



## LIBRARY SERVICES

### Summary:

The purpose of this policy is to provide detailed guidance on the provision of Tenterfield Public Library services.

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<b>File Number</b>	
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<b>Review Due Date</b>	February 2021 – 3 years
<b>Department</b>	<del>Office of Chief Corporate</del> Office of the Chief Executive
<b>Policy Custodian</b>	<del>Senior Librarian-Manager</del> Library Services
<b>Superseded Documents</b>	<ul style="list-style-type: none"><li>• Library – Borrowings</li><li>• Library – Internet Users</li><li>• Library – Collection Development</li></ul>
<b>Related Legislation</b>	<ul style="list-style-type: none"><li>• The Library Act 1939</li><li>• The Library Regulation 2010 Part 2 and Part 3</li><li>• The Local Government Act 1993.</li></ul>
<b>Delegations of Authority</b>	Chief Executive

### 1. Overview

A thriving culture, economy, and democracy requires the free flow of information and ideas. Fundamental to the free flow of information and ideas is equitable access to, and interaction with, information and support mechanisms for all community members. Public Library and Information Services facilitate connectivity within the local community and the wider community.

## 2. Policy Principles

Public libraries in NSW operate under the Library Act 1939, the Library Regulation 2010 and the Local Government Act 1993. This policy supports the administration of the provisions of the Library Regulation 2010 Part 2, Local Library Rules; and Part 3, Use of libraries and library books.

This policy ~~has been developed to bring together a number of previous policies into a single document and~~ is guided by the Australian Library and Information Association's core values, available at [www.alia.org.au](http://www.alia.org.au)

## 3. Policy Objectives

The objectives of this policy are:

- To define the conditions of membership for borrowers to the Tenterfield Public Library service;
- To define the general conditions and requirements for users of the Public Internet Access service at Tenterfield Public Library;
- Detail the responsibilities of library customers in using the library services and facilities, and
- Inform the public of collection parameters, guidelines used for acquisition and discarding, act as a management tool for staff as well as being used to support State Library Grant applications.

## 4. Policy Statement

The Library Services policy:

- Defines conditions of membership;
- Defines general conditions and user requirements for Internet Access;
- Details library customers responsibilities;
- Provides guidelines for acquisition and discarding;
- Informs the public of selection criteria for collections;
- Defines parameters of Library collections;
- Acts as a management tool for staff, and
- Supports State Library Development Grant Applications for Collections.

## 5. Scope

### 5.1 Library Membership Categories

**Adult** – eighteen (18) years and over who are residents of Tenterfield Shire or non-residents who work on a regular basis, attend an educational institution or conduct private business regularly within the Tenterfield Shire are eligible for membership without charge. A membership card will be issued on completion of a membership application form and provision of satisfactory proof of identity and address in the Tenterfield Shire or neighbouring areas (e.g. driver's licence, rates notice or rent receipt, Centrelink card etc.). If an applicant is suspended from borrowing from any other library, in so far as this can be determined, they are not eligible for membership.

**Young Adult** – fourteen (14) years to under eighteen (18) years. Applications by persons in this group must be signed by a guarantor, that is, a parent, caregiver or other responsible adult who will be liable for any fees and charges accrued, but not paid, by the young adult member. The guarantor must provide proof of identity and contact details.

**Junior** – under fourteen (14) years of age. The membership application must be must be signed by a guarantor, that is, a parent, caregiver or other responsible adult who will be liable for any fees and charges accrued. The guarantor must provide proof of identity and contact details.

**Visitor** – persons who do not meet the criteria for the above memberships may lodge a deposit (as per Council's Fees and Charges schedule) which will be refunded at the request of the Visitor when all loans have been returned and the receipt for the deposit is produced.

**Digital** – persons who wish to access only online library resources (eResources) such as databases and eBooks.

## **5.2 Issues and renewals**

**General Loan Conditions** - It is the responsibility of the borrower to manage their borrowing, that is, keep borrowed items free from damage, monitor the due dates of their borrowed items and return the items on or before the due date.

**Loan period** – 28 days. eResources are generally loaned for 14 days but may vary according to the hosting website.

**Maximum renewals per item:** two (2) provided that the item has not been reserved by another borrower. After two (2) renewals the items must be returned to the library by the due date.

**Maximum loans** – ten (10) items, Visitor membership – two (2) items.

**Reference resources** – not for loan, must be used within the library.

**Family History collection** – only able to be borrowed by members of the Family History Group, otherwise treated as Reference resources.

**Language kits** – a maximum of two (2) at any one time.

**Talking books** – a maximum of five (5) at any one time.

## **5.3 Membership Cards**

No Library materials will be issued without the borrower's membership card. The first card will be issued free of charge. A fee (as per Council's Fees and Charges Schedule) will be charged for lost and damaged cards. Unauthorised use of another borrower's membership card will result in suspension of

borrowing privileges. Borrowers are responsible for advising the Library of any changes in their personal and contact details.

#### **5.4 Reservations**

Borrowers may register, and have reservations, for up to four (4) items at any one time.

#### **5.5 Inter-Library Loans**

Items not held by Tenterfield Public Library may generally be obtained from other libraries. When requesting such items, patrons will be asked to indicate if they are willing to pay charges incurred for postage (other Public Libraries) and/or fees (University or Special Libraries). Limited quantities of large print, talking books, non-fiction and multicultural items are available from NSW State Library free of postage charges. Items may be withheld or returned and borrowing privileges will be suspended if clients fail to pay charges incurred. Lost or damaged items obtained by inter-library loan will incur charges set by the lending library and failure to pay will result in suspension of borrowing privileges. Patrons are liable for any fees incurred even if they fail to collect the requested item.

#### **5.6 Overdue Loans**

Overdue notices will be issued once items become overdue. ~~A fine (as per Council's Fees and Charges Schedule) per item, per day will be charged for items not returned within seven (7) days following the due date. No overdue fines apply but long overdue items will be invoiced if not returned.~~ No further items may be borrowed, that is, borrowing privileges will be withdrawn until overdue items are returned ~~and fines are paid or replacement charges (as per Council's Fees and Charges Schedule) are paid.~~

#### **5.7 Loss or Damage**

Borrowers shall be required to pay for damage to library resources and for replacement of lost items. The fee charged will be for the replacement value plus a processing fee (as per Council's Fees and Charges Schedule). Failure to make appropriate arrangements to pay the fee will result in suspension of borrowing privileges. Lost items which have been paid for and later found become the property of the borrower and no refund will be given.

The ~~Senior Librarian~~ **Manager Library Services** shall retain discretionary power to override the above conditions in special cases.

### **6. Public Computer and Internet use**

Tenterfield Public Library endeavours to provide the people of the Tenterfield Shire with open access to ideas and information, a process which is fundamental to democracy. The Internet is an information resource which

enables the Library to offer access to information beyond the confines of its collection.

By providing public Internet access, the Library will enhance the depth and scope of its existing collection and also will provide an opportunity for citizens to navigate the Internet for themselves.

### **6.1 Responsibility**

Tenterfield Shire Council does not condone access to pornographic, violent or illegal material. Consequently, while the Library does not monitor or take responsibility for information accessed through the Internet, Library staff may disallow access to websites which may be inappropriate for use in a public Library. Persons who continue to access offensive or illegal material following a warning may be refused further Library Internet use.

~~In the case of censorship, it is deemed to be the right and responsibility of the parent or guardian. Censorship is deemed to be the right and responsibility of the parent or guardian of library users under the age of eighteen (18) years. Prospective users will be required to sign an Internet Access Agreement before using the Internet in the Library. A copy of the Internet Use — Rules and Procedures will be printed on the back of the Internet Access Agreement form. Library members are required to use their library card as identification when making a computer/internet booking. Visitors and other casual library users are required to show identification such as a driver's license when making a computer/internet booking.~~

### **6.2 Charges**

Public access to the Internet in the Library will be free of charge as described in the *Library Act 1939, Section 10, Guideline 2 – Free access*. Printing charges will apply as listed in Council's current Fees and Charges schedule.

<http://www.sl.nsw.gov.au/public-library-services/guidelines-section-10>

### **6.3 Rules and procedures**

The ~~Senior Librarian~~ **Manager Library Services** shall determine and review procedures in relation to length of session, age restrictions, downloading, staff assistance, user documents and other operational matters as the need arises.

## **7. Collection Development**

Tenterfield Public Library was originally established as a School of Arts Library. It has been rehoused in premises which are a combination of a new building and the adaptive reuse of an old one. There are community service points at Drake, Torrington and Urbenville.

### **7.1 The Right to Read and Access to Library Services for all**

Tenterfield Public Library supports the Australian Library Association's statements on *Public Library Services*, *Free Access to Information*, *Libraries and Literacies*, *Library Services for People with a Disability*, *Information Literacy for All Australians*, and *Professional Conduct*.

## **7.2 Censorship**

Tenterfield Public Library respects the rights of its clients to pursue their own interests, on the understanding that:

- Censorship is vested in State and Federal Governments, not the local public library or its staff;
- Prohibited materials may not be accessed in the Library (including prohibited sites on the Internet), and
- Parents and guardians are held responsible for their children's selection of Library resources and use of Library services.

## **7.3 Selection Criteria for Acquisitions**

One or more of following criteria will be applied:

- Accuracy and reliability of information
- Currency
- Suitability of format and level for target audience
- Popularity/reputation of author
- Physical durability
- Cost
- Local interest
- Relevance to local collections
- Ease of use
- Storage considerations

## **7.4 Selection Methods**

Selection methods/tools include:

- Reviews
- Visiting book suppliers
- Online book suppliers
- Best seller lists
- Book award lists
- Client and staff suggestions
- Online and print catalogues
- Bookshop visits
- Donations (subject to normal selection criteria)

## **7.5 Formats**

Any format deemed suitable in accordance with the selection criteria may be collected.

## 7.6 Exclusions

The provision of prescribed textbooks is considered to be the responsibility of educational institutions. Some of this material may be provided where it serves the general interest.

## 7.7 Multiple copies

Generally, only single copies of a title will be purchased.

## 7.8 Collection Maintenance

The collection is continually evaluated for effectiveness, currency, quality and integrity. Stock may be discarded if it meets one or more of the following criteria:

- Badly damaged
- Obsolescent (information dated/incorrect)
- Low circulation
- Duplicate copies available

Rare and important books may be relegated to Stack. Discarded stock in reasonable condition may be sold, given to charitable organisations or to another library at the discretion of the ~~Senior Librarian~~ **Manager Library Services**.

## 8. Collections

### 8.1 Reference Collection

The Reference Collection will consist of up-to-date information resources in any format for use in the Library.

### 8.2 Legal Information Access Centre

The Legal Information Access Centre comprises up-to-date plain language law resources as prescribed by LIAC, State Library of New South Wales, for use in the Library.

### 8.3 George Woolnough Collection

Contains important local history resources as well as books by local authors.

### 8.4 Indigenous Collection

This is a **small growing** lending collection of adult and junior fiction and non-fiction resources of particular interest to the indigenous community. These resources may be used by any Library client.

## **8.5 Adult Non-Fiction**

This non-fiction lending collection encompasses a broad range of knowledge for informational, recreational, cultural and general educational purposes.

## **8.6 Junior Non-Fiction**

The junior non-fiction lending collection encompasses the broad range of knowledge for informational, recreational, cultural and general educational purposes ~~and pays while paying~~ particular attention to a juvenile target audience.

## **8.7 Young Adult Non-Fiction**

The Young Adult non-fiction is a lending collection that encompasses a broad range of knowledge for informational, recreational, cultural and general educational purposes that would be of particular interest to young adults.

## **8.8 Adult Fiction**

This is a lending collection targeting adults containing:

- Popular works, both Australian and other;
- Classics;
- General fiction
- Genre fiction such as Western, Mystery/Crime, Science fiction and Romance;
- Award-winning titles, and
- Titles requested by the target group.

## **8.9 Young Adult Fiction**

This is a lending collection especially for persons 14-17 years of age. It includes:

- Popular works, both Australian and other;
- Classics;
- Award-winning titles, and
- Titles requested by the target group.

## **8.10 Junior fiction**

This is a lending collection especially for persons under 14 years. It includes:

- Popular works, both Australian and other;
- Classics;
- Award-winning titles, and
- Titles requested by the target group.



### **8.11 Easy Picture Books**

This is a lending collection of picture books to interest children 0-7 years of age.

### **8.12 Large Print Books**

This lending collection is intended primarily for visually impaired people. Any available genre in accordance with Adult Fiction and Non-Fiction criteria may be included. Large Print books are generally purchased as a shared resource of Northern Tablelands Cooperative Library Service.

### **8.13 Talking Books**

This lending collection is appropriate for visually or literacy impaired people and for multitasking. Any available genre in accordance with the Adult Fiction and Non-Fiction and Junior Fiction criteria may be included. Adult Talking books are generally purchased as a shared resource of Northern Tablelands Cooperative Library Service.

### **8.14 eBooks**

Access to eBooks and eAudiobooks is increasing and will be supported, whether locally or from appropriate external sources, e.g., State Library of New South Wales. Access to a growing selection of eBooks and eAudiobooks is purchased as a shared resource of Northern Tablelands Cooperative Library Service **as well as a collection wholly owned by Tenterfield Public Library.**

### **8.15 Music on Compact Disks**

The music on compact discs lending collection includes classical, jazz, country & western, easy listening and popular music. It is generally a joint collection of the Northern Tablelands Cooperative Library service.

### **8.16 Digital Video Discs (DVD's)**

The collection includes documentaries, do-it-yourself, travel guides, **classic and arthouse** movies, and television series and also includes junior resources and donations.

### **8.17 Language Kits**

The Language Kits are designed for self-paced learning to assist native English speakers to learn languages other than English. Translation dictionaries for languages are held in the Reference Collection.

### **8.18 Periodicals**

This small range, relative to budget allocation, addresses various local interests.

## 8.19 Newspapers

One national and one local newspaper are purchased. The local *Tenterfield Star* newspaper is bound and preserved on an annual basis ~~and also preserved on microfilm~~ as part of the historical **hardcopy** collection. *The Tenterfield Star* 1875-1955 is also available online for **keyword** searching via a link on the Library's online catalogue page on Council's website.

## 8.20 Local/Family History

The collection includes:

- A range of historical newspapers on microfilm;
- Historical records in print and microform;
- State Records Access for All collection;
- Books and journals about local areas, and
- Tenterfield Family History Group collection, which has been catalogued and shelved.

## 9. Accountability, Roles & Responsibility

### Management Oversight Group

- Corporate and Governance

### Individual Managers

#### ~~Senior Librarian~~ Manager Library Services:

- Management of all aspects of delivery of Library Services at Tenterfield Public Library.

## 10. Definitions

Nil.

## 11. Related Documents, Standards & Guidelines

Nil.

## 12. Version Control & Change History

Version	Date	Modified by	Details
V1.0	28/08/17	Council	Adoption of Original Policy
V2.0	28/02/18	Council	Reviewed Policy (Res No. 17/18)

## TENTERFIELD SHIRE COUNCIL

### POLICY STATEMENT

#### HEADING:

**Buy Local Policy**

#### MEETING ADOPTED AND RESOLUTION NO.:

**23 August 2017  
168/17**

#### HISTORY OF DOCUMENT PREVIOUSLY ADOPTED:

**23 October 2013      383/13**



#### Policy:

For Tenterfield Shire Council quotations and tenders for the supply of goods, materials and/or services, a price advantage **may** be given to local suppliers. In the process of determining the successful supplier, a maximum amount of 5% will be nominally deducted from the local supplier price for the purpose of *price comparison only*.

Where the "Buy Local" preference is used in the evaluation of quotations or tenders and where a specification is provided, the specifications for the calling of quotations for services, goods or materials will:

- indicate that Council has a preferential "Buy Local" Policy for local suppliers;
- advise the percentage discount to be applied (5% maximum).

For other smaller purchases (<\$10,000), Council can, at its discretion, apply a buy local procurement discount for Local Suppliers. Where this is applied, it must be documented in the procurement assessment.

A "Local Supplier" will be defined as:

- a. An organisation that operates from permanently staffed premises within the boundaries of Tenterfield Shire's LGA and has operated from those premises for a minimum period of six (6) months before submitting the quotation or tender; or
- b. An organisation that is more than 49.9% owned by an individual (or individuals) that live/s within the boundaries of Tenterfield Shire's LGA and has done so for a minimum period of six (6) months before the organisation submits the quotation or tender. It is assumed that the individual/s reside/s at their address on the electoral role.

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**Policy Statement No. 1.020**  
**Date of Effect:** 23 August 2017  
**Name of Policy:** Buy Local Policy

**Review Date:**  
August 2020

**Responsible Officer:**  
Chief Operating Officer

# TENTERFIELD SHIRE COUNCIL

## BUY LOCAL POLICY

### Preamble

The Tendering Guidelines for NSW Local Government (Guidelines) state that a Council should develop a Buy Local Policy if it wishes to consider Local Preference as a factor in the procurement process.

Council does wish to consider Local Preference as a factor in the procurement process and this policy has been developed to comply with the Guidelines.

The Guidelines state that a Buy Local Policy should:

- (i) be based on sound reasoning and include a statement indicating the basis for its use;
- (ii) be clear in its application - for example, where an additional cost would be incurred by the council in implementing its Policy, the maximum amount or percentage of that additional cost should be specified and the particular circumstances in which the amount should also be acceptable to the local community,
- (iii) be disclosed to all potential tenderers prior to their decision to submit a tender;
- (iv) be included in the tender documents and identified in the evaluation criteria;
- (v) be referred to when reporting the result of the tender evaluation process including the details of any additional cost to be incurred by the council if it accepts a tender, other than the lowest tender, as a result of the implementation of the Policy.

This Policy takes into account all of the above considerations.

Council has obtained legal advice to ensure that this Policy does not breach either the Competition and Consumer Act 2010 (Cth), the Fair Trading Act 1987 (NSW) or various international trade agreements.

**THIS POLICY DOES NOT APPLY TO ANY COMMERCIAL BUSINESS ACTIVITIES (FOR EXAMPLE WORK UNDERTAKEN ON BUILDINGS LEASED OUT TO COMMERCIAL TENANTS). A LOCAL PREFERENCE ADVANTAGE FOR THESE ACTIVITIES MAY BE IN BREACH OF THE COMPETITION AND CONSUMER ACT.**

## **What Tenterfield Shire Council's Buy Local Policy Requires**

The Tenterfield Shire Council's Buy Local Policy requires Council to conduct a Local Benefits Test, details of which are contained within this Buy Local Policy, for all significant procurement activities, where a weighting of up to 30% may be applied.

### **1) Reasoning Behind a Buy Local Policy and Basis for its use**

This Buy Local Policy applies a **Local Benefits Test** to evaluate the benefits that any supplier would bring to the Tenterfield Local Government Area (LGA). The origin of the supplier is not relevant; what is important is the benefit that a supplier can bring locally. For example, a supplier who is located outside of the Shire could still provide a benefit by using a local workforce or by using local businesses in the supply chain.

Other elements such as capability, quality and price remain critical – however factors such as stimulating employment, increasing socioeconomic development (including employment and training) and supporting social objectives may be considered among the decision-making criteria.

Application of the test can be extended to the Tenterfield Shire LGA; or the Local Region; or New South Wales; or outside of New South Wales, based on the following priority of Local Zones:

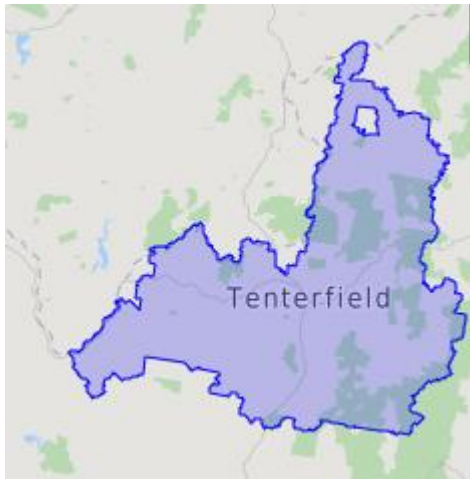
#### **Local Zones**

**Local Zone 1** - Council will prioritise suppliers that maintain a workforce whose usual place of residency is located within the Tenterfield Local Government Area (LGA).

**Local Zone 2** – if a suitable supplier does not exist within Local Zone 1, consideration will be given to suppliers in the local region (ie within 200km of the Tenterfield Township.)

**Local Zone 3** – If a suitable supplier does not exist within Local Zone 2, consideration will be extended to suppliers in New South Wales.

*If a suitable supplier does not exist within New South Wales, consideration will be extended to suppliers outside of New South Wales and parts of Queensland not captured within Local Zone 2).*



Local Zone 1 – All of Tenterfield LGA

Local Zone 2 – 200km from  
Tenterfield Town

Local Zone 3 – All of New South  
Wales

## How a Local Benefits Test can impact the Economy

Where effective local procurement spending occurs, it can impact the economy through direct and indirect channels:

- **Direct**
  - by supporting local sustainable businesses that are more likely to survive, expand, innovate train and invest
  - by supporting local labour market outcomes (such as training, new opportunities, employment security)
  - by growing Aboriginal businesses and making viable pathways to support employment and increase the economic participation of Aboriginal people
- **Direct and/or Indirect**
  - by supporting local supply chains and the circular flow of money to maximise regional impact (ie supply chain benefits)
  - by supporting local businesses that source goods manufactured locally
- **Indirect**
  - By supporting sustainable activity in the local economy, which can have broader impacts through more sustainable local industries, where sustainability in one local industry may generate flow on effects and support sustainability in other industries
  - By supporting community cohesion (eg local businesses are encouraged to support local initiatives, thereby stabilising the population base, increasing liveability through employment opportunities and creating local leaders.)

Through such Direct and Indirect economic impacts, the application of a local benefits test to Tenterfield Shire Council's procurement spending can support sustainable economic outcomes in our town and villages.

## **1) Local Benefits Test Application**

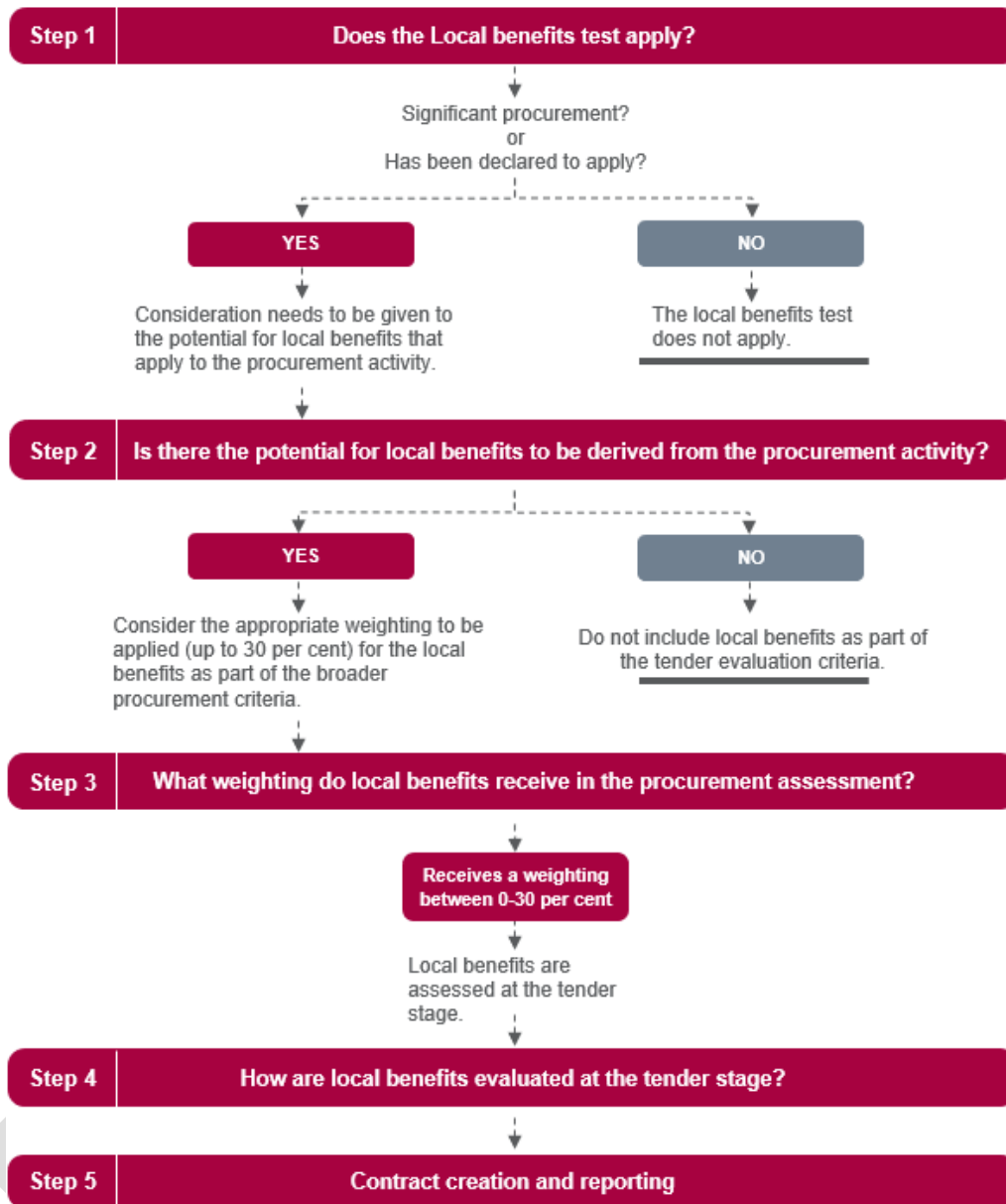
### **Local Benefits Test Decision Tree**

The diagram below shows the decision tree for Council staff involved in procurement of goods and services in relation to the implementation of the local benefits test.

The decision tree sets out the five steps involved in determining if (and how) the local benefits test applies to the procurement activity.

In applying the decision tree, staff must document the rationale for determining whether and/or how the local benefits test will be applied.

DRAFT



**Step 1 – Procurement subject to the Local Benefits Test**

**Procurement of items equal to or above \$50,001 are subject to the Local Benefits Test.**

**Step 2 – Is there the potential for local benefits to be derived from the procurement activity?**

For the purpose of the local benefits test, procurement activities can be framed in three broad classifications:

- **always local**



- that has the **potential to be local**
- where it **doesn't make sense to be local**



Procurement activities that have the potential to be supplied locally are subject to the local benefits test.

This is because the application of a local benefits test is unlikely to change outcomes where procurement is always local or doesn't make sense to be local.

In selecting the type of benefits to be pursued, agencies should be mindful that the information requested from suppliers is not unduly onerous and is proportionate to the scale of the procurement being undertaken.

A local benefit should also be one that can be readily identified, evaluated, measured and reported on by the supplier.

### **Step 3 – What weighting do local benefits receive in the procurement assessment?**

The Tenterfield Shire Council's Procurement Policy and Procedures allows a weighting of up to 30 per cent to be applied.

It is not mandatory to apply a 30 per cent weighting, nor is there any minimum mandatory weighting.

Rather, Council staff involved in procurement have the flexibility to apply a weighting as appropriate to the procurement at hand.

Staff will need to determine, as part of the planning process, what weighting is appropriate relative to the other criteria and what will help to ensure a value for money outcome. In determining what weighting applies, Council staff should consider (but are not limited to):

- How do the local benefits criteria compare to other key criteria in the tender evaluation (e.g. supplier experience and capability)?
- How significant are the local benefits to the outcome of the procurement activity and local area?
- How have others in this procurement category approached the weighting (ie there should be consistency across Council).

When considering the local benefits and weightings make sure what is being asked of suppliers can be practically evaluated and will not improperly affect the evaluation outcome.

#### **Step 4 – How are local benefits evaluated at the Request For Quotation/tender stage?**

As the local benefits criteria forms only part of the overall evaluation process, the purpose of this section is to provide a local benefits criteria overview (rather than instruct staff on how to evaluate). For guidance on evaluation please refer to Council's Procurement Procedures: Evaluating offers in purchasing.

The table below demonstrates how the local benefits can be incorporated with traditional evaluation criteria.

<b>Evaluation Criteria</b>	<b>Weighting</b>	<b>Comments</b>
Supplier experience and capability	30%	The supplier will be evaluated on their overall experience in delivering similar past projects
Project management	10%	The supplier will be evaluated on their processes related to project management and service delivery
Local Benefits	20%	The supplier will be evaluated on: <ul style="list-style-type: none"><li>• The number of local jobs supported by the procurement activity</li><li>• Use of local contractor, manufacturers and supply chain directly relating to the supply of goods and/or services.</li><li>• The number of apprentices and trainees supported by the procurement activity</li><li>• The number of local Aboriginal jobs supported by the procurement activity</li></ul>
Price	40%	The supplier will be evaluated on their offered price.

## Sub-criteria

When applying more than one local benefit (as above), sub-criteria can be used to reflect the relative importance of each local benefit in the context of the procurement. Sub criteria must always sum to 100 per cent. For example:

Local benefit	Benefit Weighting	Description
Jobs	60%	The number of local jobs supported by the procurement activity
Supply Chain	20%	Use of local contractors, manufacturers and supply chain directly related to the supply or manufacture of goods and/or services.
Apprentices and Trainees	10%	The number of local apprenticeships and traineeships supported by the procurement activity.
Other Benefits	10%	The number of Aboriginal jobs supported by the procurement activity.

## Information to be supplied in support of the local benefits test criteria

To assist in the identification and evaluation of supplier's local benefits, quotation or tender documentation should clearly identify what local benefits are being sought and specify how suppliers should respond to the criteria.

### Example questions include:

1. Detail the number of local jobs supported by the procurement activity and proximity from their usual place of residency to the procurement activity. If required, the workforce can be mapped against the local zones.
2. Detail use of local contractors, manufacturers and/or supply chain for the supply or manufacture of goods and/or services and their distance from the procurement activity (this can also be mapped against local zones). If required, the supplier can be asked to detail the proportion of expenditure on inputs to be delivered by local contractors, manufacturers and supply chains.
3. Qualitative evidence (i.e. narrative style) such as how and when they will use the local workforce, local suppliers, local manufacturers, local contractors and local apprentices/trainees.

## Step 5 – Contract Creation and Reporting

The supplier's local benefit undertakings should be included as part of the resulting contract. Suppliers should be made aware of contract obligations during the tender process.

Use of specific KPIs is recommended, combined with adding local benefits as a standing agenda item for supplier meetings.

### **Budget Limitation and Recording of Additional Cost to Council**

It is recognised that as a result of the implementation of this Policy there could be an additional cost to Council that is greater than that from the existing Policy which gives a 5% advantage based on price alone.

Whenever this policy is enacted in procurement decisions and such a situation arises, this will be recorded and reported to Council in the Quarterly Budget Review to highlight the additional cost of implementing this Policy.

Should the budget impact become too burdensome on Council some adjustments may be required at the next review of this Policy.



## PROCUREMENT POLICY

### Summary:

The purpose of this policy is to provide a framework for the procurement of goods and services by Tenterfield Shire Council.

<b>Policy Number</b>	1.164
<b>File Number</b>	N/A
<b>Document version</b>	Version 5.0
<b>Adoption Date</b>	24 March 2021
<b>Minute Number</b>	XXX/21
<b>Consultation Period</b>	14 days
<b>Review Due Date</b>	March 2023
<b>Department</b>	Office of the Chief Corporate Officer
<b>Policy Custodian</b>	Chief Corporate Officer
<b>Superseded Documents</b>	All policies and subordinate documents
<b>Related Legislation</b>	<i>NSW Local Government Act 1993</i> <i>NSW Local Government Amendment Act 2019</i> <i>NSW Local Government (General) Regulation 2005</i> NSW Procurement Policy Framework TSC Procurement Procedure TSC Tendering Procedure TSC Code of Conduct
<b>Delegations of Authority</b>	Manager Customer Service, Governance & Records

### 1. Overview

Council is required to purchase goods and procure services for the support of delivery of Council's services. A framework is required to define the principles by which Council makes decisions to procure and purchase these. The Procurement Policy is set out to do this. The processes required to purchase goods and procure services are set out in Council's Procurement Procedure.

### 2. Policy Statement

In procuring goods and services, through either contract or direct purchase, Council will:

1. comply with statutory obligations of the *NSW Local Government Act 1993*, the *NSW Local Government Amendment Act 2019*, and the *NSW Local Government Regulation 2005*, as well as the NSW Government Procurement Policy Framework (where applicable to Local Government) and Council's Procurement Procedure, Tendering Procedure and Code of Conduct;
2. ensure transparency and accountability in purchasing procedures;

3. purchase goods and services for the best value;
4. prioritise offers from local suppliers, in line with Council's Buy Local Policy, where the goods and services are reliably available and price competitive, and
5. maintain commercial confidentiality.

Council's Code of Conduct applies to all aspects of procurement and includes Council's Business Ethic. The Code sets out the framework and principles for:

6. ethical decision making;
7. avoidance of conflict between public duty and private interest;
8. use of Council resources;
9. use of information gained through employment with Council, and
10. standards of conduct when dealing with the public.

### **3. Scope**

This policy applies to the external procurement of goods and services by all employees, internal contractors and volunteers of Council.

This policy does not apply to the procurement of goods and services:

1. from internal Council sources;
2. in an emergency or natural disaster situation, and
3. by external contractors or subcontractors of Council.

### **4. Accountability, Roles & Responsibility**

The **Chief Executive Officer, Chief Corporate Officer, Director of Infrastructure and Managers** are responsible for ensuring compliance with the policy.

The **Chief Corporate Officer** is responsible for the regular review of the policy.

**All Employees** are responsible for following the policy.

### **5. Managing Procurement Risk**

On a regular but usually no less than an annual basis, a random sample testing will be undertaken in Council's procurement operations. This may occur during Council's annual financial audit or during internal audit activities, but does not limit Council's ability to conduct sample testing at any time.

Council is required under the Local Government Act 1993 to call tenders for the procurement of goods and services when the estimated value of such goods and services is \$250,000 or more.

All tenders for the procurement of goods and services will be invited and processed in accordance with the provisions of the *NSW Local Government Act 1993* and the *NSW Local Government (General) Regulation 2005*.

## 6. Related Documents, Standards & Guidelines

Code of Conduct

Buy Local Policy

Fraud and Corruption Prevention Policy

Procurement Procedure

Tendering Procedure

## 7. Version Control & Change History

Version	Date	Modified by	Details
V1.0	26/09/2007	Council	Adoption of policy (Res No. 577/07)
V2.0	26/11/2008	Council	Review/Amendment (Res No. 630/08)
V3.0	19/12/2012	Council	Review/Amendment (Res No. 529/12)
V4.0	16/12/2015	Council	Review/Amendment (Res No. 409/15)
V5.0	24/03/2021	Council	Review/Amendment (Res No. XXX/21)





## Procurement Procedure

<b>Procedure Number</b>	TBA
<b>Document Version</b>	1
<b>Endorsed By</b>	Executive Management Team
<b>Approved By</b>	Executive Management Team
<b>Executive Meeting Endorsement</b>	XX March 2021
<b>Consultation Period</b>	Not Applicable
<b>Review Due Date</b>	March 2023
<b>Procedure Custodian</b>	Chief Corporate Officer
<b>Superseded Documents</b>	Nil
<b>Related Documents</b>	Procurement Policy
<b>Delegations of Authority</b>	Manager Customer Service, Governance & Records

### Purpose and Scope

The purpose of this procedure is to provide the processes to be followed for the purchase of goods and services for Tenterfield Shire Council.

### Applicable Legislation, Standards and Guidelines

*NSW Local Government Act 1993*  
*NSW Local Government Amendment Act 2019*  
*NSW Local Government (General) Regulation 2005*  
NSW Government Procurement Policy Framework  
TSC Procurement Policy  
TSC Tendering Procedure

### Procedure

#### 1. Definitions

##### **Procurement**

The process involving all activities to buy and/or dispose of goods and services following the decision that a good or service is required.

##### **Purchasing**

The actual buying process, whether placing or transmitting an order in hard copy, electronically via electronic commerce or buying across the counter.

### **Purchasing Officer**

The Council officer who generates a requisition and purchase order.

### **Authorising Officer**

The Council officer who holds the appropriate financial delegation to approve a purchase decision, authorise a requisition and purchase order and authorise payment when the goods/services have been received.

## **2. Purchasing Categories**

1. **Goods/Services up to \$100** – may be purchased through the use of Council authorised store account, credit/procurement card or purchase order.
2. **Goods/Services between \$101 and \$1,000** – may be purchased through the use of a credit/procurement card or purchase order. No quotes are required.
3. **Goods/Services between \$1,001 and \$5,000** – may be purchased through the use of a credit/procurement card or purchase order. One to two documented telephone, email or written quotes are required. Details of these are to be entered into a Record of Decision Form and signed by the person who sought the quotes and the authorising officer, where they are not the same person.
4. **Goods/Services between \$5,001 and \$50,000** – must be purchased by purchase order. Three written quotations are required. Justification should be provided by the purchasing officer for the authorising officer to approve the purchase for any decision made in this category.
5. **Goods/Services between \$50,001 and \$250,000** - A decision should first be made whether the goods or services are available through Local Government Procurement, Procurement Australia or another approved panel goods/services provider. The purchasing/authorising officers may choose to go directly to a provider without conducting a tender or quotation process, or may choose to call for tenders or seek written quotations from the approved panel providers or go to the public for tenders or written quotations. This decision should be reviewed by Council's Governance Section, or the relevant Chief Officer/Director or the Chief Executive Officer, and will be based upon the level of competition in the market place and the evaluation criteria to be used in making the purchasing decision.

If it is decided to call tenders, then the process should conform to the provisions of the tendering guidelines for NSW Local Government available online from the Office of Local Government and Council's Tendering Procedure, with the exception that tenders need not be advertised in a Sydney metropolitan daily newspaper. All tender processes must be conducted through the use of an Internet based procurement system, such as Tenderlink or VendorPanel.

If it is decided to seek written quotations, then a scope of works will be generated, and will include written specifications or drawings, as well as Council's standard terms and conditions. At least three written quotations are required. Request for quotation processes should also be conducted via an internet/computer based system such as VendorPanel, wherever possible.

Purchase must be made by purchase order.

6. **Procurement of Fleet Repair and Maintenance Services** – Where only one quote for services or works is obtainable for category 1 to 4 expenditure amounts, the authorising officer will document the reason for this occurring, as well as other factors considered to make the decision to go ahead with the quote.

Invoice splitting in order to stay under procurement thresholds is not permitted under any circumstances.

### **3. Purchase Orders**

A requisition and purchase order must be generated for all purchases that exceed \$5,001. Purchase orders should also be generated for purchases up to \$5,000, unless the supplier requires credit card payment or there is an operational requirement for purchase by credit card or on account.

A supplier must have a Creditor Code in Council's finance system in order for a requisition and purchase order to be generated. The Supplier must provide the following information for a Creditor Code to be established by Council's Finance Section:

1. Supplier name, address, email address and telephone number
2. Business/Company ABN, Bank name, account no. and BSB

### **4. Purchasing Process**

Procurement should follow three stages of procurement, as set out in the NSW Government Procurement Policy Framework, being:

- **Plan**
- **Source**
- **Manage**

The typical purchasing process is as follows:

#### **Plan**

1. identify the requirement or need for procurement
2. confirm that the procurement is supported in Council's Operational Plan
3. determine whether funds are available
4. finalise specifications or scope of works
5. determine level of authorisation or delegation required

6. determine whether the goods and services are available under existing contracts or pre-approved government purchasing arrangements (such as LG Procurement, VendorPanel etc)
7. determine appropriate purchasing method
8. determine the selection process and criteria

#### **Source**

9. seek quotations
10. determine whether there is any potential conflict of interest
11. document the process at an appropriate level
12. make the selection using the appropriate method, and complete a Record of Decision Form and Certificate of Exemption Form, where required
13. obtain or prepare any required agreements
14. raise a requisition for authorisation by the approving officer, to generate a purchase order
15. obtain authorisation as required

#### **Manage**

16. verify that the goods or services are received as specified
17. Confirm receipt by completion of a goods received docket, or by signature and date of an authorising officer on the invoice
18. Attach invoice to purchase order, insert invoice information into required sections of purchase order and provide to authorising officer for review and signature
19. Submit completed purchase order with invoice to Finance for processing of payment
20. Record and comment about the performance of the suppliers, where the performance of a supplier has been efficient and satisfactory or deficient and unsatisfactory.

### **4. Selection Process and Criteria**

#### **Evaluating Quotes**

1. The purchasing officer must obtain approval of the authorising officer on the level of documentation required for the purchases they are authorised to make;
2. Reasons for accepting the quote must be recorded on a Record of Decision form, and
3. The method used to evaluate the quote, such as Council's Tender/Quotation Evaluation Spreadsheet, must be recorded on the Record of Decision form.

### **5. Conflict of Interest**

Any perceived or potential conflict of interest, in accordance with Council's Code of Conduct, must be reported to the relevant authorising officer who will then assume responsibility for the purchasing decision and the reallocation of the procurement activity to another employee. The authorising officer must record their approval of the process.

### **Responsibility/Accountability**

The **Chief Executive Officer** and the **Executive Management Team** have responsibility for endorsing and approving the Procedure.

**Chief Officers, Directors and Managers** are responsible for:

- Ensuring compliance with the procedure.
- Reviewing and making recommendations for variations to the procedure as required.

The **Chief Corporate Officer** is responsible for the regular review of the procedure.

**All Employees** are responsible for following the procedure.



## LEGISLATIVE COMPLIANCE POLICY

### Summary:

The purpose of this policy is to ensure that legislative requirements are complied with by councillors, staff, volunteers and contractors of Tenterfield Shire Council.

<b>Policy Number</b>	TBA
<b>File Number</b>	N/A
<b>Document version</b>	Version 1.0
<b>Adoption Date</b>	24 March 2021
<b>Approved By</b>	Council
<b>Endorsed By</b>	Senior Management Team
<b>Minute Number</b>	XXX/21
<b>Consultation Period</b>	14 Days
<b>Review Due Date</b>	March 2023
<b>Department</b>	Corporate & Governance
<b>Policy Custodian</b>	Chief Corporate Officer
<b>Superseded Documents</b>	All policies and subordinate documents
<b>Related Legislation</b>	NSW Local Government Act 1993 NSW Local Government Regulations 2012
<b>Delegations of Authority</b>	Manager Customer Service, Governance & Records

### 1. Overview

A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law.

Council has an obligation to ensure that legislative requirements are complied with. The community and those working at Council have a high expectation that Council will comply with applicable legislation and Council should take all appropriate measures to ensure that this expectation is met.

### 2. Policy Statement

Council shall have appropriate processes and structures to ensure that legislative requirements are achievable and are integrated into the everyday running of the Council. These processes and structures will aim to:

- Develop and maintain a system for identifying the legislation that applies to Council's activities.
- Assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented in Council.
- Provide training for staff, councillors, volunteers and other relevant people in the legislative requirements that affect them.

- Provide people with the resources to identify and remain up-to-date with new legislation.
- Conduct of audits to ensure there is compliance.
- Establish a mechanism for reporting non-compliance.
- Review accidents, incidents and other situations where there may have been noncompliance.
- Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

### **3. Scope**

#### **3.1 Implementation of Legislation**

Council will ensure that when legislation changes steps are taken to ensure that actions comply with the amended legislation.

#### **3.2 Identifying Current Legislation**

Council accesses electronic up to date versions of legislation through subscription to the Local Government Legal Legislative Compliance Database (<https://database.lglegal.com.au/CouncilCompliance>) as well as the New South Wales legislation website at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au). The NSW legislation website is the official NSW Government site for the online publication of legislation, and is provided and maintained by the Parliamentary Counsel's Office.

#### **Australian Standards**

Council is a subscribing member to Standards Australia and maintains a library of Australian Standards related to Council's activities. As a member, Council receives alert updates to amendments of the Standards it has purchased.

#### **3.3 Identifying New or Amended Legislation**

##### **Office of Local Government**

Council receives regular circulars from the Office of Local Government on any new or amended legislation. Such advices are received through Council's Records section and are distributed by the Records staff to the relevant Council officers for implementation.

##### **Local Government NSW**

Council receives a weekly circular from the Local Government NSW. These circulars have sections on Legal and Finance and Planning and Environment that highlight changes in legislation applicable to Councils.

##### **Professional Groups and Networking**

Council is involved in a number of Council networking and professional groups including planning, human resources, governance, risk management and records

groups. These professional groups meet periodically, and disseminate information and guidance on legislative amendments and changes.

### **3.3 Obtaining Advice on Legislative Provisions**

Council shall obtain advice on matters of legislation and compliance where this is necessary. Contact can be made with Council's Chief Corporate Officer or Manager Customer Service, Governance & Records in the first instance, or if required, the relevant Legal Officer in either of the following for advice:

- Local Government NSW (Legal Officer)
- Office of Local Government
- Council's Solicitors

### **3.4 Informing Council of Legislative Change**

If necessary, the Chief Executive Officer or their delegated officer will, on receipt of advice of legislative amendments, submit a report to a Council meeting on the new or amended legislation.

### **3.5 Review of Incidents/Complaints**

Council shall review all incidents and complaints in accordance with its complaint handling policy. Such reviews and investigations will assess compliance with legislation, standards, policies and procedures that are applicable.

### **3.6 Reporting of Non-Compliance**

Instances of non-compliance will be reported immediately to a Supervisor/Manager who will determine the appropriate response, and if necessary, report the matter to the Chief Corporate Officer or the Director of Infrastructure.

The Chief Executive Officer may investigate any reports of significant non-compliance and if necessary, report the non-compliance to Council and/or the Office of Local Government. The Chief Executive Officer will also take the necessary steps to improve compliance systems.

## **4. Accountability, Roles & Responsibility**

**Councillors** and **Committee Members** have a responsibility to be aware and abide by legislation applicable to their role.

The **Chief Executive Officer, Chief Corporate Officer, Director of Infrastructure and Managers** should ensure that directions relating to compliance are clear and unequivocal and that legal requirements which apply to each activity for which they are responsible are identified. Management should have systems in place to ensure that all staff are given the opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their work within the financial capacity to do so.



**All Employees** have a duty to seek information on legislative requirements applicable to their area of work and to comply with the legislation. Employees shall report through their Supervisors/Managers any areas of non-compliance of which they become aware.

**5. Related Documents, Standards & Guidelines**

NSW Local Government Act 1993  
NSW Local Government Regulations 2012

**6. Version Control & Change History**

Version	Date	Modified by	Details
V1.0	24/03/2021	Council	Adoption of Original Policy

DRAFT

44 Riley Street  
Tenterfield  
NSW 2372  
5<sup>th</sup> December 2020

Tenterfield Shire Council  
PO Box 214,  
Tenterfield  
NSW 2372

**RE: Submission to Council - ITEM GOV86/20 - Changes to Local Orders for the Keeping of Animals in Urban Areas of Tenterfield Shire – Policy 3.120**

Dear Sir/Madam,

Tenterfield promotes itself as a shire with quality natural, heritage and lifestyle assets to attract visitors and new residents alike. The recent COVID pandemic has reinforced many people's desire to live in regional Australia, as demonstrated by the recent surge in properties for sale within Tenterfield shire. However, most new residents are moving to experience a regional lifestyle in a semi-urban/village setting, not to experience a rural lifestyle surrounded by cattle and other livestock with the associated issues of flies, smell, damage to plants and possible health impacts. The Local Orders for the Keeping of Animals in Urban Areas is an important policy for integrating new residents to the shire and advancing Tenterfield as a desirable location to live.

For these reasons, as a ratepayer and resident of Tenterfield, I submit the following objection to the proposed reduction to distance limits for livestock (horses and cattle) in the Local Orders for the Keeping of Animals in Urban Areas on the basis of health risk, nuisance and sanitary grounds. The reduction of distance from residential homes (from 30m to 10m) will directly impact the health, property value, quality of life and lifestyle of many village residents by bringing large ruminant animals closer to where people live, eat, entertain and sleep.

Any residential location in close proximity (<30m) to where stock graze, congregate, defecate and disturb the soil has been shown to be a potential human health and biosecurity risk. Research in both NSW and Qld has shown diseases such as Q fever are transmitted on dust and debris up to 5km by prevailing winds and that current residential exclusion zones around livestock holdings may be inadequate to contain this zoonotic disease. Eastwood (2018) found that ½ of all Q fever cases in NSW between 2011-15 were due to indirect contact with livestock and other carriers, which included many cases in urban areas without livestock employment associations. Q fever has been directly linked to miscarriage in Northern NSW (Marks and Olenski, 2019) and the Northern NSW area is known to have higher rates of Q fever infection than other parts. NSW Health itself stipulates that yard facilities for ruminants must be well away from residential domestic living areas, manure should be buried or composted, and dust and aerosol (vapour) must be minimised to reduce potential exposure to Q fever. The reduction of distance limits to only 10m does not reflect best practice and exposes urban residents to significant health risk, particularly the young and elderly in the community.

In addition to these health risks, livestock are well known for grazing neighbours' trees and shrubs, attracting flies and other insects, and causing bad odours from manure and other waste. Tenterfield Shire Council can prevent the conflict caused between neighbours by the increased noise, odour and

flies in close proximity to their home, by retaining the existing 30m distance limit for horses and cattle. This would also reduce the number of enquiries and complaints council staff receive on this issue, and address increasing community concerns related to land management and noise (Tenterfield Annual State of the Environment Report, 2017/18).

Tenterfield shire has over 450,000ha of agricultural land (RU1 primary production) suitable for livestock production, while the Shire villages represent a very small percentage of land dedicated to uses, services and facilities that are associated with a rural village. The Tenterfield LEP expressly prohibits agriculture, including commercial livestock production, within this RU5 Village zone. Obvious exemptions exist for the showground and school agricultural land, as these are not commercial operations, and are dedicated to education. However, the value of properties adjoining vacant land with cattle and horses are likely to drop due to the increased level of noise, dust and odour associated with a reduced buffer distance, through no fault of their own. This situation is unlikely to encourage new residents to the town and may make the difference between buying in Tenterfield or other northern tableland towns, such as Glen Innes or Stanthorpe.

The majority of landholders running livestock within the town limits are sympathetic to their direct neighbours and maintain some separation between livestock and people's homes. In situations where livestock cause nuisance and an amicable solution between neighbours cannot be reached, the Local Orders for the Keeping of Animals in Urban Areas provides clear guidelines on what is acceptable to health, lifestyle and animal husbandry.

The stipulation for stables and sheds to be located at least 30m from other buildings, where animals congregate and defecate, is consistent with the intent of the policy, NSW Health guidelines and the previous distance restrictions. The following additional points are proposed for inclusion as applicable regulations specifically with regard to livestock water and feeding points:

- Water for domestic livestock must not be supplied from Tenterfield potable (treated) water supplies, in recognition of current drought conditions and ongoing water restrictions for all ratepayers.
- Water troughs must be located at least 30m from any building or dwelling to minimise the potential biosecurity risk to residents (dust), and the nuisance from noise, dust and odour by stock congregation when watering, consistent with stables and sheds.
- Fixed or moveable feeding structures must be at least 30m from buildings or dwellings, to minimise biosecurity risks and nuisance.
- Prohibit the stockpiling of hay and large amounts of feed on smaller blocks in the residential zone which may become a site for increased allergens such as mould, a biosecurity risk if purchased outside of the region, encourage vermin and a fire risk to the town.

Policies to manage conflict with animals in urban areas are in place in many shires in NSW as recognition of the rights of the individual to live in their home without being affected by another's actions. Families should be able to live, laugh and be happy without health risks, nuisance from flies, offensive smells, noise or conflict with neighbours. Maintaining the 30m distance limit for livestock is the correct way to do this.

Regards,



Dirk Richards



## LOCAL ORDERS FOR THE KEEPING OF ANIMALS IN URBAN AREAS OF TENTERFIELD SHIRE

### Summary:

This policy seeks to provide clear direction to the Tenterfield Shire Community of Councils responsibilities and regulatory powers concerning the keeping of animals in the Tenterfield Shire area and the process which Council uses to determine when to enforce the controls within this policy.

As such, it is not the intent of the Council nor the policy to enforce controls within this policy in the first instance but to work with owners of domestic animals to ensure that the keeping of domestic animals does not have adverse impact on adjoining properties.

<b>Policy Number</b>	3.120
<b>File Number</b>	
<b>Document version</b>	V5.0
<b>Adoption Date</b>	To Be Confirmed – 7 Jan 2020 Placed on exhibition from 25 November 2020 to 7 January 2021 proposed effective date 7 January 2021
<b>Approved By</b>	Council
<b>Endorsed By</b>	Council
<b>Minute Number</b>	(Insert)
<b>Consultation Period</b>	(Insert dates) – 42 days unless statutory period – Part of the Local Orders Policy - Policy No 3.123
<b>Review Due Date</b>	January 2024 – 3 years
<b>Department</b>	The Office of the Chief Corporate
<b>Policy Custodian</b>	Manager Open Space, Regulatory & Utilities
<b>Superseded Documents</b>	<b>23 August 2017 - 168/17</b> <b>28 September 2011 - 467/11</b> <b>24 October 2012 - 445/12</b> <b>25 March 2015 - 69/15</b>
<b>Related Legislation</b>	<ul style="list-style-type: none"> <li>• Local Government Act 1993 Chapter 7, Sections 124 and 159;</li> <li>• The Companion Animals Act 1998;</li> <li>• The Protection of the Environment Operations Act, 1998;</li> </ul>

## Delegations of Authority

- The Impounding Act, 1993;
  - The Food Act, 2003 (prohibits animals to be kept where food is handled for sale and in certain food service areas, Guide Dogs are exempt).
- 
- Chief Executive,
  - Chief Corporate Officer;
  - Open Spaces, Regulatory and Utilities Manager;
  - Planning & Development Services Manager;
  - Ranger.

### 1. Overview

This policy seeks to inform the Tenterfield community of Council's regulatory powers concerning the keeping of animals in the Tenterfield Shire area. This Policy, in conjunction with Council's Local Orders Policy 2015 aims to:

- a) Minimize the incidence of nuisance being caused to persons;
- b) Protect the welfare of companion and farm animals;
- c) Protect the welfare and habitat of wildlife;
- d) Minimize the disturbance of or damage to protected vegetation; and,
- e) Safeguard the environment.

It is well documented that the keeping of companion animals and/or pet animals is beneficial to the well-being of people. Nevertheless, on occasions, complaints are made to Council where animals of an inappropriate kind or number are being kept or where the animals and their accommodations are not being looked after properly.

It is not intended within this policy to completely regulate the manner in which animals should be kept. It is however necessary that this policy should inform the reasonable limits (both statutory and advisory) which apply concerning the maximum number of animals and the circumstances under which they may be kept on residential premises.

Responsible ownership is a very important component of nuisance control and this document also contains advice to the animal owner regarding their responsibilities to prevent a nuisance from occurring.

### 2. Policy Principles

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

### 3. Policy Objectives

- To inform the community of the main statutory restrictions and acceptable limits which apply to the keeping of certain animals for domestic purposes.

- To give guidance and advice to persons enquiring as to the keeping of animals for domestic purposes.
- To establish local standards, acceptable to the community, for the keeping of animals.
- To publicly notify the circumstances that the Council will consider in determining whether to serve an Order under Section 124 of the Local Government Act, 1993 to prohibit restrict or in some other way, require things to be done regarding the keeping of animals. Furthermore, to act in accordance with Councils Local Orders Policy 2015.

#### 4. Policy Statement

##### 1. PRESCRIPTIVE REQUIREMENTS

- 1.1 The number of animals that may be kept at a premises should not exceed the number shown as appropriate to the kind of animal listed in the table included with this policy.
- 1.2 The type of animal that is suitable to be kept at any premises will be determined having regard for the size of the available yard area and the distance to the nearest dwelling or other prescribed building. Certain statutory requirements also apply as noted in the table.
- 1.3 ***YARD AREA means an appropriate pastured paddock area situated on urban residential land that is suitably fenced, has water available and feed, shelter and shade appropriate to the animals being kept at the premises.***
- 1.4 It should not be assumed that animals of all kinds may be kept on premises which are part of a multiple dwelling allotment. Where a dwelling is owned within Strata Plan it will be necessary for the rules of the Body Corporate to be examined for requirements relevant to the keeping of animals.
- 1.5 Animals should be kept in a manner which does not:
  - a) Contravene assessment criteria outlined in part 5 of Council's Local Orders Policy 2015;
  - b) Create unclean or unhealthy conditions for people or for the animals;
  - c) Attract or provide a harbourage for vermin;
  - d) Create offensive noise or odours;
  - e) Cause a drainage nuisance or dust nuisance;
  - f) Create waste disposal problems or pollution problems;
  - g) Create an unreasonable annoyance to neighbouring residents or fear for safety; or,
  - h) Cause nuisance due to proliferation of flies, lice, fleas or other insects.

- 1.6 Suitable shelter(s) should be provided for all animals. Certain kinds of animals are required to be kept in cages to prevent escape or attack by predators. Generally other animals are to be securely enclosed with adequate fencing to prevent escape. The containment of companion animals using electrical devices/containment systems must comply with the Prevention of Cruelty to Animals Act 1979 and Prevention of Cruelty to Animals (General) Regulation 2006."
- 1.7 Certain animal shelters should not be erected or located at a premises **without the prior approval of Council**. Please contact Council's Environmental and Community Services Department for further details.
- 1.8 Design Guidelines for the size, layout and construction of animal shelters are produced by the various animal welfare organizations and the Department of Primary Industries. These may be adopted from time to time as supplements to this policy.

## **2. COUNCIL'S POWERS TO CONTROL AND REGULATE THE KEEPING OF ANIMALS**

- 2.1 Generally, Council's powers to control and regulate the keeping of animals is provided under Section 124 of the Local Government Act, 1993 and the Companion Animals Act 1998.
- 2.2 The Council may, in the appropriate circumstances, issue an Order to:
  - a) Prohibit the keeping of various kinds of animals;
  - b) Restrict the number of various kinds of animals to be kept at a premises; and/or,
  - c) Require that animals be kept in a specific manner.
- 2.3 The Council may also issue Orders requiring:
  - a) Demolition of animal shelters built without the prior approval of Council; and/or,
  - b) The occupier to do or refrain from doing such things as are specified so as to ensure that land or premises are placed or kept in a safe, tidy or healthy condition.
- 2.4 It is advised that Council can exercise further controls over animals under the following Acts.
  - a) The Companion Animals Act 1998;
  - b) The Protection of the Environment Operations, 1998;
  - c) The Impounding Act, 1993; and/or,
  - d) The Food Act, 2003 (prohibits animals to be kept where food is handled for sale and in certain food service areas, Guide Dogs are exempt).

## **3. GIVING OF ORDERS BY COUNCIL**

3.1 The procedures for the issuing of Notices and Orders is outlined in Council's Local Orders Policy 2015. Generally, where a problem is identified with the keeping of animals and it cannot be resolved by consultation, the Council will proceed to issue a Notice of Intention to serve an Order. Normally a person will be given opportunity to make representations to Council prior to a formal Order being issued. In situations where urgency is required an emergency Order may be issued without prior notice.

#### 4. TABLE OF REQUIREMENTS

4.1 The following table indicates the essential requirements and relevant considerations regarding the keeping of animals.

KIND OF ANIMAL	MAXIMUM NUMBER (Excludes Offspring to 3 months of age)	MINIMUM DISTANCE (from certain buildings) (See Note A)	APPLICABLE REGULATIONS AND OTHER ADVISORY MATTERS
Dogs	2		<p>Under the Companion Animals Act a companion animal must be microchipped from 12 weeks of age.</p> <p>A companion animal must be registered from 6 months of age.</p> <p>Dogs must be under effective control at all times.</p> <p>Adequate fencing is essential and must be enclosed so as to prevent the dog from escaping.</p> <p>Where complaints are received, odour, noise or other issues relating to the keeping of dogs, Council will conduct an inspection of the property. Council has the power under section 124 of the Local Government Act to impose restrictions on the numbers and manner in which dogs are kept on a particular property.</p>



Working Dogs	Seek prior approval from Council as to the number to be allowed on site.		<p>Dogs used for the purpose of tending or droving stock or the protection of stock.</p> <p>The companion animals Act 1998 requires all working dogs to be permanently identified and registered in accordance with part 2 of the Act. However no registration fee applies.</p> <p>Demonstrations may be required.</p> <p>Working dogs must also be kept in accordance with the above listed conditions.</p>
Cats	2		<p>The Companion Animals Act 1998 requires permanent identification and lifetime registration.</p> <p>Under the Companion Animals Act a permit is required to own a cat that is four (4) months old or older that is not desexed.</p> <p>Cats should be kept inside the dwelling and/or an enclosure from dusk until dawn.</p> <p>Compliance with desexing, use of identity collars with multiple bells, proper care, restriction of access to outdoors at night.</p>
Poultry, domestic and guinea fowl	<p>10 hens per property (not members of a recognized poultry club or association).</p> <p>Persons who are members of a</p>	10m	<p>Local Government (Orders) Regulation 1993 applies</p> <p>Hard paving must be provided under roosts in poultry houses if within</p>

<p>Poultry other than fowls including geese, turkeys, peafowl and other pheasants.</p> <p><i>*See further information regarding Registered Poultry Breeders at the end of this table.</i></p>	<p>recognized poultry club or association (must be able to provide membership documentation), please see table (pg 9) under registered breeders for proposed numbers</p> <p>2</p>	<p>15m</p>	<p>15.2 metres of a dwelling, public hall or school.</p> <p>Poultry yards must be enclosed to prevent escape of poultry and be kept free of rats and mice.</p> <p><b>Keeping of poultry must not create a nuisance to neighbouring properties. At all times poultry yards must be kept clean and free from offensive odours.</b></p> <p><b>Roosters are only to be kept by persons who are members of a recognized poultry club or association.</b></p> <p><b>Membership details must be provided to Council.</b></p>
<p>Pigeons</p> <p>NOTE: to establish the permissible number of pigeons by locality of premises, it will be necessary for Council Officers to assess the site conditions</p>	<p>As appropriate to species, size of cage, aviary or bird room</p>	<p>6m</p>	<p>Nuisance due to noise and also free flight of pigeons is to be minimised. Lofts must be constructed of hard paving with a smooth surface and graded to drain. Open lofts are not permitted.</p> <p>Lofts are to be kept clean at all times. Manure is to be cleaned up daily and disposed of correctly.</p> <p>Keepers of more than fifty (50) birds are to be members of official or registered aviculture societies.</p> <p>Upon complaint, Council may liaise with society representatives /officials to resolve the complaint.</p>

Birds including canaries, budgerigars, quails, finches and parrots.	Up to 30 30+	3m 6m	Cages and aviaries must be of appropriate size and regularly cleaned.  National Parks and Wildlife permit is required to keep many native birds. Exemptions include Budgerigar, Zebra Finch, Galah and Sulphur Crested Cockatoo  Noisy birds should be restricted in number.
Sulphur Crested Cockatoo and Long Billed Corella.	2 portable cages	3m	Sulphur Crested Cockatoo and Long Billed Corella are likely to be noisy if kept as single caged birds.
Rabbits	2	3m	Must be domestic breed and kept in cage. Wild rabbits are not permitted to be kept.  <b>Do not release into the environment.</b>
Ferrets	2	10m of a neighbouring dwelling	The keeping of ferrets is not recommended, however where proper care (including appropriate secure cages) is available, the keeping of ferrets may be approved.
Pet rats and mice	2 of each	Recommended for indoors only	Must be kept in appropriate cages and not released into the environment.
Guinea pigs	2	3m	Must be kept in appropriate cages and not released into the environment.

**The keeping of livestock within an allotment containing a residential dwelling is prohibited.**

Sheep and goats	1 (one animal per one tenth hectare of land as a general guide) 5/½hectare	6m	Billy goats should not ordinarily be kept on residential premises. These animals are not to be slaughtered at the premises where they are kept.
Pigs	Prohibited in residential area.		The keeping of pigs is not considered appropriate in residential areas.

Horses and Cattle	1 (one animal per half hectare of pastured land as a general guide)	<del>30m</del> 10m	Separation distances may vary at the discretion of Councils authorised Officers. In instances where officers establish the distance is causing a nuisance they can direct the distance to be lengthened.
Stallions	On vacant building block  Prohibited		Fencing must be strong and durable to prevent escape. Stables and sheds must be hard paved and graded to drain and also located at least 30m from any other dwelling or building.

#### NOTES:

- a) The distances indicated in the third column of the above table are to be measured in metres from the animal yard or enclosure to the nearest dwelling, public hall school or premises used for the manufacture, preparation, sale or storage of food;
- b) Animal includes a mammal, bird, reptile, amphibian or fish. It does not include a human being (as defined by the Prevention of Cruelty to Animals Act);
- c) Schedule 2 5 of the Local Government Act, 1993 specifies minimum standards for issue of Notices and orders with respect to the keeping of animals;
- d) All Government institutions eg. Education research etc are exempt from this policy providing that all animals are kept on these premises are maintained to RSPCA standards;
- e) Existing households (identified as of 2012) that currently have animals (dogs, cats) in excess of the prescribed number will be able to keep these animals until they die. Then once the allowable number is reached the animal numbers cannot rise above the number stated in this policy;**
- f) Councils' authorised officers reserve the right to reduce numbers of animals further if deemed to be a health risk to the public or create offensive noise, odours, insufficient feed or for repeated offences with owners that fail to rectify the cause of the offence;
- g) Councils' authorised officers reserve the right to allow for more numbers if of the opinion to do so will not affect public health or create offensive noise, odours, and sufficient feed is available.

#### **MEMBERS OF A RECOGNIZED POULTRY CLUB OR ASSOCIATION**

## **CODE OF PRACTICE:**

- All birds must be kept in a way that provides minimal impact to neighbours living on all sides of the property;
- Breeders must maintain numbers of fowl with the ideal of minimizing impact on neighbours;
- Poultry must not be kept under such conditions as to create a nuisance or be dangerous or injurious to health;
- Poultry yards must use appropriate manure and waste management practices so that there are no negative impacts to the environment;
- Fowls must not be kept within the specified distances of a neighbouring dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food. Where no distance is explicitly noted, 10 metres shall be used as a standard;
- Owners must ensure that poultry yards be enclosed so as to prevent the escape of poultry from the property
- All poultry food and water vessels must be kept in hygienic condition;
- Poultry must be checked regularly and kept free from parasites;
- Owners must regularly take precautions to discourage rodents such as rats and mice;
- Owners are encouraged and advised to seek help on health and general poultry keeping issues from their local poultry club or veterinarian. Councils can provide poultry club contacts;
- All poultry enclosures to have fully enclosed roofs.

### Proposed Numbers

<b>Land Size</b>	<b>Registered Poultry Keepers Female Stock</b>	<b>Registered Poultry Keepers Male Stock</b>
< 1000m <sup>2</sup>	10	1
1001-2000	20	2
2001-4000	30	4
>4001	70	8

### NOTE

#### Juvenile Stock

Juvenile stock should be allowed for the replacement of breeding or exhibition stock or for food purposes. Exemption of juvenile stock in the overall numbers of poultry should be allowed until poultry are of selection age. For breeding stock, the selection age should be up to one year and for food production, less than four months would be suitable.

## 5. Scope

This policy applies to animals kept for domestic purposes, as companion animals, pets or for hobby interests and commercial breeders.

This policy applies to urban residential areas of Tenterfield and Villages within the Shire, namely LEP zoning RU1, however, assessment of what constitutes "urban" will be dependent upon the locale of the property in question and its surroundings.

The principles contained in the prescriptive requirements will also apply to the keeping of animals for commercial purposes, including boarding, breeding, grooming, caring treatment, training.

However, where it is intended to keep animals for any commercial purposes (except the keeping of livestock on rural properties), it is necessary that **a development application be submitted to Council and planning consent obtained**. Consent to the operation of Commercial Animals Management Establishments may not be allowed where Council considers that the proposal would be harmful to the amenity of the locality.

This policy relates to Orders specified in Part 5 of Council's Local Orders Policy 2015.

## 6. Accountability, Roles & Responsibility

### Elected Council

Adopt policies to enable the administration of Legislation and Regulatory requirements

### General Manager, Executive and Management Teams

Open Spaces Regulatory & Utilities Manager, are responsible for the Regulatory provisions, approval and maintenance of procedures/protocols that support the Council's Policies.

### Council Staff

Ranger - Responsible for ensuring compliance with this policy; and Staff will provide administration support.

## 7. Definitions

**Nuisance:** - a person or thing causing inconvenience or annoyance

**Prohibited:** - That has been forbidden; banned.

## 8. Related Documents, Standards & Guidelines

- Companion Animals Act 1998

- Local Government Act 1993
- Impounding Act 1993
- Poultry Association Code of Practice.

## 9. Version Control & Change History

Version	Date	Modified by	Details
V1.0	28/09/11	Council	Adoption of Original Policy (467/11)
V2.0	24/10/12	Council	Review/Amended (Res No. 445/12)
V3.0	25/03/15	Council	Review/Amended (Res No. 69/15)
V4.0	23/08/17	Council	Review/Amended (Res No. 168/17)