy Act.
Council Officer	Means any officer or employee of Council.
Data Breach	A data breach occurs when personal, commercially sensitive or confidential information held by Council is lost or subjected to unauthorised access, modification, disclosure, or other misuse or interference.
Data Breach Response Plan	A framework which sets out the roles and responsibilities for managing an appropriate response to a data breach as well as describing the steps to be taken by Council in managing a breach if one occurs.
Data Breach Response Team	Nominated Council personnel who are responsible for ensuring that a data breach is managed appropriately.
Eligible data breach	Occurs when there is unauthorised access to, or disclosure of, information, and a reasonable person would conclude that the access or disclosure would likely result in serious harm to any individuals to whom the information relates. Information is lost in



Data Breach Policy GOV-CP-317 (PUBLIC POLICY)

	circumstances where unauthorised access to, or unauthorised disclosure of, information is likely to occur and, if it did occur, a reasonable person would conclude that the access or disclosure would be likely to result in serious harm to any individual to whom the information relates.
Personal Information	Personal information means any information from which a living individual may be uniquely and reliably identified, including an individual's name, Tax File Number (TFN), Medicare number, medical or healthcare data, driver's licence number or associated card information, credit/debit card number, access PIN or Password that would provide access to that individual's financial account or any other non-public personal information
Reasonable person	A phrase frequently used in Tort and Criminal law to denote a hypothetical person in society who exercises average care, skill and judgement in conduct and who serves as a comparative standard for determining liability. Judges since the 19 th Century have named the reasonable man as 'the man on the Clapham omnibus'. In Australia, NSW courts modified it to "the man on the Bondi tram".
Serious harm	Serious physical, psychological, emotional, economic and financial harm, as well as serious harm to reputation and other forms of serious harm that a reasonable person in the entity's position would identify as a possible outcome of the data breach.

7. Exceptions

Nil

8. Legislation

Griffith City Council is subject to the provisions of the Local Government Act 1993, Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act), Government Information (Public Access) Act 2009 (NSW) GIPA Act and State Records Act 1998 (NSW).

In accordance with the *Privacy and Personal Information Protection Act 1998 (NSW)*, Council is obligated to notify the Privacy Commissioner and affected individuals of eligible data breaches under the Mandatory Data Breach Notification Scheme (MDBN scheme) from 28 November 2023.

Under the legislation, Council must also publish this policy on its website, along with a data breach incident public notification register.



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Under the PPIP Act there are legal obligations which Council must abide by when they collect, store, use or disclose personal information. As exemptions may apply in some instances, it is recommended that staff contact Council's Privacy Officer for further advice.

9. Related Documents

The *Data Breach Response Plan* (GOV-PR-301) is the key document providing Council staff with clear instruction and processes in order to contain, assess and respond to data breaches in a timely fashion and to help mitigate potential harm to affected individuals.

Other related documents:

(GOV-CP-602) Privacy Policy – Handling of Personal Information

Council's Privacy Management Plan

Data and Legislative Breach Compliance Register

Public Notification Register

Council's Cybersecurity Policy (being prepared)

10. Directorate

Economic & Organisational Development

OFFICIAL

**Local Government
Remuneration Tribunal**

Annual Determination

Report and determination
under sections 239 and 241 of the
Local Government Act 1993

17 April 2025



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Executive Summary

The *Local Government Act 1993* (LG Act) requires the Local Government Remuneration Tribunal (the Tribunal) to report to the Minister for Local Government by 1 May each year on its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, as well as chairpersons and members of county councils.

Categories

Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. A review of categories was last carried out by the Tribunal in 2023.

The Tribunal will next consider the model, the criteria for each group, and the allocation of councils in the 2026 review.

The criteria for each category is published in Appendix 1 of the Determination and remains unchanged from 2023.

It should be noted that **the Tribunal determined that one Council - Mid Coast Council – would be re-categorised from a Regional Centre to Regional Strategic Area from 1 July 2025** as a result of meeting the criteria at Appendix 1.

Fees

The Tribunal has determined a **3%** per annum increase in the minimum and maximum fees applicable to each category from **1 July 2025**.

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Section 1 – Introduction

Background

1. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last undertook a comprehensive review of the categories and the allocation of councils into each of those categories in 2023.
2. The Tribunal will next conduct a full review of the categories and the allocation of councils as required by the LG Act in the 2026 Annual Review.
3. Section 241 of the LG Act provides that the Tribunal determine the minimum and maximum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils for each of the categories determined under s.239.
4. The Tribunal can also determine that a council be re-categorised into a different category, existing or new, with a higher range of fees.
5. The Tribunal's Annual Determination takes effect from 1 July each year.

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Section 2 – 2024 Determination

2024 Annual Determination

6. In 2024, the Tribunal received 19 written submissions, which included two requests for re-categorisation.
7. The Tribunal found that the current allocation of the councils remained appropriate, with the exceptions outlined below.
8. The Tribunal closely reviewed population and data relating to council operations in the 2024 Annual Determination process to ensure categorisation of councils was consistent with the criteria.
9. For reasons explained at paragraphs 35-39 of the Local Government Annual Determination 2024, Hilltops Council and Muswellbrook Shire Council were reclassified as Regional Rural Councils.
10. The Tribunal determined that fees would increase by 3.75% for the minimum and maximum fees applicable to each category from 1 July 2024.

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Section 3 – 2025 Review

2025 Annual Review process

11. The Tribunal's 2025 Annual Review commenced in October 2024, when it wrote to all councils inviting submissions regarding fees. The Tribunal noted that it is only required to review the categories every three years and will next consider the model, the criteria applicable to each category and the allocation of councils in the 2026 Annual Review.
12. The invitation noted that it is expected that submissions are endorsed by respective councils.
13. The Tribunal also wrote to the President of Local Government NSW (LGNSW) inviting a submission.
14. The Tribunal received 16 written submissions from individual councils and one submission from LGNSW.
15. The Tribunal acknowledges and thanks all parties for their submissions.

Submissions Received – Requests for Re-categorisation

16. Seven of the 16 council submissions received requested re-categorisation or changes to current category criteria.
17. LGNSW also advocated for changes to factors affecting categorisation of councils.
18. Berrigan, City of Parramatta, Gilgandra Shire, Lake Macquarie City, City of Ryde, City of Sydney and Blacktown put forward cases for re-

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categorisation, or changes to category criteria, and the creation of new categories, for the Tribunal's consideration.

Requests for Re-classification

19. **Berrigan Shire Council** requested re-categorisation from Rural to Rural Large, despite acknowledging that they do not meet all the benchmarks in the criteria for this category.
20. The criteria for Rural Large is outlined at Appendix 1 of the 2024 Annual Determination, page 38 which states:

“Councils categorised as Rural Large will have a residential population greater than 10,000, and a councillor to resident ratio of at least 1 to 1200.

Other features may include:

- *one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre*
- *a limited range of services, facilities and employment opportunities compared to Regional Rural councils*
- *local economies based on agricultural/resource industries.”*

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21. Council's submission states they are currently at 86% of the population target threshold and 90% of the representation ratio but are meeting other criteria benchmarks.
22. Given that Council does not currently satisfy the population and ratio thresholds specified for Rural Large, the Tribunal is not persuaded to include Berrigan Shire Council in Rural Large at this time.
23. **City of Parramatta Council** requested that it be re-categorised to the highest category of general purpose councils, Principal CBD, in order to recognise its size, rate of growth, economic and global influence, operational budget, and strategic and geographical importance.
24. Council put forward a similar case for re-categorisation as part of the 2024 annual determination process, which was unsuccessful. In addition to the reasons put forth in paragraph 20 of the 2024 annual determination, the Council has included the following reasons for its re-categorisation request:
 - A local economy that has more than 30% of Australia's top 500 companies with offices in Parramatta, and estimated public and private investments in the next 5 years of \$20 billion
 - It is estimated by 2050 that Parramatta will be a city with a population of more than 500,000 people
 - The expected accessibility of the City, being a 'gateway to Sydney' with more people expected to live west of Parramatta than to its

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east by 2050, and being accessible by 2.3 million people within 45 minutes

- Key infrastructure in Parramatta, including but not limited to the Parramatta PHIVE, Commbank Stadium, the new Parramatta Light Rail, the Westmead Institute for Medical Research, Sydney Olympic Park and construction of Powerhouse Parramatta
- Expansion of education and innovation precincts, with Parramatta's education and training sector being valued at \$1.6 billion, and
- Significant operating and capital works budget of \$607 million, including multiple town centres, and sports and cultural hubs.

25. The Council also argues that a re-classification would reflect the additional skills and abilities that representing a growth council requires.
26. The City of Parramatta notes that the number of electors that each councillor represents is higher than the City of Sydney's. The submission states that the elected councillors represent more than 125,000 enrolled electors, compared to City of Sydney's elected councillors representing 45,891 enrolled electors.
27. Parramatta was classified as a Major CBD, following the 2017 Annual Determination. The Tribunal had found that Parramatta Council was significantly different from other large metropolitan councils on the basis of its secondary CBD status, as recognised by the State Government, at paragraph 21 of the 2017 annual determination. As a result, the

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description of Major CBD has remained specific to the City of Parramatta. Similarly, the Principal CBD criteria remained specific to the City of Sydney, since its inception in 2017.

28. Given the specific nature of both Major CBD and Principal CBD categories, the City of Parramatta's request for re-categorisation will require a change in the categories' criteria. As stated above, the Tribunal is not considering the criteria applicable to each category in the 2025 Annual Review process. The Tribunal will next consider the categories and criteria as part of the 2026 Annual Review process.
29. **Gilgandra Shire Council's** submission requests that it be re-categorised from Rural to Rural Large. Gilgandra Shire Council's case to be included in Rural Large category is based on two main points. The first point being Council offers a diverse range of services, and secondly these services result in higher levels of accountability and responsibilities for councillors.
30. Council submits it offers a diverse range of services over and above traditional local government services, which includes being the primary service provider for the community in the aged care and disability services. These include:
 - Age care and disabilities services
 - Meals on wheels and community transport
 - Home care package delivery
 - Operation of a villa retirement village
 - Indigenous specific residential age care facility

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- Residential aged care nursing home
 - Supported employment service for adults with intellectual disabilities
 - Special disability accommodation properties for adults with intellectual disabilities
 - Supported Living Services through the National Disability Insurance Scheme, and
 - Day activities centre to support clients with unique challenges.
31. The submission notes these services not only entail a higher level of accountability and responsibility from Council (due to changes in the regulatory environment) but also generate larger revenue and employment opportunities that is comparable to a Rural Large category.
32. Council further submits that when assessing categories to place councils in, the Tribunal should also give due consideration to other factors than those outlined in the s.240 of the LG Act, such as services provided; financial responsibility; scale of operation; and number of employees.
33. While the Tribunal notes Council's request, it does not satisfy the population and ratio thresholds specified for the category of Rural Large. Further, the changes to criteria suggested would require a change in categories, which is not being considered this year. For these reasons, the Tribunal is not persuaded to include Gilgandra Shire Council in Rural Large at this time.

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34. Similar to last year, **Lake Macquarie City Council** requested that it be re-categorised from Regional Strategic Area to Major Strategic Area. Council also advocated for the population threshold of Regional Strategic Area be adjusted from its current threshold of 300,000 down to 200,000.
35. Council argues that its population, scale and output of council operations is significantly greater than other councils categorised as Regional Strategic Area, and more aligns with the Central Coast, as the council classified as a 'Major Strategic Area'.
36. Lake Macquarie City Council's request for re-categorisation is based on the following:
 - Lake Macquarie being the second largest non-metropolitan council by population in NSW, with a larger population than Newcastle and Wollongong, which are classified as Major Regional Cities.
 - A population density that is 'significantly larger' than other Regional Strategic Areas and supported by 5 precincts in the Lake Macquarie LGA that have been identified for inclusion in the NSW Government Transport Oriented Development Program, which aims to encourage housing development near transport hubs, and are argued to lead to population growth near the hubs; and
 - A Gross Regional Product that is comparable to those of Major Strategic Areas and Major Regional City, rather than other Regional Strategic Areas.

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37. Council provided population data to support its case for the population threshold of Regional Strategic Area to be adjusted from its current threshold of 300,000 down to 200,000. The data was also provided as justification for its claim of a 'significant disparity within the Regional Strategic Area category' between Lake Macquarie and other councils:
- Lake Macquarie: 219,249 residents, 24,769 non-residents
 - Shoalhaven: 108,895 residents, 4,632 non-residents
 - Tweed: 98,967 residents, 7,755 non-residents
 - Maitland: 95,958 residents, 15,305 non-residents
38. As stated in paragraph 28 of the 2024 Annual Determination, all categories were determined by extensive evidence examined and considered by the Tribunal. It was determined that the population threshold for the Major Strategic Area was appropriate. As a result, the Tribunal is currently not persuaded to modify the criteria for the Major Strategic Area.
39. **City of Ryde Council** provided a submission requesting it be re-classified from its existing category of Metropolitan Large to Metropolitan Major. Council's case to be re-classified includes:
- The LGA having an area of 40.651 km², 16 suburbs, 3 wards, a population of 135,000 residents and over 54,000 rateable properties within its boundaries
 - A local economy that consists of 92,000 local jobs, 14,300 businesses and a gross regional product of \$19.2 billion

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- An innovation district within its west ward that has a long history of investment from all tiers of government, ultimately contributing \$13.6 billion annually to the NSW economy
 - Future growth opportunities linked to the Governments Transport Oriented Development Accelerated Precincts, which Macquarie Park is identified as, that will bring increased housing, amenities and job retention, and
 - Plans to build 2 new schools, 11,600 new homes, the redevelopment of Ryde Hospital and bringing together a range of organisations to create a fully integrated academic health sciences centre at Macquarie University Hospital.
40. As stated in Council's own submission, currently it does not satisfy the population threshold criteria required for Metropolitan Major. Accordingly, the Tribunal is not persuaded at this time to include City of Ryde in the category of Metropolitan Major.
41. The Tribunal also notes **Wollondilly Council's** submission confirming its adopted position to remain classified as a Regional Centre.
42. The Tribunal acknowledges each of the Council's requests for re-categorisation. Whilst the Tribunal has not been persuaded at this time to grant these requests, any council that provides a submission in the 2026 annual review, which includes a request for re-categorisation, will of course be considered.

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Requests for New Classifications

43. The **City of Sydney** Council requested the Tribunal change the classification name from Principal CBD to the previously used term “Principal City”.
44. The category “Principal City” was last used in the 2016 Determination. It was changed to Principal CBD in 2017 as a result of a review of categories. This review was undertaken in the context of Local Government reform, and council amalgamations, reducing the number of councils from 152 to 128.
45. Council’s submission outlines the history of boundary changes, including its expansion of the City of Sydney as a consideration in reverting to the 2016 category name.
46. Sydney City Council contends that reverting to the category term “Principal City” recognises that the council’s significance and contribution extends beyond the Sydney CBD.
47. The Tribunal notes the City of Sydney’s request would constitute modification to the category of “Principal CBD”. As stated above, the category “Principal CBD” is specific to City of Sydney and the Tribunal is not considering changes to the criteria applicable to each category in the 2025 Annual Review.
48. **Blacktown Council** requested re-categorisation from its current category of Metropolitan Major to a newly created category of “Metropolitan Major – High Growth”.

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49. Council's case to be re-categorised to a newly created category is based on the following:
- Council asserts that it is the largest and one of the fastest growing local government areas in NSW, and
 - It undertakes several transformational projects, including projects funded from NSW Government and Western Sydney Infrastructure Grants.
50. Further, Council submits that the category of Metropolitan Major fails to account for the transformational nature of projects undertaken by Council, including the economic and strategic impacts for NSW, and impact on its local government area (LGA), which results in attracting new residents and people to the LGA.
51. The Tribunal notes that a new category, Metropolitan Major, was introduced in 2023, to address generally the issues raised in the current submission.
52. As explained in the Tribunal's letter inviting submissions, the Tribunal is required to review the categories at least once every three years. The Tribunal will next consider the model, the criteria applicable to each category and the allocation of councils in the 2026 Annual Review process.
53. As such, the Tribunal is not persuaded at this time to create a new category.

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54. **LGNSW** submitted that the Tribunal should, as part of its determination for the categorisation of councils, consider the demographic and economic shifts impacting the complexity of council operations, and the communities that councils serve.
55. The LGNSW submission provides examples of recent demographic shifts the Tribunal should consider, as factors affecting categorisation of councils, including:
- The NSW Government's Transport Oriented Development Program, where the resulting accelerated growth drastically increases demands on the strategic and infrastructure planning functions of councils affected
 - The Renewable Energy Zones, which drive tens of billions of dollars of investment in rural and regional LGAs, and creates additional impacts in said councils, including population growth and growing infrastructure for transport and utilities, or
 - The Renewable Energy Planning Framework, which includes benefit sharing guidelines for councils to ensure their communities share the benefits of the project and require additional responsibility and management from affected councils.
56. Section 240 of the LG Act notes that the Tribunal is to determine categories for councils and mayoral offices according to prescribed matters. One such matter is the 'nature and extent of the development of areas', which could reasonably be accepted to include the items listed by LGNSW.

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57. However, this matter would also require a change to the categories' criteria, in order to identify areas of high development. As stated above, the Tribunal is not considering any modifications to the categories as part of the 2025 Annual Review process. However, the Tribunal will consider proposed modifications to categories as part of the 2026 Annual Review process.

Reclassification due to population thresholds

58. As was the case last year, the Tribunal reviewed applicable data as part of this review, to determine if any councils have met relevant benchmarks, therefore requiring a move in category.
59. The Tribunal identified that **Mid-Coast Council** met the population benchmark to be considered a Regional Strategic Area. As a result, Mid-Coast Council will be classified as a Regional Strategic Area in the 2025 Annual Determination.
60. The Tribunal will continue to monitor and review applicable data to ensure categorisation of councils remain consistent with the current criteria.

Submissions Received – Remuneration Structure

61. The current state of the remuneration structure continues to be a key issue of concern raised in submissions. A significant number of submissions received provide commentary on the structure, including examples of how it could be improved. These are addressed in the points below.

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Fees for Deputy Mayors

62. The issue of fees for deputy mayors was once again raised.
63. Three submissions asserted that the position of deputy mayor should attract its own distinct independent fee, beyond the fee provided for in s.249(5) of the LG Act.
64. The Tribunal dealt with this issue in its 2024 Annual Determination at paragraph 53-55. It was noted that the Tribunal lacked the powers to implement changes to the fee structure that would include a distinct independent fee for the position of deputy mayor.
65. There has been no change to the legislation to permit such a change. Therefore, the Tribunal is currently unable to introduce a remuneration structure that would include a distinct independent fee for the position of deputy mayor.

Changes to the role of Mayors and Councillors

66. It was suggested that the current remuneration structure is not fit for purpose as it no longer recognises the roles and responsibilities required of councillors and mayors.
67. Multiple submissions, including the LGNSW's submission, highlighted how the role of the councillor and mayor have changed over the past 9 years. Submissions identified a variety of factors that have impacted the roles of councillors and mayors, including the impact of NSW Government

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priorities and investments, and amendments to the LG Act (e.g. via the *Local Government Amendment (Governance and Planning) Bill 2016*).

68. It has been suggested that these changes have impacted the volume, nature and workload of the role, whilst remuneration has not been increased accordingly.
69. The recent submissions to the Tribunal, along with its own observations, highlight that the role of mayor in civic leadership, advocacy and representation has become more complex and demanding – an issue that must be addressed.
70. Community expectations are increasing on the mayor from both the council and the community to be seen and immediately present during times of natural disasters, major events or crisis.
71. Additionally, the disparity in the council categorisation between the annual fees for councillors and the mayor needs to be more consistent, so as not to be seen to be devaluing the role of mayor in some circumstances.
72. The Tribunal is not suggesting a fundamental review of the role of mayors and notes that people that enter local government representation do so from a sense of civic service, rather than remuneration.
73. However, the Tribunal has a statutory function, and not unlike the governing body of a council, mayors and councillors, its role, responsibility and functions are clear. The same can be said in relation to the clear functions of the general manager of a council.

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74. As previously stated, many of the matters raised in both council and LGNSW submissions are beyond the remit of the Tribunal, and to a degree, were addressed in the 2023 determination.

Regional and Rural mayors and councillors

75. Several submissions, including LGNSW, also raised concerns regarding the inadequacy of the remuneration structure, for rural and regional councils.
76. Specifically, that the remuneration provided to regional and rural councillors does not reflect the significant stressors that regional and rural councils in NSW face and that consideration should be given to the additional demands placed on mayors and councillors in rural and regional councils.
77. One submission suggested that fees for rural councils should be commensurate with fees for regional and metropolitan councils – arguing that mayors and councillors, regardless of their location, are required to possess a wide range of skills and knowledge.

Fees set by councils

78. Submissions received by the Tribunal regarding the current state of the remuneration framework raised concerns about councils setting their own fees, asserting that it could potentially be seen as a conflict of interest.

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79. It was suggested that a possible solution would be for the Tribunal to determine a fixed annual fee for mayors and councillors.
80. Whilst the Tribunal acknowledges and understands the concern raised, as explained in the 2024 Annual Determination at paragraph 68-69, such a change to the framework, to determine a fixed annual fee for mayors and councillors, would require legislative change.
81. As there has been no changes to the legislative scheme, it is not within the Tribunal's remit to determine a fixed annual fee for mayor and councillors' remuneration.

Request for a Review of the Remuneration Structure

82. For the reasons outlined above, several submissions suggested the Tribunal undertake a comprehensive review of the framework.
83. One submission went so far as to request the Tribunal recommend to the Minister for Local Government that a comprehensive review of the framework and LG Act be undertaken. Others suggested the Tribunal actively seek a referral from the Minister to undertake such a review.
84. The LG Act does not specify that the Tribunal is able to carry out a comprehensive review of the framework. As such, it is not within the Tribunal's remit to undertake such a review, unless such a function is conferred or imposed on it by the Minister, as per s.238(2) of the LG Act.
85. Should such a function be conferred on the Tribunal, it will of course carry out its functions and undertake a review.

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Section 4 – 2025 Fees

Submissions – 2025 Fees

86. LGNSW's submission to the Tribunal advocated for an increase in the minimum and maximum fees payable to mayors and councillors of at least 4%, to:

- Assist in reversing the fee erosion which occurred under the previous NSW Public Sector Wages Policy
- Mitigate economic pressures and the rising cost of living
- Ensure councillors and mayors receive fair and reasonable remuneration for the work they perform, and
- Address historic undervaluation of the work performed by elected representative in local government in NSW.

87. Economic data provided to the Tribunal by LGNSW to support their claim for an increase of at least 4% included:

- An annual Consumer Price Index (CPI) increase of 3.8% for the 12 months to June 2024
- The Fair Work Commission (FWC) awarding a 3.75% increase to the minimum pay for modern awards, and increasing the national minimum wage to \$915.90, as well as the FWC's comments regarding the growing cost of living and deterioration of disposable income, and
- The rate peg for the 2025-26 financial year being between 3.6%-5.1%.

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88. LGNSW also noted that the annual wage review, state wage case, award increases and the Independent Pricing and Regulatory Tribunal all had a clear theme on the increasing financial pressures on councils and its officers, which warrant increases in revenue and wages.
89. During its meeting with the Tribunal and assessors, LGNSW asserted that the current fees paid to mayors and councillors do not reflect their responsibilities. Nor do the current level of fees contribute to attracting a diverse range of candidates to stand for local government elections.
90. LGNSW also raised the issue of superannuation. It was contended that the payment of superannuation be mandated. Current arrangements require that a council pass a resolution at an open meeting to make such payments.
91. Four submissions received from individual councils directly addressed the issue of quantum increase to the minimum and maximum fees. These submissions sought an increase ranging from 3% to 10%.
92. The City of Sydney Council notes in its submission that it was not seeking an increase in fees payable for the Lord Mayor of Sydney.
93. The Tribunal is empowered under the s.241 of the LG Act to set minimum and maximum fees payable. It is then up to council to fix payment of annual fees for the mayor as outlined in s.249 of the LG Act.
94. It was suggested that the current fees, particularly in rural and remote communities, do not recognise or value the role of mayor and councillor,

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with fees set at a level that is commensurate to unqualified or inexperienced personnel.

95. The Tribunal was provided with a number of examples to demonstrate the financial impact, by way of lost wages, under the current fee rates.
96. Furthermore, 4 submissions compared the remuneration for NSW mayors and councillors with mayors and councillors in Victoria and Queensland as well as state Members of Parliament. The figures were provided to the Tribunal to demonstrate that the remuneration for NSW mayors and councillors is lower than all comparison examples provided.
97. It was also asserted that the low level of fees set for mayors and councillors devalues the importance and responsibility of the roles, diminishing the work undertaken on behalf of the community and is a significant barrier as to why people do not run for council.

“If councillors were paid a full-time wage I would have run again. Nothing surer.”

98. Another submission suggested that fees need to reflect the part-time or full-time nature of the work carried out by mayors and councillors. The setting of fees at such a rate would appropriately recognise and value this important work, whilst also mitigating any financial loss incurred by those members of the community elected to carry out these critical functions.
99. Nine submissions supported an increase, whilst not making a direct comment on the quantum. Other submissions advocated for remuneration to be set at a level that:

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- Is in line with responsibilities and challenges councillors' face
- Reflects the public profile and exposure of the role
- Reflects the growing complexity of the role
- Reduces the gap between minimum and maximum fees for each category
- Accounts for the rising cost of living challenges
- Reflects the commitment, accountability, workload, skills and knowledge required to perform the role of councillor and mayor regardless of location
- Establishes and maintains parity with mayors and councillors in other States and Territories
- Is 'determined outside of council so as councillors are not determining their own payments', and
- Overcomes economic barriers that prevent diverse members of the community from participating as a mayor or councillor.

Fee Increase

100. The Tribunal considered a range of factors in determining the amount to increase minimum and maximum fees payable to councillors and mayors. This included a wide range of economic data such as:

- Consumer Price Index for the 12 months to December each year
- Wage Price Index for the 12 months to December each year

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- Full-time average weekly ordinary time earnings for the 12 months to November each year
- NSW Public Sector Salaries increases
- Local Government State Award increases
- IPART Rate Peg Base Cost Change
- Public Service Senior Executive remuneration determinations, by the Statutory and Other Offices Remuneration Tribunal, and
- State Members of Parliament Basic Salary remuneration determinations by the Parliamentary Remuneration Tribunal.

101. On this occasion the Tribunal has determined that a **3%** increase will apply to the minimum and maximum fees applicable to existing categories.

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Conclusion

102. The Tribunal's determination has been made with the assistance of the Assessors, Ms Kylie Yates and Mr Brett Whitworth.
103. Determination 1 sets out the allocation of councils into each of the categories as per s.239 of the LG Act.
104. Determination 2 sets out the minimum and maximum fees paid to councillors and mayors and chairpersons of county councils as per s.241 of the LG Act.
105. The Tribunal acknowledges and thanks the Remuneration Tribunal secretariat for its excellent research and support to facilitate the successful completion the 2025 Annual Determination.



Viv May PSM

Local Government Remuneration Tribunal

Dated 17 April 2025

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Section 5 – Determinations

Determination No. 1 – Allocation of councils into each of the categories as per section 239 of the LG Act effective 1 July 2025

General Purpose Councils – Metropolitan

Principal CBD (1)

- Sydney

Major CBD (1)

- Parramatta

Metropolitan Major (2)

- Blacktown
- Canterbury-Bankstown

Metropolitan Large (10)

- Bayside
- Cumberland
- Fairfield
- Inner West
- Liverpool
- Northern Beaches
- Penrith
- Ryde
- Sutherland

- The Hills

Metropolitan Medium (8)

- Campbelltown
- Camden
- Georges River
- Hornsby
- Ku-ring-gai
- North Sydney
- Randwick
- Willoughby

Metropolitan Small (8)

- Burwood
- Canada Bay
- Hunters Hill
- Lane Cove
- Mosman
- Strathfield
- Waverley
- Woollahra

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General Purpose Councils - Non-Metropolitan

Major Regional City (2)

- Newcastle
- Wollongong

Major Strategic Area (1)

- Central Coast

Regional Centre (22)

- Albury
- Armidale
- Ballina
- Bathurst
- Blue Mountains
- Byron
- Cessnock
- Clarence Valley
- Coffs Harbour
- Dubbo
- Eurobodella

Regional Strategic Area(5)

- Lake Macquarie
- Maitland
- Mid-Coast
- Shoalhaven
- Tweed
- Hawkesbury
- Lismore
- Orange
- Port Macquarie-Hastings
- Port Stephens
- Queanbeyan-Palerang
- Shellharbour
- Tamworth
- Wagga Wagga
- Wingecarribee
- Wollondilly

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Regional Rural (14)

- Bega
- Broken Hill
- Goulburn Mulwaree
- Griffith
- Hilltops
- Kempsey
- Kiama
- Lithgow
- Mid-Western
- Muswellbrook
- Nambucca
- Richmond Valleys
- Singleton
- Snowy Monaro

Rural Large (16)

- Bellingen
- Cabonne
- Cootamundra-Gundagai
- Cowra
- Federation
- Greater Hume
- Gunnedah
- Inverell
- Leeton
- Moree Plains
- Murray River
- Narrabri
- Parkes
- Snowy Valleys
- Upper Hunter
- Yass

Rural (38)

- Balranald
- Berrigan
- Bland
- Blayney
- Bogan
- Bourke
- Brewarrina
- Carrathool
- Central Darling
- Cobar
- Coolamon
- Coonamble
- Dungog
- Edward River

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- Forbes
- Gilgandra
- Glen Innes Severn
- Gwydir
- Hay
- Junee
- Kyogle
- Lachlan
- Liverpool Plains
- Lockhart
- Murrumbidgee
- Narrandera
- Narromine
- Oberon
- Temora
- Tenterfield
- Upper Lachlan
- Uralla
- Walcha
- Walgett
- Warren
- Warrumbungle
- Weddin
- Wentworth

County Councils

Water (4)

- Central Tablelands
- Goldenfields Water
- Riverina Water
- Rous

Other (6)

- Castlereagh-Macquarie
- Central Murray
- Hawkesbury River
- New England Tablelands
- Upper Hunter
- Upper Macquarie

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Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2025

The annual fees to be paid in each of the categories to Councillors, Mayors, Members, and Chairpersons of County Councils effective on and from 1 July 2024 as per section 241 of the *Local Government Act 1993* are determined as follows:

Table 4: Fees for General Purpose and County Councils

General Purpose Councils – Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2025

Category	Minimum	Maximum
Principal CBD	31,640	46,420
Major CBD	21,120	39,100
Metropolitan Major	21,120	36,970
Metropolitan Large	21,120	34,820
Metropolitan Medium	15,830	29,550
Metropolitan Small	10,530	23,220

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2025

Category	Minimum	Maximum
Principal CBD	193,650	254,810
Major CBD	44,840	126,320
Metropolitan Major	44,840	114,300
Metropolitan Large	44,840	101,470

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Metropolitan Medium	33,630	78,480
Metropolitan Small	22,420	50,650

General Purpose Councils - Non-Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2025

Category	Minimum	Maximum
Major Regional City	21,120	36,690
Major Strategic Area	21,120	36,690
Regional Strategic Area	21,120	34,820
Regional Centre	15,830	27,860
Regional Rural	10,530	23,220
Rural Large	10,530	18,890
Rural	10,530	13,930

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2025

Category	Minimum	Maximum
Major Regional City	44,840	114,300
Major Strategic Area	44,840	114,300
Regional Strategic Area	44,840	101,470
Regional Centre	32,940	68,800
Regional Rural	22,420	50,680
Rural Large	16,820	40,530
Rural	11,210	30,390

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County Councils**Councillor/Member Annual Fee (\$) effective 1 July 2025**

Category	Minimum	Maximum
Water	2,090	11,620
Other	2,090	6,930

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2025

Category	Minimum	Maximum
Water	4,490	19,080
Other	4,490	12,670

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).



Viv May PSM

Local Government Remuneration Tribunal

Dated: 17 April 2025

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Appendices

Appendix 1 Criteria that apply to categories

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

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Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety have been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

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Metropolitan Major

Councils categorised Metropolitan Major will typically have a minimum residential population of 400,000.

Councils may also be categorised Metropolitan Major if their residential population combined with their non-resident working population exceeds 400,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$300M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Major will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

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Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum residential population of 200,000.

Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

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Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.

Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

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Metropolitan Small

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

Major Regional City

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City. These councils:

- are metropolitan in nature with major residential, commercial and industrial areas
- typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development

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- provide a full range of higher order services and activities along with arts, culture, recreation, sporting and entertainment facilities to service the wider community and broader region
- have significant transport and freight infrastructure servicing international markets, the capital city and regional areas
- have significant natural and man-made assets to support diverse economic activity, trade and future investment
- typically contain ventures which have a broader State and national focus which impact upon the operations of the council.

Major Strategic Area

Councils categorised as Major Strategic Area will have a minimum population of 300,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum

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- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Central Coast Council meets the criteria to be categorised as a Major Strategic Area. Its population, predicted population growth, and scale of the Council's operations warrant that it be differentiated from other non-metropolitan councils. Central Coast Council is also a significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region.

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Centre category on the basis of their significant population and will typically have a residential population above 100,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum

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- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Lake Macquarie Council meets the criteria to be categorised as a Regional Strategic Area. Its population and overall scale of council operations will be greater than Regional Centre councils.

Regional Centre

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum
- the highest rates of population growth in regional NSW

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- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- health services, tertiary education services and regional airports which service a regional community
- a broad range of industries including agricultural, educational, health, professional, government and retail services
- large visitor numbers to established tourism ventures and events.

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Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.

Rural Large

Councils categorised as Rural Large will have a residential population greater than 10,000, and a councillor to resident ratio of at least 1 to 1200.

Other features may include:

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

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Rural

Councils categorised as Rural will typically have a residential population less than 10,000.

County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the Biosecurity Act 2015.

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