



# POLICY REGISTER

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## Amendments

Date	Detail	MOSPLAN Program	Report to Council / Memo date
July 2008	<b>Updated</b> Special Event Management and Operations Manual	Program 6	
14 October 2008	<b>Updated</b> Code of Conduct Model	Program 1	CS/43
4 November 2008	<b>Updated</b> Payment of Expenses and Provision of Facilities to Mayor and Councillors	Program 1	CS/58
25 November 2008	<b>Updated</b> Outdoor Dining Approvals	Program 2	CS/63
3 March 2009	<b>Updated</b> Outdoor Advertising Policy	Program 2	GM/9
7 April 2009	<b>Updated</b> Charitable Collection Policy	Program 10	CS/21
7 July 2009	<b>Updated</b> Environmental Sustainability Policy to replace Environment Policy	Program 5	EP/111
21 July 2009	<b>Updated</b> Complaints and Customer Response Policy	Program 1	Memo DW No. 2112824
4 August 2009	<b>New</b> Food Safety Compliance and Enforcement Policy	Program 5	EP/136
	<b>New</b> Asset Management Policy	Program 2	EP/140
1 September 2009	<b>Updated</b> Financial Assistance Policy	Program 2	CD/21
3 November 2009	<b>New</b> Access to Information Policy	Program 1	CS/67
	<b>Updated</b> Payment of Expenses and Provision of Facilities to Mayor and Councillors	Program 1	CS/70
2 February 2010	<b>Updated</b> Complaints Handling And Customer Response Policy	Program 1	CS/3
	<b>Updated</b> Code of Meeting Practice		CS/5
	<b>New</b> Not to Use Eggs from Caged Chickens Policy	Program 5	NM/3
6 April 2010	<b>Updated</b> Foreshore Parking Stickers	Program 11	CS/17
4 May 2010	<b>Updated</b> Community Engagement Strategy	Program	CD/6
13 May 2010	<b>Updated</b> Asbestos Management Plan	Program 2	EP/194
3 August 2010	<b>Updated</b> Payment of Expenses and Provision of Facilities to Mayor and Councillors	Program 1	CS/37
1 September 2010	<b>Updated</b> Corporate Sponsorship Policy	Program 10	PF/260

Date	Detail	MOSPLAN Program	Report to Council / Memo date
7 September 2010	<b>New</b> Prevention of Fraud and Corrupt Conduct	Program 1	CS/45
	<b>Updated</b> Protected Disclosures Act - Internal Reporting System		CS/46
	<b>New</b> Conduct of Technical Experts at Council Meetings	Program 4	GM/23
	<b>New</b> Development Assessment - Protocol for Inspection of Sites		
5 October 2010	<b>Updated</b> Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors	Program 1	CS/54
	<b>Updated</b> Access to Information Policy		CS/55
2 November 2010	<b>Update</b> Advertising Signs on Footpaths	Program 2	CS/63
	<b>Updated</b> Audit Committee Charter	Program 1	CS/65
30 November 2010	<b>Updated</b> Code of Meeting Practice	Program 1	CS/76
19 January 2011	<b>Updated</b> Council Credit Cards and Cabcharge Facility	Program 1	GM approval 19 January 2011
1 March 2011	<b>Updated</b> Access to Information and Provision of Information to and Interaction Between Councillors and Staff	Program 1	CS/9
	<b>Updated</b> Procurement and Land and Asset Disposal Policy		CS/10
7 June 2011	<b>Updated</b> Access to Information Policy -	Program 1	CS/30
5 July 2011	<b>New</b> Sustainable Event Management Policy	Program 5	EP/87
2 August 2011	<b>Updated</b> Policy on Internal Reporting under the Public Interest Disclosures Act 1994	Program 1	CS/39
6 September 2011	<b>Updated</b> Privacy Management Plan	Program 1	CS/44
4 October 2011	<b>Reviewed</b> Payment of Expenses and Provision of Facilities to Mayor and Councillors	Program 1	CS/51
	<b>New</b> Payment of Expenses and Provision of Facilities to General Manager		CS/52
1 November 2011	<b>Updated</b> Fees for Personal Trainers Application	Program 2	CS/61
	<b>New</b> Commercial Use Licences for Council's Public Reserves		
7 February 2012	<b>Updated</b> Footpath Occupations – Outdoor Dining	Program 2	CS/3

Date	Detail	MOSPLAN Program	Report to Council / Memo date
6 March 2012	<b>Updated</b> Records and Information Management Policy	Program 2	CS/10
	<b>New</b> Marie Bashir Mosman Sports Centre and Drill Hall	Program 6	CS/11
	<b>New</b> Waste Minimisation Policy	Program 3	EP/10
3 April 2012	<b>New</b> Mosman Youth Development Centre - Policy and Procedures for Hire	Program 6	CD/13
	<b>Updated</b> Enterprise Risk Management Policy	Program 2	CS/16
	<b>Updated</b> Pricing Policy 2012/2013	Program 1	GM/12
17 April 2012	<b>New</b> Greywater Policy for Domestic Use	Program 5	EP/30
1 May 2012	<b>New</b> Internet, Email and Mobile Computing Policy. Replaces previous Email Policy	Program 2	CS/19
5 June 2012	<b>Updated</b> Tree Management - Updated Terminology	Program 5	EP/39
	<b>Updated</b> Mayor and Councillors, and General Manager - Policies on Payment of Expenses and Provision of Facilities	Program 1	CS/23
3 July 2012	<b>Updated</b> Commercial Filming and Photography	Program 6	CS/31
	<b>Updated</b> Fireworks and Ceremonial Fires		
	<b>Updated</b> Commercial Promotion on Council Land	Program 2	
	<b>Updated</b> Footpath Occupations – Outdoor Dining		
	<b>New</b> Miscellaneous Use of Ovals, Reserves and Public Open Space	Program 6	
	<b>New</b> Houseboats and Mosman Rowing Club – Access to Spit West Reserve		
	<b>Updated</b> Street Parties (including temporary road closures)	Program 11	
	<b>New</b> Compliance and Enforcement Policy	Program 4	EP/41
7 August 2012	<b>Updated</b> Mayor and Councillors, and General Manager - Policies on Payment of Expenses and Provision of Facilities	Program 1	CS/36
21 August 2012	<b>Updated</b> Privacy Management Plan	Program 1	GM approval 21 August 2012
	<b>Updated</b> Internal Reporting Policy and System (Public Interest Disclosures Act, 1994)		
19 March 2013	<b>Reviewed</b> Enterprise Risk Management - annual review; no changes made	Program 2	CS/19

Date	Detail	MOSPLAN Program	Report to Council / Memo date
9 April 2013	<b>Updated</b> Privacy Management Plan - Model	Program 1	CS/29
4 June 2013	<b>Adopted</b> Infrastructure Assets – Capitalisation, Revaluation & Disposal Policy to <b>Replace</b> Accounting Policies	Program 2	CS/43
	<b>Adopted</b> Roads Asset Management Plan	Program 2	EP/42
18 June 2013	<b>Updated</b> Financial Investment Policy	Program 2	CS/44
2 July 2013	<b>Updated</b> Foreshore Parking and Sticker Policy	Program 11	CS/49
8 October 2013	<b>Updated</b> Payment of Expenses and Provision of Facilities to Mayor and Councillors and Payment of Expenses and Provision of Facilities to General Manager	GR.06	CS/69
12 November 2013	<b>Updated</b> Conducting Charitable Collections, Sale of Raffle Tickets, Busking, Canvassing, Promotions and conducting Protests on Council Land	LE.06	CS/74
3 December 2013	<b>Updated</b> Amendment to contemporise and further accord with Action Plan for implementation of recommendation of Internal Audit report on records management.	GR.06	CS/75
	<b>Updated</b> Reviewed to consolidate guidelines and accord with Action Plan for implementation of recommendation of Internal Audit report on records management.		
	<b>Adopted</b> Swimming Pools Inspection Program	BE.04	EP/77
6 May 2014	<b>Superseded</b> Work Health and Safety Policy	Program 2	GM approval 6 May 2014
	<b>Updated</b> Financial Assistance Policy revised, amended and renamed to "Community Grants and Assistance Policy"	CW.04	CD/19
3 June 2014	<b>Updated</b> Public Interest Disclosures Policy	GR.06	CS/13
2 June 2015	<b>Adopted</b> Nature Strip Maintenance Policy	CS.01	EP/28
	<b>Superseded</b> Street Verge/Nature Strip Maintenance Policy		
	<b>Superseded</b> Trees - Planting by residents on Council Land		
	<b>Superseded</b> Nature Strips - Mowing by Council		
4 August 2015	<b>Updated</b> Enterprise Risk Management Policy	GR.01	GM/7
8 September 2015	<b>Updated</b> Payment of Expenses and Provision of Facilities to Mayor and Councillors	GR.06	CS/33
	<b>Updated</b> Payment of Expenses and Provision of Facilities to the General Manager		
6 October 2015	<b>Adopted</b> Management of Community Properties Policy	GR.06	CS/37
10 November 2015	<b>Adopted Art Gallery - Mosman Art Collection Policy</b>	AC.01 and AC.06	CD/25
	<b>Superseded</b> Art Gallery- Acquisitions Policy		
1 February 2016	<b>Updated</b> Model Code of Conduct	GR.06	CS/3

Date	Detail	MOSPLAN Program	Report to Council / Memo date
5 July 2016	<b>Adopted</b> Car Share Policy	HE.S5	EP/41
5 July 2016	<b>Updated</b> Delegations to the General Manager and Mayor	GR.06	CS/16
5 August 2016	<b>Adopted</b> Equal Employment Opportunity Management Plan 2014 - 2017	CS.01	GM approved on 5 August 2016
6 September 2016	<b>Updated</b> Payment of Expenses and Provision of Facilities to Mayor and Councillors and Payment of Expenses and Provision of Facilities to General Manager	GR.06	CS/27
6 September 2016	<b>Updated</b> Code of Meeting Practice	GR.05 and GR.06	CS/24
6 December 2016	<b>Adopted</b> Debt Recovery Management Policy	GR.06	CS/36
6 December 2016	<b>Adopted</b> Rates and Charges Hardship Management Policy	GR.06	CS/39
6 June 2017	<b>Updated</b> Street Address and Allotment Amendment Policy	GR.06	CS/18
6 June 2017	<b>Adopted</b> Road and Public Place Naming Policy	GR.06	CS/19
6 June 2017	<b>New</b> Related Party Disclosures Policy	GR.02	CS/17
5 December 2017	<b>Updated</b> Payment of Expenses and Provision of Facilities to Mayor and Councillors	GR.06	CS/44
	<b>Updated</b> Payment of Expenses and Provision of Facilities to General Manager		
6 February 2018	<b>Updated</b> Outdoor Dining and Goods on Footpath Policy	CS.01 - CS.04 and BE.01 and GR.06	CS/3
6 February 2018	<b>Updated</b> Complaints Management Policy (Customer Response Policy Rescinded)	LE.01 and GR.06	CS/9
6 March 2018	<b>Adopted</b> Social Media Policy	LE.05 and GR.02 and GR.06	CD/4
1 May 2018	<b>Adopted</b> Community Grants And Assistance Program	CW.04	CD/11
5 June 2018	<b>Superceded</b> Vertical Banners Policy and Community Street Banner at Mosman Junction	Strategic Direction 2 and Strategic Direction 4	CD/14
	<b>Adopted</b> Public Banner Policy		
28 June 2018	<b>Updated</b> Equal Employment Opportunity Management Plan 2018 - 2021	CS.01	GM approved on 28 June 2018
3 July 2018	<b>Adopted</b> Media Policy	Strategic Direction 4 and Strategic Direction 5	CD/16
3 July 2018	<b>Adopted</b> Financial Investment Policy	Strategic Direction 5	CS/24
7 August 2018	<b>Updated</b> Complaints Management Policy	Strategic Direction 5	CS/28
7 August 2018	<b>Reviewed</b> Delegations to the General Manager and Mayor	Strategic Direction 5	CS/29

4 September 2018	<b>Adopted</b> Community Engagement Policy	Strategic Direction 4 and Strategic Direction 5	CD/23
5 February 2019	<b>Updated</b> Car Share Policy	HE.S5	EP/66
4 June 2019	<b>Superceded</b> Marie Bashir Mosman Sports Centre Venue Hire Policy and Procedure and Application Form	Strategic Direction 5 - A Business-Friendly Community with Sound, Independent Civic Leadership and Strategic Direction 7 - A Healthy and Active Village Lifestyle.	CS/12
	<b>Updated</b> Marie Bashir Mosman Sports Centre Venue Hire Policy		
4 February 2020	<b>Updated</b> Management Of Community Properties Policy	Strategic Direction 2, Strategic Direction 3, Strategic Direction 5	CS/2
4 February 2020	<b>Updated</b> Records and Information Management Policy	Strategic Direction 4 and Strategic Direction 5	CS/5
7 July 2020	<b>Superceded</b> Lease And Sale Of Council Owned Land	Strategic Direction 3 and Strategic Direction 5	CS/16
	<b>Adopted</b> Road Reserves Sale, Leasing and Consent Policy		
4 August 2020	<b>Adopted</b> Child Safety Policy	Strategic Direction 1 and Strategic Direction 7	CD/10
4 April 2023	<b>Updated</b> Management of Smoking in Public Places Policy		CS/9
28 September 2023	<b>Superceded</b> Environmental Sustainability Policy	Program 5	

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<b>Title:</b>	COMPLAINTS MANAGEMENT POLICY
<b>MOSPLAN Reference:</b>	LE.01 and GR.06
<b>Date Adopted:</b>	12 August 1997 (PF/288)
<b>Date Reviewed:</b>	21 July 2009, 1 September 2009 (CS/52), 2 February 2010 (CS/3) 6 February 2018 (CS/9) 7 August 2018 (CS/28)

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### Policy Details:

To provide direction and a framework for defining and categorising complaints and the system for dealing with complaints submitted or referred to Mosman Council. The keystones of this policy are to categorise complaints and conduct an internal review of complaints where complainants are dissatisfied with the initial contact with Council that provides satisfactory alternative means of redress for complainants.

This serves to ensure that the complaint is dealt with fairly and impartially and to strive to resolve disputes between the Council and complainants without the need for the complainant to make representations directly to external agencies such as the NSW Ombudsman, the Office of Local Government or the Independent Commission Against Corruption (ICAC). Referral to an external agency is viewed as an action of last resort.

People complain because they are unhappy with a decision, the level of service they have received, or the behaviour of councillors or staff. The feedback collected, properly reported, may itself be a catalyst for change and continuous improvement.

Nothing in this policy overrides the General Manager's obligation to report under Section 11 of the Independent Commission Against Corruption Act 1988.

This policy incorporates the essential features of an effective complaints management system as described in Practice Note No. 9 – Complaints Management in Councils, released by the Office of Local Government and NSW Ombudsman in July 2009. This policy should be read in conjunction with Practice Note No. 9 and other relevant policies and corporate practices of Council such as the Code of Conduct, Protected Disclosures Policy and Customer Response Corporate Practice.

<b>Reference(s):</b>	Refer ECM Fixed Reference No. 2027090 "Complaints Management Policy" and ECM Fixed Reference No. 3090288 "Complaints Handling Policy Summary Brochure"
<b>Responsible Department(s):</b>	Corporate Services

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<b>Title:</b>	PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS
<b>MOSPLAN Reference:</b>	GR.06
<b>Date Adopted:</b>	8 February, 1994 (PR/02)
<b>Date Reviewed:</b>	12 July 1994 (F/123), 20 October 1994 (F/224), 6 December 1994 PF/267), 8 August 1995 (PF/241), 14 November 1995 (PF/338), 24 September 1996 (PF/282), 3 February 1998 (PF/8), 2 June 1998 (PF/140), 2 May 2000 (PF/93), 13 May 2003 (PF/84), 7 February 2005 – amended (CS/4), 5 September 2005 – amended (CS/82), 11 November 2006 – amended (CS/ 86), 6 February 2007 – amended (CS/5), 6 May 2008 - amended (CS/19), 3 November 2009 - amended (CS/67), 5 October 2010 - amended (CS/54), 4 October 2011 - reviewed (CS/51), 8 October 2013 – reviewed and updated (CS/69), 8 September 2015- reviewed and updated (CS/33), 6 September 2016 (CS/27) 5 December 2017 (CS/44)

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### Policy Details:

That Council will pay expenses and provide facilities to the Mayor and Councillors in accordance with Council's adopted criteria.

<b>Reference(s):</b>	Refer ECM Document Set ID 3412962 "Payment of Expenses and Provision of Facilities to Mayor and Councillors".
<b>Responsible Department(s):</b>	Corporate Services (Manager Governance)

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**Title:** PUBLIC INTEREST DISCLOSURES POLICY  
**MOSPLAN Reference:** GR.06  
**Date Adopted:** 28 March 1995 (PF/87)  
**Date Reviewed:** 17 September 1996 (PF/270), 6 June 2005 (CS/50)  
7 September 2010 (CS/46), 21 August 2012 (Memo DW 3073724), 3 June 2014 (CS/13)

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**Policy Details:**

Refer to “Public Interest Disclosures Policy” document.

**Reference(s):** Refer ECM Fixed Ref No.: 3295204 “Public Interest Disclosures Policy”  
**Responsible Department(s):** Governance

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**Title:** PROTOCOL FOR INTERACTION BETWEEN COUNCILLORS AND STAFF

**MOSPLAN Reference:** Programs 1&2 (01.02.07 & 02.05.08)

**Date Adopted:** 13 May 1997 (CC/01)

**Date Reviewed:** 1 March 2011 (CS/9)

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**Policy Details:**

Refer "Protocol for interaction between Councillors and Staff – Annexure to the Model Code of Conduct".

**Reference(s):** Refer Dataworks Document No. 3090651 "Protocol for interaction between Councillors and Staff".

**Responsible Department(s):** General Manager

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**Title:** FLAGS  
**MOSPLAN Reference:** 01.01.02  
**Date Adopted:** 5 September 2000 (PF/187) & 6 February 2001 (PF/14)  
**Date Reviewed:**

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### Policy Details:

#### Australian Flag

That this Council totally disassociate itself from any movement to change the design of the Australian flag.

That Mosman Council not permit the use on buildings and in places owned or controlled or managed by the Council of any flag which is or may be proposed to replace the officially recognised Australian flag. (5/2/91 -Minute 39).

#### Protocol for the Flying of Flags

That flags be flown in public areas in accordance with Council's adopted protocol. (6/2/01 – PF/14)

**Reference(s):** Refer Dataworks Document No 750557 – Protocol Guidelines for the Flying of Flags  
**Responsible Department(s):** Corporate Services



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<b>Title:</b>	PROCUREMENT AND LAND AND ASSET DISPOSAL
<b>MOSPLAN Reference:</b>	Program 1 01.03.05
<b>Date Adopted:</b>	7 March 2005 (CS/15)
<b>Date Reviewed:</b>	1 March 2011 (CS/10)

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### Policy Details:

#### INTRODUCTION

In pursuing its business activities Mosman Council (Council) undertakes the procurement of a variety of works, goods, services and consultancies. Council has adopted the following key principles underpinning its procurement:

- Price (value for money - which includes whole of life costs)
- Innovation
- Quality
- Technical merit and innovation
- Contractual and technical compliance
- The capacity of the supplier (financial, managerial and technical)
- The supplier's past performance record (in relation to timeliness, reliability, quality, safety ethical behaviour and environmental aspects)
- Safety and environmental benefits
- Fit for purpose
- Government and Mosman Council objectives
- Social impacts
- Risks (safety and business)
- Value adding components such as meeting Council's economic, social development and environmental sustainability policy objectives. To achieve this it endorses and incorporates the SHOROC Sustainable Procurement Policy.

In procuring these works, goods & services, Council will:

- comply with its legal obligations,
  - comply with the Local Government Act 1993, Local Government (General) Regulations and NSW Division of Local Government Tendering Guidelines,
  - have in place a robust framework, guidelines and work instructions that provide a consistent approach to procurement across Council ,
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- undertake its procurement in an ethical manner and ensure the observance of probity throughout the procurement processes,
- provide equal opportunity for suppliers to contract with Council in the provision of works, goods and services,
- identify and manage risk throughout the procurement process, and
- ensure Council and its suppliers comply with the obligations of the contracts that it enters into.

### PROCUREMENT PRINCIPLES

In undertaking its business, Council expects that a high standard of probity, ethics and integrity is applied and evidenced by all parties to a procurement process.

The ICAC has identified the following five principles to enhance the probity of procurement, contracting and similar processes:

- Obtaining best value for public money.
- Ensuring impartiality and fairness.
- Dealing effectively with conflicts of interest.
- Accountability and transparency.
- Confidentiality.

### PROCUREMENT PROCESS

#### Approval to Initiate Procurement Project

Mosman Council may procure works, goods and services through a variety of means depending on the anticipated value, risk and complexity of the item to be procured.

- For Goods, Services, Consultancies, Major and Minor works - prior to commencing a procurement project where the project value is greater than \$150k (including GST) General Manager's approval must be obtained.
- For Information & Technology (IT) procurements of any value, approval must be obtained from the Manager IT Services prior to commencing a procurement process.
- For Legal Services of any value approval must be obtained from the relevant Director prior to commencing any procurement process.

**Panel Contracts** are established through a tendering process and must be used where they are available and are consistent with the requirements. Panel Contracts may be established by Mosman Council or **Prescribed Organisations** for procuring works, goods & services where an ongoing demand has been identified. Prescribed Organisations under s55 of the Local Government Act are State Contracts Control Board (SCCB); Federal Department of Administrative Services; Local Government Procurement Partnership; and Procurement Australia (formerly MAPS).

**Procurement for a value less than \$5,000** – Providing the pricing is competitive, a supplier may be selected and direct procurement may occur where expenditure on a good, service or

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material will not exceed \$5,000 in a twelve month period or where such goods, services or materials may be obtained under NSW State Government contract, a panel contract or long term supply contract. A minimum of three (3) quotations may be obtained verbally and preferably proposed in writing. Records of instructions and quotations received must be recorded in Dataworks under the relevant subject index.

**Procurement for a value greater than \$5,001 and less than \$25,000** - Direct procurement of goods, equipment, works and services under \$25,000 (single order value or value in a 12 month period) and which is not available through NSW State Government contract, panel contract or a long term supply contract may be purchased to the best advantage by obtaining a minimum of three (3) quotes instructed in writing and proposed in writing by suppliers. Order/bid splitting to avoid a tendering process for procurements in excess of \$150,000 will not be permitted and is a breach of Council Policy and the ICAC guidelines.

The selected offer and the process are to be fully documented including maintaining copies of all instructions and quotes in Dataworks under the relevant subject index.

**Procurement for a value greater than \$25,001 and less than \$50,000** - A minimum of three (3) known suppliers must be invited to quote. The instruction to quote must be in the form of a specification as if a tender was to be invited and the response from the supplier must be in writing and include all details requested in the instruction/specification. The selected offer for goods, equipment, works and services is to be documented in writing and records kept in Dataworks under the relevant subject index of all instructions and quotes.

The General Manager may determine that it is in the public interest to invite public tenders if the nature of the work or service is such that the quotation system does not adequately cover Council's risks.

**Procurement for a value greater than \$50,001 and less than \$150,000** - A minimum of five (5) known suppliers (where possible) must be invited to quote. The instruction to quote must be in the form of a specification as if a tender was to be invited and the response from the supplier must be in writing and include all details requested in the instruction/specification. The selected offer for goods, equipment, works and services is to be documented in writing and records kept of all instructions and quotes. The General Manager may determine that it is in the public interest to invite public tenders if the nature of the work or service is such that the quotation system does not adequately cover Council's risks.

Note: The General Manager has delegated authority to amend the number of quotations required. There may be instances when there are insufficient suppliers in the market place to require the minimum 3 or 5 quotations, whilst there may be times when goods, materials or services are available in a highly competitive market and it is in the best interest to obtain a greater number of quotations.

**Procurement for a value exceeding \$150,000** - if not available under a Period/Panel Contract, a formal tendering process is to be used for the calling, evaluation and acceptance of tenders.

Tenders or Expressions of Interest are to be publicly tendered in accordance with:

- i) Local Government Act 1993
- ii) Local Government (General) Regulation 2005

## POLICY REGISTER

### iii) Council's Policies and Procedures

**Expressions of Interest** – may be called to clarify what goods or services are available in the market or to short list suitable service providers and may lead to a tender process. A contract cannot be awarded directly from an expression of interest process.

**Direct Negotiations** – with a single proponent, should be avoided and may only be used in exceptional circumstances – where tenders are rejected and council resolution is obtained to enter into direct negotiations with a party. The Director must be consulted prior to commencing any direct negotiation process.

**Alternative Procurement** - For procurements that cannot be achieved through adherence to the Procurement Policy, prior approval must be obtained:

- Where the total cost is less than \$150,000 the General Manager can approve the Alternative Procurement process.
- In the case of Procurement over \$150,000 a submission for Alternative Procurement must be made to Council.

### THRESHOLDS

The thresholds for Procurement at Mosman Council are summarised in the table below.

Threshold values in this Policy include GST in calculating the project value. It must be noted that common sense should be applied in determining associated risks and the most appropriate strategy. Low dollar value does not always equate to low risk and there will be occasions where a more formal process is required for projects with a value of less than that noted in the thresholds.

If there are any doubts contact the Manager Governance.

eTendering web site is to be used for all quotations issued to suppliers over \$25,000.

Value (incl GST)	Minimum Requirements	Manager Governance to Review Documents	Use of eTendering web site	Evaluation Panel
<b>Under \$5,000</b>	Minimum of 3 quotations preferably in writing but fully documented	Optional	Optional	1 person
<b>\$5,001 - \$25,000</b>	Minimum 3 written quotations  RFQ Documentation and Tender Box required	Optional	Optional  At Directors discretion	Minimum 2 persons
<b>\$25,001 -</b>	Minimum 3 written	Optional	Mandatory	Minimum 2 persons

## POLICY REGISTER

<b>\$50,000</b>	quotations  RFQ Documentation and Tender Box required			
<b>\$50,001 - \$150,000</b>	Minimum 5 written quotations  #RFQ Documentation and Tender Box required	Optional	Mandatory	Minimum 2 persons
<b>Over \$150,000</b>	Open or Selective Public Tender (requirements of Local Government Act)	Mandatory	Mandatory	Min 3 persons – 1 independent

# RFQ = Request for Quotation.

Council cannot avoid the requirement to invite tenders under Section 55 of the Act by breaking the contract matter into separate contracts each with a value less than \$150,000.

Order splitting to avoid a tendering process for procurements in excess of \$150,000 is a breach of the Act, Council Policy and the ICAC guidelines.

Exceptions to the requirement to tender under Section 55 include: acquisition and sale of land, supply of banking services and agreements with other Local Councils.

**Alternative Procurement** - For procurements that cannot be achieved through adherence to the Procurement Policy, prior approval must be obtained from the General Manager.

- Where the total cost is less than \$150,000 the General Manager can approve the alternative procurement process.
- In the case of Procurement over \$150,000 a submission for Alternative Procurement must be made to Council.

The application to the General Manager for approval to proceed with an alternative procurement process must include the reasons for not seeking multiple quotations. Bad planning is not sufficient reason to seek approval.

### CONTRACT AWARD

All procurement projects are subject to approval by persons holding the appropriate delegated authority as set out in Council Financial Delegations:

Procurement Value	Approval
<b>Under \$150,000</b>	Person with appropriate financial delegation.

## POLICY REGISTER

**\$ 150,001 and over – Outcome of tender process**

Council approval. Council submission – based on evaluation report. Report recommendation to be signed off by relevant Director.

### DISCLOSURE

All contracts awarded with a value exceeding \$150,000 will be disclosed on the [Mosman Council Tenders Internet Site](#), as prescribed under the GIPA Act.

GIPA forms are available on HotDocs and are to be completed and forwarded to the Manager Governance within 5 working days of the contract being awarded.

This requirement includes RFQ's issued under a panel contract where the total value exceeds \$150,000.

### CONTRACT PERFORMANCE

The Responsible Officer must monitor the contract to ensure that the contract is executed in an appropriate manner in accordance with the procurement process. This will ensure that the required performance, quality, safety and financial outcomes are achieved.

Key Responsibilities include:

- A report on the performance of the supplier under the contract must be performed as a minimum each quarter.
- Price Variations
- Contract Variations
- Exercising contract extensions
- Contract Termination
- Contract Renewal

### DISPOSAL OF LAND AND ASSETS

Disposal of redundant and surplus goods is to be undertaken in accordance with the Disposal section of the Procurement Manual referenced at Section 17.

### PRINCIPLES

Whilst the same principles and standards that apply to the procurement process equally apply to the process of selling or disposing of land or assets, the following have specific application to the sale or disposal of land and assets:-

- Consistency with Council's Strategic Plan (MOSPLAN)

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## POLICY REGISTER

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- Consideration of community access to an appropriate range of facilities and services within Mosman, delivered through the physical assets.
- Recognition of the value of areas of native vegetation to biodiversity in Mosman and the need for area to be available for this purpose
- Transparency and accountability in sale and disposal practices and procedures.
- Thorough community consultation on proposed sale or disposal of significant and important assets
- The equitable distribution of and access to quality physical assets within Mosman.
- Recognition of opportunities to enhance local economic development and growth.
- The benefits of quality physical asset management including better service delivery, optimising the utilisation of assets, higher return on investments and creating opportunities to facilitate new facilities and services.
- Compliance with all statutory obligations.
- Commercial confidentiality
- Consideration of ecological impact
- Equitable, efficient and effective practices and decisions

<b>Reference(s):</b>	Refer Dataworks Document No. 2596962 "Procurement Manual"
<b>Responsible Department(s):</b>	Corporate Services General Manager

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## POLICY REGISTER

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**Title:** CERTIFICATE PROCESSING  
**MOSPLAN Reference:** 01.03, 02.02, 02.04, 03.01 & 04.02  
**Date Adopted:** 27 November 2007 CS/73  
**Date Reviewed:**

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### Policy Details:

Council will at all times endeavour to process certificates to comply with Legislative requirements and in accordance with delegations and procedures identified in respective policies and the flow charts as attached.

Due care will be taken at all times to ensure that all certificates are professionally, timely and accurately processed.

**Reference(s):** Processing Section 149 Certificates Flow Chart DW 1677963  
Processing Section 603 Certificates Flow Chart DW 1677964  
**Responsible Department(s):** Corporate Services



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## POLICY REGISTER

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**Title:** APPLICATIONS PROCESSING  
**MOSPLAN Reference:** 01.03, 02.02, 02.04, 03.01 & 04.02  
**Date Adopted:** 27 November 2007 CS/74  
**Date Reviewed:**

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### Policy Details:

Council will at all times endeavour to process applications to comply with Legislative requirements and in accordance with delegations and procedures identified in respective policies and the flow charts as attached.

Due care will be taken at all times to ensure that all applications are professionally, timely and accurately processed.

**Reference(s):** Flow charts for applications processing:  
Development Applications  
Bookings Applications  
**Responsible Department(s):** Corporate Services

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## POLICY REGISTER

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**Title:** COMMUNITY ENGAGEMENT STRATEGY  
**MOSPLAN Reference:** 01.04.03  
**Date Adopted:** 7 April 2009 (CD/6)  
**Date Reviewed:** 5 May 2010 (CD/6)

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### Policy Details:

The Community Engagement Strategy be adopted for inclusion in the Policy register, be forwarded to the Department of Local Government and the Local Government & Shires Association and be reviewed every two years.

Membership be called for the four consultative groups – Access, Art Gallery, Community Safety and for the vacant positions on the Sustainability Group.

Council nominate two Councillors to join the Access Group, one as Chair and one as Deputy Chair.

Council nominate two Councillors to join the Art Gallery Group, one as Chair and one as Deputy Chair.

Council nominate two Councillors to join the Community Safety Group, one as Chair and one as Deputy Chair.

Council nominate four Councillors to join the Sustainability Group noting that the Chair and Deputy Chair are drawn from the non-elected members.

**Reference(s):** 2355877  
**Responsible Department(s):** Community Development

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## POLICY REGISTER

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**Title:** ACCESS TO INFORMATION  
**MOSPLAN Reference:** Program 1 - 01.03.01  
**Date Adopted:** 3 November 2009 (CS/70)  
**Date Reviewed:** 5 October 2010 (CS/55), 1 March 2011 (CS/9), 7 June 2011 (CS/30), 3 December 2013 (CS/75)

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**Policy Details:**

For policy details refer to Council's Access to Information Policy document in Dataworks.

**Reference(s):** Refer Dataworks Document No. 3522144 "Access to Information Policy"  
**Responsible Department(s):** Corporate Services

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## POLICY REGISTER

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<b>Title:</b>	PREVENTION OF FRAUD AND CORRUPT CONDUCT
<b>MOSPLAN Reference:</b>	Program 1
<b>Date Adopted:</b>	7 September 2010 (CS/45)
<b>Date Reviewed:</b>	N/A

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### Background

Mosman Council is committed to good governance and ethical behaviours as a key ingredient to responsible, transparent, effective and accountable local government.

The purpose of this policy is to demonstrate that it does not tolerate dishonest or fraudulent behaviour and is committed to deterring and preventing such behaviour.

The community has an expectation that Council employees acknowledge and fulfil their responsibility to protect public money and property.

Fraud and corrupt conduct are ongoing and pervasive risks faced by all organisations. Because fraud and corrupt conduct are more likely to flourish in an environment of ignorance and neglect, fraud and corruption control must be an ongoing activity.

An ethical environment, free from fraud and corruption, should produce:

- Enhanced moral;
- Respect for all
- Job Satisfaction;
- Employment security;
- Reduced stress;
- Improved efficiency;
- Ability to meet commitments; and
- Improved service levels.

Fraud and corruption control are key components of good governance.

### Objective

Council is committed to protecting its revenue, expenditure and property from any attempt (either by the public, contractors, or its own employees) to gain by deceit, financial or other benefits.

### Policy Statement

This policy is designed to protect public funds and assets, the integrity, security and reputation of the Council and its employees, and maintain a high level of services to the community.

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## POLICY REGISTER

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Council will meet this commitment by:

- Implementing a Fraud and Corruption Prevention Strategy for each area of Council.
- Maintaining an effective system of internal controls and compliance with those controls aimed at preventing and detecting fraud and corruption.
- Regularly undertaking fraud risk assessments to identify opportunities for fraud, and implementing prevention and minimization procedures in day to day operations. This process will assist managers, who are ultimately responsible for the prevention and detection of fraud.
- Establishing standards and formal procedures for the investigation of allegations of dishonest and/or fraudulent behaviour.
- When allegations are proven to be true, reporting outcome of preliminary inquiry to the General Manager for disciplinary action and/or for referral to external authorities as appropriate.
- Reacting appropriately to situations where fraud allegations are proven to be true. This may be through reporting to relevant authorities and/or disciplinary action under the Code of Conduct.
- Ensuring all Council employees are aware of their obligations in combating dishonest and fraudulent behaviour by facilitating and electronically directing all staff to the Code of Conduct and providing appropriate training and information sessions on a regular basis.
- Cultivating and maintaining an environment in which dishonest and fraudulent behaviour is actively discouraged.
- Fostering an environment in which fraudulent activity is discouraged by encouraging staff and Councillors to report suspected fraud and corruption either against Council or within Council.
- Providing public awareness of Council's commitment to fraud and corruption prevention, and encourage public reporting of suspected fraud and corruption by Council officials or against Council.

To support this policy, Council has adopted a Protected Disclosures Internal Reporting System and has appointed Protected Disclosure Officers throughout all its operational areas. In addition Council has also implemented an Audit Committee which includes three external representatives one of whom must be the Chairman.

### Reporting Breaches

It is the responsibility of each member of staff, all volunteers and contractors to comply with the provisions outlined in this policy. Failure to comply with the provisions set out in this policy will constitute a breach of the Council's Code of Conduct and may be considered misconduct and result in disciplinary and/or legal action.

Staff have an obligation to report any suspected fraud or corrupt conduct to any of the Protected Disclosure Officers or the General Manager or to the ICAC. The General Manager has an obligation, under Section 11 of the ICAC Act, to report those matters to ICAC.

Council also encourages members of the public to report possible fraud or corruption direct to the General Manager, Mayor or Protected Disclosure Officers or directly to ICAC.

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## POLICY REGISTER

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### Review

This policy should be reviewed every two years to ensure compliance with current standards and community expectations.

### Related Policies and Legislation

#### Policies:

- Code of Conduct
- Statement of Business Ethics
- Complaints Management Policy
- Disciplinary Procedure Policy
- Internet and Email Policy
- Staff Use of Mobile Phones Policy
- Protected Disclosures- Internal Reporting System
- Credit card Policy

#### Legislation

- Local Government Act 1993 (NSW) (Act)
- Local Government (General) Regulations 2005
- Environmental Planning and Assessment Act 1979
- Independent Commission against Corruption Act 1988 (NSW)
- Protected Disclosures Act 1994 (NSW)

# POLICY REGISTER

COUNCIL FRAUD AND CORRUPTION RESPONSIBILITY STRUCTURE				
General Manager	<ul style="list-style-type: none"> <li>▪ Culture</li> <li>▪ Policy and Strategy</li> <li>▪ Business Risk</li> <li>▪ Corporate Governance</li> <li>▪ Compliance (legislative, regulatory, community)</li> <li>▪ Stakeholder value</li> <li>▪ Image</li> </ul>			
	Directors	<ul style="list-style-type: none"> <li>▪ Lead by Example</li> <li>▪ Develop and implement fraud and corruption prevention strategies for Directorate</li> <li>▪ Identify and mitigate actual and potential corruption risks in the workplace</li> <li>▪ Monitor and review the effectiveness of mechanisms implemented to minimise and detect corruption</li> <li>▪ Demonstrate ethical conduct in all business dealings</li> <li>▪ Promote awareness of fraud and corruption prevention and ethical conduct in the workplace</li> </ul>		
		Supervisors, Team Leaders and Coordinators	<ul style="list-style-type: none"> <li>▪ Promote awareness of ethical conduct and mechanisms to prevent corruption</li> <li>▪ Provide input to policies, procedures and instructions that relate to areas of risk</li> <li>▪ Drive the Fraud and Corruption Prevention Strategy</li> <li>▪ Provide ethical advice and support to staff</li> <li>▪ Monitor integrity of Fraud and Corruption Prevention Strategy</li> </ul>	
			Employees	<ul style="list-style-type: none"> <li>▪ Ethical behaviours</li> <li>▪ Report suspected incidents of fraud and corruption</li> <li>▪ Compliance with fraud and corruption prevention controls including the Fraud and Corruption Prevention Policy</li> </ul>

**Reference:** See Prevention of Fraud and Corrupt Conduct Plan (DW).

**Responsible Department:** Corporate Services

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## POLICY REGISTER

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**Title:** AUDIT - INTERNAL  
**MOSPLAN Reference:** Program 1  
**Date Adopted:** 6 April 2010 (CS/16)  
**Date Reviewed:** 2 November 2010 (CS/65 - Audit Committee Charter)

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**Policy Details:**

Council has 3 policy documents supporting its internal audit function. They are:

- Internal Audit Operating Protocol
- Audit Charter
- Audit Committee Charter

**Reference(s):** Refer Dataworks Document No.s:

- Internal Audit Operating Protocol - 3093889
- Audit Charter - 2334259
- Audit Committee Charter - 2496064

**Responsible Department(s):** Corporate Services



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## POLICY REGISTER

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<b>Title:</b>	PRIVACY MANAGEMENT PLAN
<b>MOSPLAN Reference:</b>	Program 1
<b>Date Adopted:</b>	29 August 2000
<b>Date Reviewed:</b>	6 June 2005, 6 September 2011 (CS/44), 20 August 2012 (Memo DW 3073722), 9 April 2013 (CS/29)

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### Policy Statement:

Mosman Municipal Council [Council] collects and holds personal and health information for the purposes of facilitating its business. It is important that the use of this information is confined to the purposes for which it is acquired. Council is committed to protecting the privacy of our customers, officials, employees, volunteers and contractors.

The *Privacy and Personal Information Protection Act 1998* [PPIPA] provides for the protection of personal information and for the protection of the privacy of individuals. The PPIPA requires all public sector agencies to prepare, implement and review their Privacy Management Plan. This plan outlines how Council complies with the legislative requirements of the PPIPA, the *Health Records and Information Privacy Act 2002* [HRIPA] and the Privacy Code of Practice for Local Government [Code].

### Policy Objective:

This Plan has been prepared with regard to section 33 of the PPIPA and the Code to show how Council deals with personal information and health information it collects to ensure that it complies with the PPIPA and the HRIPA. It details how Council manages the personal and health information it collects, stores, accesses, uses and discloses in the course of its business activities.

<b>Reference(s):</b>	Privacy Management Plan in DW 3280456
<b>Responsible Department(s):</b>	Environment and Planning, Corporate Services and Community Development

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## POLICY REGISTER

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**Title:** PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO GENERAL MANAGER

**MOSPLAN Reference:** GR.06

**Date Adopted:** 4 October 2011 (CS/52)

**Date Reviewed:** 7 August 2012 (CS/36), 8 October 2013 (CS/69), 8 September 2015 (CS/33)  
6 September 2016 (CS/27)  
5 December 2017 (CS/44)

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**Policy Details:**

That Council will pay expenses and provide facilities to the General Manager in accordance with Council's adopted criteria.

**Reference(s):** Refer ECM Document Set ID 3412968: "Policy - Payment of Expenses and Provision of Facilities to General Manager".

**Responsible Department(s):** Corporate Services  
(Manager Governance)

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## **POLICY REGISTER**

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**Title:** RELATED PARTY DISCLOSURES POLICY  
**MOSPLAN Reference:** GR.02  
**Date Adopted:** 6 June 2017 (CS/17)  
**Date Reviewed:**

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**Policy Details:**



# **RELATED PARTY DISCLOSURES POLICY**

Public Document

Version: 1.0 / ECM: Fixed Reference No.: 5696130

Adopted by: Council on 6 June 2017

Ownership: GR.02

# POLICY REGISTER

## Purpose

To provide guidelines to ensure all relevant key management personnel (councillors and executive staff) comply with the requirements of the Australian Accounting Standards Board's accounting standard AASB 124.

## Objectives

To ensure that the existence of certain related party relationships and related party transactions concerning key management personnel, their close family members and entities controlled or jointly controlled by any of them, and information about the transactions, necessary for users to understand the potential effects on the financial statements are properly identified, recorded in Council's systems, and disclosed in Council's general purpose financial statements in compliance with the AASB 124.

This policy is to be applied in:

1. identifying related party relationships; related party transactions, and ordinary citizen transactions concerning key management personnel, their close family members and entities controlled or jointly controlled by any of them; and
2. identifying information about the related party transactions for disclosure;
3. establishing systems to capture and record the related party transactions and information about those transactions;
4. identifying the circumstances in which disclosure of the items in 1 and 2 above are required;
5. determining the disclosures to be made about those items in the general purpose financial statements for the purpose of complying with the AASB 124.

## Scope

The Policy applies to the Mayor, Councillors, the General Manager and Executive Staff and Chief Financial Officer.

## Definitions

<b>arm's length terms</b>	(a) neither party bearing the other any special duty or obligation; and (b) the parties being unrelated and uninfluenced by the other; and (c) each party having acted in its own interest
<b>associate</b>	In relation to an entity (the first entity), an entity over which the first entity has significant influence.
<b>close family members</b>	In relation to a key management person, family members who may be expected to influence, or be influenced by that key management person in their dealings with Council and include: (a) that person's children and spouse or domestic partner; (b) children of that person's spouse or domestic partner; and

## POLICY REGISTER

	(c) parents and siblings.
<b>Control</b>	Control of an entity is present when there is: (a) power over the entity; and (b) exposure or rights to variable returns from involvement with the entity; and (c) the ability to use power over the entity to affect the amount of returns received, as determined in accordance with AASB 10 <i>Consolidated Financial Statements</i>
<b>joint control</b>	The contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.
<b>joint venture</b>	An arrangement of which 2 or more parties have joint control and have right to the net assets of the arrangement.
<b>joint venturer</b>	A party to a joint venture that has joint control of that joint venture.
<b>key management personnel or key management person or KMP</b>	Person(s) having authority and responsibility for planning, directing and controlling the activities of Council. Specifically, key management personnel of Council are: (a) the mayor; (b) councillors; (c) the general manager; and (d) the directors of each department.
<b>related party</b>	A person or entity that is related to Council pursuant to the definition contained in the AASB 124, paragraph 9. Examples of related parties of Council are: (a) Council subsidiaries; (b) key management personnel; (c) close family members of key management personnel; (d) entities that are controlled or jointly controlled by key management personnel or their close family members.
<b>related party transaction</b>	A transfer of resources, services or obligations between the Council and a related party, regardless of whether a price is charged. <i>Examples of related party transactions are:</i> (a) purchases or sales of goods; (b) purchases or sales of property and other assets; (c) rendering or receiving of services; (d) rendering or receiving of goods; (e) leases; (f) transfers under licence agreements; (g) transfers under finance arrangements (example, loans);
<b>related party transactions notification or RPT Notification</b>	A document entitled <i>Related Party Transactions Notification provided by Key Management Personnel</i> in the form set out in Attachment A.
<b>significant influence</b>	The power to participate in the financial and operating policy decisions of another entity but is not control or joint control of

## POLICY REGISTER

	those policies, as determined in accordance with Australian Accounting Standard <i>AASB 128 Investments in Associates and Joint Ventures</i> , paragraphs 3, 5 and 6.
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### AASB 124 Disclosures

For annual periods beginning on or after 1 July 2016, Council will disclose in its general purpose financial statements the information specified for related party transactions with, amongst others, the following persons during the periods covered by the financial statement:

- Council's key management personnel;
- other related parties, comprising:
  - (i) a close family member of a key management person of Council;
  - (ii) entities controlled or jointly controlled by a key management person of Council;
  - (iii) entities controlled or jointly controlled by a close family member of a key management person of Council,

### AASB 124 Disclosed Information

For each category of related party transactions Council will disclose the following information in Council's general purpose financial statements:

- the nature of the related party relationship;
- the amount of the transactions;
- the amount of outstanding balances, including commitments, and:
  - (i) their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in settlement; and
  - (ii) details of any guarantees given or received;
- provisions for doubtful debts related to the amount of outstanding balances; and
- the expense recognised during the period in respect of bad or doubtful debts due from related parties.

### AASB 124 in Aggregate or Separate

For each related party category, Council will disclose information for related party transactions of a similar nature in aggregate except when separate disclosure is necessary for an understanding of the effects of related party transactions on the financial statements of Council, having regard to the following criteria:

- the nature of the related party relationship;
- the significance of the transaction (individually or collectively) in terms of size or value (including where the materiality arises due to the fact that no consideration for the transaction is given or received by Council);
- whether the transaction is carried out on non-arm's length terms;
- whether the nature of the transaction is outside normal day-to-day business operations.

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## POLICY REGISTER

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As a general rule Council will utilise \$10,000 as the threshold of materiality.

### Identifying Related Party Transactions with KMPs and their Close Family Members

#### **RPT Notifications**

Key Management Personnel (*KMP*) must provide a Related Party Transactions Notification (RPT Notification), in the form set out in Attachment A, notifying any existing or potential related party transactions between Council and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members, to the General Manager by no later than the following periods during a financial year (specified notification period):

- 30 days after the commencement of the application of this policy;
- 30 days after a KMP commences their term or employment with Council;
- 30 June

#### ***RPT Notification Form***

At least 30 days before the 30 June notification period, the Director of Corporate Services will provide KMPs with a RPT Notification form.

#### ***Additional RPT Notifications***

Also, during a financial year, if a KMP knows of:

- any new or potential related party transaction that is required or likely to be required to be disclosed in Council's financial statements; or
- any change to a previously notified related party transaction (including a change to a related party relationship),

the KMP must provide additional RPT Notifications notifying of the new or potential related party transactions or changes, by no later than 30 days after the KMP knows of the transaction or change.

#### **Suspected Related Party Transaction**

If a KMP suspects that a transaction may constitute a related party transaction, the KMP should provide a RPT Notification to the General Manager for consideration and determination

#### **Exclusions**

The notification requirements in this section do not apply to:

- related party transactions that are ordinary citizen transactions not assessed as being material
- reimbursement of approved expenditures

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## POLICY REGISTER

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### Other Sources of Information

To ensure all related party transactions are captured and recorded, the Chief Financial Officer may review other sources of information held by Council including, without limitation:

- a register of interests of a KMP and of persons related to the KMP;
- minutes of Council and Committee meetings.

### Manual Investigation and Recording of Information

For notified related party transactions that are not captured by Council's computerised business systems, the Chief Financial Officer will manually review the transactional documentation and record the information in the register of related party transactions.

### Ordinary Citizen Transactions

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#### Non-material in Nature

A KMP is not required to notify in a RPT Notification and Council will not disclose in its financial statements, related party transactions that are ordinary citizen transactions assessed to be not material in nature.

#### Material in Nature

A KMP is required to notify in a RPT Notification, and Council will disclose in its financial statements in accordance with related party transactions that are ordinary citizen transactions assessed to be material in nature.

#### Materiality Assessment

The Chief Financial Officer will review and assess the materiality of related party transactions that are ordinary citizen transactions to determine whether the disclosure of such transactions are necessary for an understanding of the effects of the related party transactions on the financial statements.

As a general rule Council will utilise \$10,000 as the threshold of materiality.

### Register of Related Party Transactions

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#### Maintain a Register

The Chief Financial Officer must maintain and keep up to date a register of related party transactions (including ordinary citizen transaction assessed as being material in nature) during a financial year.

#### Contents of Register

The contents of the register of related party transactions must detail for each related party transaction:

- the description of the related party transaction;
  - the name of the related party;
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## POLICY REGISTER

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- the nature of the related party's relationship with Council;
- whether the notified related party transaction is existing or potential;
- a description of the transactional documents the subject of the related party transaction;

### Review

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This policy will be reviewed every four years unless otherwise directed by the Executive Team.

### Contact

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Enquiries should be directed to the Chief Financial Officer on 9978 4011.

### Amendments

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Date	Amendment	Reference

# POLICY REGISTER

## Attachment A

### Mosman Council Related Party Transactions Notification by Key Management Personnel

Name of Key Management Person:.....

Position of Key Management Person:.....

Details of each related party transaction with Council by me, or a close member of my family, or an entity related to me or a close member of my family:

1. Has previously entered into and which will continue in the 2016/17 financial year, or
2. Has entered into, or is likely to enter into, in the 2016/17 financial year.

<u>Description of Related Party Transaction</u>	<u>Is transaction existing/potential</u>	<u>Related Party's Name (Individual's or Entity's name)</u>	<u>Details of Relationship</u>	<u>Description of Transaction Documents or Changes to the Related Party Relationship</u>

## Notification

I hereby notify and declare that, to the best of my knowledge, information and belief, as at the date of this notification, the above list includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled of jointly controlled by me or close members of my family, relevant to the 2016/17 financial year.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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## POLICY REGISTER

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**Title:** CONTRACT SPECIFICATIONS

**MOSPLAN Reference:** Programs 2 – 12 (02.01.07, 03.01.07, 04.01.07, 05.01.07, 06.01.07, 07.01.07, 08.01.07, 09.01.07, 10.01.07, 11.01.07, 12.01.07)

**Date Adopted:** 9 September 1997 (PF/239)

**Date Reviewed:**

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**Policy Details:**

That specifications for major servicing contracts be referred for consideration by the appropriate Council Committee prior to public advertisement.

**Reference(s):** N/A

**Responsible Department(s):** Corporate Services  
Environment and Planning  
Community Development

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## POLICY REGISTER

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<b>Title:</b>	SOCIAL MEDIA POLICY
<b>MOSPLAN Reference:</b>	LE.05 and GR.02 and GR.06
<b>Date Adopted:</b>	6 March 2018 (CD/4)
<b>Date Reviewed:</b>	N/A

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### Policy Details:

To provide guidelines for both Councillors and Council staff for business and individual use of social media.

<b>Reference(s):</b>	Refer ECM Fixed Ref. No. 5399152 "ADOPTED Social Media Policy"
<b>Responsible Department(s):</b>	Community Development

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## POLICY REGISTER

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<b>Title:</b>	DELEGATIONS TO THE GENERAL MANAGER AND MAYOR
<b>MOSPLAN Reference:</b>	Strategic Direction 5
<b>Date Adopted:</b>	3 July 2012 (CS/31)
<b>Date Reviewed:</b>	7 August 2018 (CS/29)

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### Policy Details:

#### DELEGATIONS TO THE GENERAL MANAGER AND MAYOR

The persons and Committees identified in these Delegations for the 2017 - 2020 Council Term are as follows:

Mayor: Cr Carolyn Corrigan

Deputy Mayor: Cr Roy Bendall (elected 19 September 2017)

General Manager: Mr Dominic Johnson

The Mayor, by virtue of office, is Chairperson (ex officio) of all Committees, excepting the Traffic Committee [Clause 267 of the *Local Government (General) Regulation 2005*].

<b>Reference(s):</b>	ECM Fixed Reference No: 3358571
<b>Responsible Department(s):</b>	Manager Governance Corporate Services

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## POLICY REGISTER

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**Title:** COMMUNITY ENGAGEMENT POLICY  
**MOSPLAN Reference:** Strategy 4 and Strategy 5  
**Date Adopted:** 4 September 2018 (CD/23)  
**Date Reviewed:**

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### Policy Details:

Mosman Council prides itself on its transparent and inclusive governance. It wants the community to actively participate in its decision-making process. By doing this, Council believes that these decisions are significantly strengthened.

This Policy provides a broad framework and principles to guide engagement activity undertaken by Council and in doing so it meets Council's legislative obligations which require it to establish and implement a strategy for community engagement.

**Reference(s):** Refer ECM Document Set Id. 5538842 "Community Engagement Policy"  
**Responsible Department(s):** Community Development

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## POLICY REGISTER

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**Title:** COMMUNITY GRANTS AND ASSISTANCE POLICY  
**MOSPLAN Reference:** CW.04  
**Date Adopted:** 6 May (CD/19)  
1 May 2018 (CD/11)  
**Date Reviewed:**

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### Policy Details:

Mosman Council recognises the importance of community-based organisations and the significant contribution they make to the Mosman community. To acknowledge this contribution, Council makes funds available through this Policy. The Policy and awarding of grants are underpinned by a community development philosophy and driven by three key principles.

1. Capacity building of the community
2. Empowerment of community members through the work of community groups
3. Social wellbeing of the community

The Policy provides a framework for the assessment of applications for community grants or other assistance and the determination of funding or other allocations in a manner that is transparent, ethical and fair.

This Policy does not preclude Council providing limited assistance to local residents in crisis.

**Reference(s):** Refer ECM Document Set Id. 5434982 "Community Grants and Assistance Policy"  
**Responsible Department(s):** Community Development

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## POLICY REGISTER

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**Title:** INFRASTRUCTURE ASSETS – CAPITALISATION,  
REVALUATION & DISPOSAL POLICY

**MOSPLAN Reference:** Program 2 (02.02.01)

**Date Adopted:** 4 June 2013 (CS/43)

**Date Reviewed:**

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**Policy Details:**

The policy governs the capitalisation, revaluation and disposal of Council infrastructure assets.

**Reference(s):** Refer Dataworks Document: “Infrastructure Assets –  
Capitalisation, Revaluation & Disposal Policy”.

**Responsible  
Department(s):** Corporate Services - Chief Financial Officer  
Environment and Planning - Manager Assets and Services



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## POLICY REGISTER

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<b>Title:</b>	RATES AND CHARGES HARDSHIP MANAGEMENT POLICY
<b>MOSPLAN Reference:</b>	GR.06
<b>Date Adopted:</b>	6 December 2016
<b>Date Reviewed:</b>	N/A

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### Purpose

To fulfil the statutory requirements of the *Local Government Act, 1993* (the Act) with respect to the provision of assistance to those ratepayers who are experiencing genuine financial hardship with the payment of their Rates and Charges.

To establish a framework for staff when dealing with ratepayers suffering genuine financial hardship with the payment of their Rates and Charges.

### Objectives

The objectives of this policy are to:

- ensure a consistent approach to Mosman Council's management of requests for financial assistance to ratepayers relating to payment of rates and charges
- be empathetic to ratepayers that can demonstrate genuine financial hardship
- to provide eligible ratepayers with the option to aggregate property values used for rating purposes to address financial hardship in accordance with specified criteria to reduce their total liability for rates

### Scope

This Policy applies to:

1. Mosman eligible ratepayers who:
  - Are designated pensioners
  - Are persons experiencing genuine financial hardship
  - Own property which meets specified criteria enabling the aggregation of values
2. Council staff that have delegated authority to action applications for concessions and to recover outstanding debts

### Definitions

- **Rates and charges** – all balances listed on a rates and charges notice or legal notice
  - **Financial Hardship** – demonstrable personal circumstances that indicate an inability to pay as a result of circumstances beyond an individual's control
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- **Interest** – a charge raised in relation to unpaid rates and charges in accordance with s566 of the *Local Government Act 1993*
- **Pensioner** – person solely liable, or a person jointly liable with one or more other persons, for a rate or charge levied on land (that is their principal or sole place of residence) who is in receipt of a pension, benefit or allowance under the *Social Security Act 1991* or the *Veterans' Entitlement Act 1986* who hold a pensioner concession card
- **Deferment** – the deferral of payment of the rates and charges for no more than 15 years from the original year of levy

### Background

Council acknowledges that ratepayers will, for various reasons from time to time, fail to pay their debts when they become due and payable to Council. It is not the intention to cause undue hardship to any external stakeholder through Council's recovery procedures and consideration will be given to acceptable arrangements to clear the debt prior to the end of the current financial year, where possible.

The General Manager has the delegated authority to:

- approve or reject payment arrangement plans from any customer after receiving a written request
- proceed with legal action to recover outstanding rates and charges where an arrangement plan has defaulted or if the ratepayer has failed and/or neglected to pay one or more instalments or a suitable attempt has not been made to clear the outstanding balance within a time specified as reasonable by Council
- assess applications due to hardship and payment arrangement plans from any customer after receiving a formal application for hardship assistance

The State Government and Council recognises that eligible pensioners have a reduced capacity to pay their rates and that there are cases of genuine financial hardship requiring respect and compassion in special circumstances. This policy establishes guidelines for the assessment of a Pensioner Rate rebates and hardship applications applying the principles of fairness, integrity, confidentiality and compliance within statutory requirements. It applies to all applications for alternative payment arrangements relating to outstanding rates and charges.

### Hardship Assistance - Pensioner Rate Rebates

Pensioners who meet the eligibility criteria are entitled each year to a rebate on their General Rate to a maximum amount as determined by the NSW Minister for Local Government.

There are two types of pensioners who are eligible for a rate rebate which are as follows:

- a) Eligible Pensioners for the purpose of determining pensioner concessions in accordance with Section 575 of the *Local Government Act 1993* and Section 134 of the Local Government (General) Regulation 2005 are:
  - (i) Persons who receive a pension, benefit or allowance under Chapter 2 of the *Social Security Act, 1991* or a Service Pension under Part III of the *Veterans' Entitlement Act, 1986* and who are holders of a pensioner concession card issued by or on behalf of the

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## POLICY REGISTER

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### Commonwealth Government

- Persons who receive a pension from the Department of Veterans' Affairs as:
    - (a) the widow or widower of the Australian Defence or Peacekeeping Forces: or
    - (b) the unmarried mother of a deceased unmarried member of either of those Forces, and who do not have income and assets that would prevent them from being granted a pensioner concession card.
  - Persons who receive a special rate of pension under Section 24 of the *Veterans' Entitlement Act 1986*, and who occupies that dwelling as his/her sole or principal place of living.
- b) Veteran's Affairs pensioners may also be eligible and may apply if they are under 60 years of age (including war widows of any age) that do not have a pensioner concession card :
- (i) for a rebate on the grounds of financial hardship
  - (ii) for a special Mosman Council "Australia Remembers" Rebate of \$125.00 per annum

### Backdating of Pensioner Rebate Claims

Council will grant retrospective pensioner rate rebates for up to two years prior to the current year of issue, subject to the presentation of substantiating documentation, being:

- (i) A pensioner concession card showing the date of the granting of the concession, or a letter from Social Security or Veterans' Affairs stating the date of the pension grant
- (ii) Proof of residential qualification during the applicable period at the residence for which the rate rebate is being claimed.

### Pro Rata Pension Rate Rebate

A person who becomes an eligible pensioner after the day on which a rate or charge is made and levied, is entitled to a reduction under Section 575 of the Act, of the rate or charge proportionate to the number of full quarters remaining after the day on which the person becomes an eligible pensioner in the year for which the rate or charge is made.

The same, or the reverse may apply where an eligible pensioner sells or purchases a property within the Council area.

### Hardship Assistance - Deferment of Rate Payments

Section 564 of the Act provides that Council may accept payment of rates and charges due and payable by a person in accordance with an agreement made with the person and may write off or reduce interest accrued on rates or charges if the person complies with the agreement.

Section 712 of the Act provides that proceedings for recovery of a rate or charge may be commenced at any time within 20 years from the date when the rate or charge became due

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and payable. Council however does have discretion to accrue rates, charges and applicable interest against a pensioner's estate subject to an agreement with the pensioner ratepayer.

Where an eligible pensioner requests a delay in recovery action to allow outstanding rates, charges, and interest to accrue against their estate, and is willing to enter into an agreement, Council will:

- Provide the eligible applicant pensioner ratepayer with a copy of the Hardship Rate Relief Application Form (refer Appendix 1) that will require the disclosure of relevant financial information. The ratepayer must complete the application and it be approved by Council in order to prevent the commencement of recovery proceedings. In addition to the completion of the form by the ratepayers, Council may require a letter from a recognised financial counsellor or financial planner confirming financial hardship
- Subject to the approval of the application provide a letter of confirmation each financial year to ensure the ongoing agreement between the ratepayer(s) and the Council as well as the provision of the annual rates notice detailing all outstanding rates, charges, and interest. Rate instalment reminders will also be sent in accordance with legislative requirements
- Not commence recovery action until there is a change in ownership of the property, either or both ratepayers leave the property (except where the pensioner is in a care facility on a temporary basis being less than 12 months) or either or both become ineligible for a pensioner rates concession. Should any of these events occur, rates and charges will immediately become due and payable

However, given the constraints as set out in section 712 of the Act, Council will require from the commencement of this Policy all new approved applicants to commence the payment of overdue rates and charges, at such time that their total debt to Council does not exceed 15 years.

Should the pensioner be unable to adhere to the above, Council may commence recovery proceedings for any debt more than 15 years.

The following conditions will apply to any approval by Mosman Council to defer payment of rates and charges by a eligible pensioner ratepayer:

- Interest on overdue rates continues to accrue and the interest rate may vary from year to year in accordance with the Minister for Local Government's determination
- A new Hardship Rate Relief Application Form to be completed by the pensioner ratepayer and assessed every three years to ascertain worthiness to retain the concession
- An eligible pensioner ratepayer must notify Council if the pensioner no longer uses it as his/her principal place of living or rents it out. Notification must be provided by the pensioner within 30 days of vacating the premises
- All new approvals for deferment of rates and charges under this policy will be conditioned so that no more than 15 years will be deferred. Prior to the commencement of the 15<sup>th</sup> year of accumulated rates, periodic instalments are to be made to ensure than no more than 15 years remain outstanding at any one time. Council Officers will contact the ratepayer to arrange a satisfactory payment arrangement

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- Approved applicant(s) agree that all rates and interest charges will accrue against the estate and are to be paid in full upon finalisation of the estate
- If the owner ceases to be an eligible pensioner at any time the rates and charges are required to be paid in full
- The current domestic waste service charge and the Emergency Services Levy applicable from 1 July 2017 are not permitted to accumulate and must be paid annually by the due date for the first installment.
- In special circumstances as determined by the General Manager the application can be referred to Council for direction and upon the accumulated rates reaching 15 years overdue.

### **Hardship Assistance - Aggregation of Land Values for the issuing of Rates: - Section 548A of the *Local Government Act 1993***

Council will apply the provisions of Section 548A of the *Local Government Act 1993* to approve the aggregation of land values of parcels of rateable land if it is of the opinion that the levying of a minimum rate or a rate containing a base amount would apply unfairly, and could cause hardship to a ratepayer who owns two or more separate parcels of land which are rateable. In these circumstances it may aggregate the land values of such parcels as it determines and levy the rate on the aggregated land values.

The aggregation can only apply if the separate parcels of land have the same category or subcategory of the same ordinary rate, or the same special rate and there is not a separate residential dwelling on each parcel. An example is where separate values exist for a residential strata unit and a car space/garage lot or a storage lot which have separate titles and are owned by the same person.

### **Debt Recovery Standards**

Council has a responsibility to recover monies owing to it in a timely, efficient and effective manner to finance its operations and ensure effective financial management.

Council aims to ensure effective control over debts owed to Council, including overdue rates, charges and interest and to establish debt management procedures for the efficient collection of receivables and the recovery of outstanding debts including deferment and alternative payment arrangements.

The other key principles that will apply to the collection of overdue rates and charges are as follows:

- a) Council's aim is to collect all rates and charges by the end of each financial year
- b) A fair and reasonable approach to recovery will apply
- c) Council will individually assess cases of financial hardship
- d) Council will not reduce rates or charges, but will consider alternative approaches to dealing with cases of financial hardship

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- e) Council will consider periodical payment arrangements in cases of hardship or extenuating circumstances

Council will manage any debt recovery in accordance with its Debt Recovery Management Policy

### Related Information/Glossary

- *NSW Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Social Security Act 1991*
- *Veterans' Entitlement Act 1986*
- *Privacy and Personal Information Protection Act 1998*
- *Government Information (Public Access) Act 2009*
- *Health Records and Information Privacy Act 2002*
- Mosman Council's Privacy Management Plan 2011
- *Civil Procedures Act 2005*
- *Corporations Act 2001*
- Office of Local Government – Council Rating and Revenue Raising Manual
- Debt Recovery Management Policy

### Review

This policy will be reviewed every four years unless otherwise directed by the Executive Team.

### Contact

Enquiries should be directed to the Chief Financial Officer on 9978 4011.

**Reference(s):** ECM Doc Set ID: 5071796 (CS/39)  
**Responsible Department(s):** Corporate Services

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## POLICY REGISTER

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<b>Title:</b>	OUTDOOR DINING AND GOODS ON FOOTPATH POLICY
<b>MOSPLAN Reference:</b>	CS.01 - CS.04 and BE.01 and GR.06
<b>Date Adopted:</b>	25 November 1996 (PF/349)
<b>Date Reviewed:</b>	1 November 2004 (CS/76) 3 March 2009 (NM/4) 3 July 2012 (CS/31) 6 February 2018 (CS/3)

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### Policy Details:

To approve and regulate the occupation of Council's footpaths and other public places within Mosman local government area for the commercial purpose of outdoor dining and display of shop goods to:

- Facilitate appropriate use of Council's footpaths and public areas for outdoor dining and display of shop goods by applying controls and standards
- Contribute positively to the streetscape
- Encourage outdoor dining
- Facilitate improvement to the street activation, vitality, amenity and economic viability of Mosman Business Centres and other neighbourhood business localities
- Maintain public safety and avoid disruption to pedestrian movement
- Maintain pedestrian and vehicular circulation, convenience and safety of patrons and the public, existing streetscape elements and , in residential areas and where applicable residential amenity

This policy provides general and specific controls for outdoor dining and displays of shop goods consistent with the following legislation and planning instruments. It addresses the application, assessment, approval and compliance processes.

Covers all applications to occupy footpaths and other public places, within the Mosman local government area, for the purpose of outdoor dining and display of shop goods activities.

<b>Source:</b>	Delegation 35 – Program 2
<b>Reference(s):</b>	ECM Fixed Reference Number: 3405357 (CS/3)
<b>Responsible Department(s):</b>	Corporate Services

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## POLICY REGISTER

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<b>Title:</b>	COMMERCIAL PROMOTION ON COUNCIL LAND
<b>MOSPLAN Reference:</b>	02.02.08
<b>Date Adopted:</b>	3 August 1993 (F/176)
<b>Date Reviewed:</b>	12 December 2000 (PF/274) 3 July 2012 (CS/31)

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### Policy Details:

Council approve requests to conduct commercial product promotion including give-away promotions on Council land including footpaths, reserves and ovals subject to:

- a. The promotion being limited to the distribution of free goods only.
- b. The sale of goods or associated merchandise not being permitted.
- c. Promotions for alcohol and tobacco not being approved.
- d. The erection of any structure or banner not being permitted.
- e. Amplified sound or music not being permitted.
- f. Vehicles not to be taken onto any Reserve or footpath.
- g. The area to be left in a clean and tidy state with all rubbish removed.
- h. Compliance with all directions of Council's Rangers.
- i. The submission of a certificate of currency of public liability insurance for a minimum of \$20 million together with a completed and signed Council Indemnity form.
- j. The promotion being limited to a maximum of four (4) hours on any one day with the hours of operation to be at Council's discretion.

<b>Source:</b>	Delegation 26 – Program 2 and Delegation 1 – Program 6
<b>Reference(s):</b>	N/A
<b>Responsible Department(s):</b>	Corporate Services



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## POLICY REGISTER

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<b>Title:</b>	RECORDS & INFORMATION MANAGEMENT POLICY
<b>MOSPLAN Reference:</b>	Strategic Direction 4 - An Informed and Engaged Community and Strategic Direction 5 - A Business-Friendly Community with Sound, Independent Civic Leadership
<b>Date Adopted:</b>	2 July 2002 (PF/137)
<b>Date Reviewed:</b>	6 March 2012 (CS/10), 3 December 2013 (CS/75), 4 February 2020 (CS/5)

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### Policy Details:

Mosman Council is committed to meeting its responsibilities under the State Records Act 1998 (the Act) and relevant standards under this legislation. Council is committed to implementing best practice in its records and information management practices and procedures. The Act requires public offices to "make and keep full and accurate records" of their activities. Records are a corporate asset and:

- form the corporate memory
- support business outcomes
- support informed decision making
- support accountability
- provide evidence of what happened when, where and why

Records and information contribute to:

- better performance of business activities
- improved customer service
- improved risk management

Mosman Council implements an electronic document and records management system (EDRMS) as its compliant management business system.

<b>Reference(s):</b>	Refer ECM Document Set ID: 2594919 "Records and Information Management Policy"
<b>Responsible Department(s):</b>	Corporate Services

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## POLICY REGISTER

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<b>Title:</b>	FINANCIAL INVESTMENT POLICY
<b>MOSPLAN Reference:</b>	Strategic Direction 5
<b>Date Adopted:</b>	21 October 2003 (PF/195)
<b>Date Reviewed:</b>	3 July 2018 (CS/24) Adopted

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### Policy Details:

#### Objectives

To provide a framework for the optimum investment of Council's funds at the most favourable interest rate available giving due consideration to the preservation of capital, liquidity and the security of investment.

Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.

Investments are expected to achieve a market average rate of return in line with the Council's risk tolerance.

<b>Reference(s):</b>	See ECM Document Set Id: 5484007
<b>Responsible Department(s):</b>	Corporate Services

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## POLICY REGISTER

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**Title:** DEBT RECOVERY MANAGEMENT POLICY  
**MOSPLAN Reference:** GR.06  
**Date Adopted:** 6 December 2016 (CS/36)  
**Date Reviewed:**

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### DEBT RECOVERY MANAGEMENT POLICY

#### Purpose

To fulfil the statutory requirements of the *Local Government Act 1993* (the Act) with respect to the recovery of outstanding Rates, Annual Charges and Interest and the recovery of outstanding Sundry Debts.

To establish a framework for staff to ensure a consistent approach to Mosman Council's debt management and collection practices through clear guidelines to staff.

#### Objectives

The objectives of this policy are to:

- be empathetic to ratepayers and sundry debtors that can demonstrate genuine financial hardship
- work within the statutory requirements of the *Local Government Act 1993*, Local Government (General) Regulation 2005, in relation to the recovery of rates and annual charges and miscellaneous sundry debts
- to meet, or exceed, the debt recovery financial benchmarks set by the NSW Office of Local Government

#### Scope

This Policy applies to:

1. Ratepayers and Sundry Debtors with overdue balances
2. Council staff that have delegated authority to action applications for concessions and to recover outstanding debts

#### Definitions

- **Rates and charges** – all balances listed on a rates and annual charges notice or legal notice
  - **Miscellaneous sundry debts** – non rates and charges debts listed in Council's accounts receivable ledger and/ or supplementary management systems (such as ProgeNet)
  - **Financial Hardship** – demonstrable personal circumstances that indicate an inability to pay as a result of circumstances beyond an individual's control
  - **Debt Recovery Procedure** – procedure to follow in order to meet the objectives of this policy
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- **Interest** – a charge raised in relation to unpaid rates and charges in accordance with s566 of the *Local Government Act 1993* or in relation to sundry debtors in accordance with the terms of agreement.

### Background

Council acknowledges that ratepayers and debtors to Council will, for various reasons from time to time, fail to pay their debts when they become due and payable to Council. It is not the intention to cause undue hardship to any external stakeholder through Council's recovery procedures which are aimed in cases of genuine financial hardship to ensure respect and compassion. In these cases consideration will be given to acceptable arrangements to clear the debt prior to the end of the current financial year, adopting the principles of fairness, integrity, confidentiality and compliance with statutory requirements. It applies to all applications for alternative payment arrangements.

The General Manager has delegated authority to:

- approve or reject payment arrangement plans from any customer after receiving a written request
- proceed with legal action to recover outstanding rates and charges where an arrangement plan has defaulted or if the ratepayer has failed and/or neglected to pay one or more instalments or a suitable attempt has not been made to clear the outstanding balance within a time specified as reasonable by Council
- assess applications due to hardship and payment arrangement plans from any customer after receiving a formal application for hardship assistance

### Debt Recovery Standards

Council has a responsibility to recover monies owing to it in a timely, efficient and effective manner to finance its operations and ensure effective financial management.

Council aims to ensure effective control over debts owed to Council, including overdue rates, charges and interest and to establish debt management procedures for the efficient collection of receivables and the recovery of outstanding debts including deferment and alternative payment arrangements.

The other key principles that will apply to the collection of overdue rates and charges are as follows:

- a) Council's aim is to collect all rates and charges by the end of each financial year
- b) A fair and reasonable approach to recovery will apply
- c) Council will individually assess cases of financial hardship
- d) Council will not reduce rates or charges, but will consider alternative approaches to dealing with cases of financial hardship
- e) Council will consider periodical payment arrangements in cases of hardship or extenuating circumstances

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- f) Council will utilise the services of Mercantile Agents where required
- g) Council will aim to keep its Rates and Charges Ratio at or exceed industry best practice. It will however not pursue through legal action the collection of outstanding Rates and Charges from pensioners
- h) Council will apply the provisions of the Act relating to the sale of land to recover overdue Rates, and Charges and Interest when appropriate
- i) Council will have regard to the impact on the community arising from any disruption to service provisions delivered by sundry debtors

### Debt Recovery

#### Rates and Charges

Recovery of rates and charges is to be conducted according to the following:

- a) All owners are to be issued with an Annual Rates Notice in accordance with Section 546 of the *Local Government Act 1993* and, where required, Rates Instalment Notices are issued in accordance with Section 562 of the Act
- b) The Rates Instalment Notice is to include any amount that is overdue. This amount is to be shown separately and identified as being overdue and subject to interest charges
- c) An Instalment Reminder Notice will be issued to all owners who have not paid the instalment due amount in full, 14 days after the due date
- d) Interest charges are to accrue on overdue Rates and Annual Charges on a daily basis in accordance with Section 566 of the Act
- e) Where an owner has rates and charges that are overdue (excluding pensioners under Deferred Rates and Charges agreement), Council will issue a Final Notice requiring payment or a mutually agreeable payment arrangement of the overdue amounts within 14 days from the date of the letter
- f) If rates and charges remain unpaid after the expiry of the Final Notice due date, Council will instruct its Mercantile Agent to forward a letter of demand allowing for seven days payment prior to instigation of legal action. Generally legal action starts with a Statement of Claim, and where necessary, is followed by Judgment then a Writ of Execution or Garnishee Order, and/or other enforcement procedures as required

If no payment is received or no arrangement made following the issue of the Notice of Intent, a Statement of Claim will be prepared, issued and served by Council's Mercantile Agent. Following expiration of the statutory period, to protect Council's interest in the matter and all available actions to recover the amount outstanding, if the debt is not cleared, a Notice of Motion Default Judgment will be lodged.

Recovery action by Council or it's agent to recover outstanding debts that will be considered include, but are not limited to a garnishee of income; a writ of execution on

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goods and chattels, an examinations summons, a service or a rent order where the property is tenanted and/or other enforcement procedures as required.

- g) In accordance with Section 459 of the *Corporations Act 2001*, where the ratepayer is a company and has been served with a creditors statutory demand (Section 459E of the *Corporations Act 2001*) and the ratepayer has not complied within the 21 day period, Council has the right to commence proceedings to have the debtor company wound up and a liquidator appointed. All debts relating to the issue of a creditors' statutory demand must exceed the sum of \$2,000
- h) All legal costs and expenses incurred in recovering outstanding rates and charges shall be charged against the property in accordance with Section 605 of the Act
- i) Arrangements for payment may be accepted after legal action has commenced, subject to the continuation of legal action should the ratepayer not adhere to the approved arrangement
- j) As a result of Council entering judgment, debtors will automatically be listed on the Credit Reference Listing by credit listing bodies
- k) Where legal action is unsuccessful and Rates and Annual Charges remain overdue for more than 5 years the property is to be sold by public auction in accordance with Section 713 of the Act, subject to a resolution of Council

### Miscellaneous Sundry Debts

Recovery of sundry debts is to be conducted according to the following:

- a) Monthly accounts with balances are forwarded to Sundry Debtors for payment. Where available management systems will push email and / or SMS notifications to debtors with a balance after the due date.
- b) Debtors that have debts over 60 days are contacted by phone or email to discuss the outstanding amount. If payment is not made within 24 hours of the phone call or email or if unable to be contacted a final notice requesting payment within 14 days is issued.
- c) Debts that are over \$400 and remain unpaid after the expiry of the due date of the final notice, will, unless special arrangements are made, be referred to Council's Mercantile Agent for collection. All legal costs associated with the recovery will be passed onto the debtor when legally able to do so.
- d) In respect of debtors who have unpaid fees for footpath occupations they may also be subject to the issue of an infringement for unauthorised occupation of the footpath.

### Related Information/Glossary

- *NSW Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Social Security Act 1991*
- *Veterans' Entitlement Act 1986*
- *Privacy and Personal Information Protection Act 1998*

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- *Government Information (Public Access) Act 2009*
- *Health Records and Information Privacy Act 2002*
- Mosman Council's Privacy Management Plan 2011
- *Civil Procedures Act 2005*
- *Corporations Act 2001*
- Office of Local Government – Council Rating and Revenue Raising Manual
- Rates and Charges Hardship Policy

### Review

This policy will be reviewed every four years unless otherwise directed by the Executive Team.

### Contact

Enquiries should be directed to the Chief Financial Officer on 9978 4011.

**Reference(s):** CS/36 - Debt Recovery management Policy (Doc Set Id: 5071799)  
**Responsible Department(s):** Corporate Services

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## POLICY REGISTER

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**Title:** GATHERING INFORMATION  
**MOSPLAN Reference:** 02.04.02  
**Date Adopted:** 28 November 2006 (CS/83)  
**Date Reviewed:**

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### Policy Details:

#### 1 Objective

To establish a formal policy supporting the consistent and systematic treatment and collection of information systems and procedures to be used to defend public liability and professional indemnity claims. The information is often valuable and needs to be formatted so that it is not rendered inadmissible when defending claims in court.

#### 2 Scope

To document the required standard of Council generated information and data needed to assist in defending a public liability or professional indemnity claim and ensure that they constitute admissible evidence.

To support procedures for the gathering of information for such purposes.

To meet operational business needs, accountability requirements and community expectations.

The protection of Council's financial position through risk management.

To facilitate the minimum data requirements for information required to be used defending possible public and professional liability claims.

#### 3 Statement

Mosman Municipal Council aims to protect the community, by providing services and making decisions that enhance the residents quality of life and our economic and our natural environment. The Risk Management function is committed to documenting and assisting groups within Council by distributing the adopted procedures for gathering information and information systems.

This policy, together with the procedures, provides the minimum data standards for the gathering of information. It is aimed at providing Council's defence lawyers quality information to support their defence of claims against Council. The checklist should be used to ensure that all the appropriate data is gathered and contains the

appropriate information. Listed information source documentation from the checklist, must be appropriately recorded and archived in accordance with Council's Records

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## POLICY REGISTER

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Management Policy adopted 2 July 2002 and in accordance with the State Records Act 1998.

Council will within its budgetary constraints and using existing information systems available to it, endeavour to ensure accurate and systematic information.

By adopting the policy, Council is working towards enhancing Mosman Councils' image in keeping with Council's Vision and Mission.

#### 4 Supporting Documentation

Title	Type	DW doc. No.
Incident Reporting Work Flow	Flowchart	1474940
Gathering Information Incident Checklist	Checklist	1474944
Gathering Information Internal Documents and Information Source Checklist	Checklist	3092556

**Reference(s):** Gathering of Information Manual  
**Responsible Department(s):** Corporate Services

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## POLICY REGISTER

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<b>Title:</b>	ENTERPRISE RISK MANAGEMENT
<b>MOSPLAN Reference:</b>	Program 2 (02.04.02).
<b>Date Adopted:</b>	6 February 2007 (CS/6)
<b>Date Reviewed:</b>	3 April 2012 (CS/16), 19 March 2013 (CS/19)

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### Purpose

To detail the requirements for enterprise risk management within Mosman Council through the establishment of a common approach and identify responsibilities for all officials to manage risk in a structured and consistent manner.

### Scope

Applies to Councillors and officials and management processes, including but not limited, to:

- strategic planning
- business planning and budgeting
- policy development, project and program management
- decision making at both the strategic and operational levels

### Legislation and Policy Framework

The administration of local government is governed by the *Local Government Act 1993*. The Act as detailed in section 8 requires Councils, et al, to:

*"provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively"*

and that the General Manager under section 335:

*"is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council"*

In September 2010, the Office of Local Government issued guidelines under section 23A of the *Local Government Act 1993* relating to Internal Audit. Under section 23A(3) a council must take any relevant guidelines issued under this section into consideration before exercising any of its functions.

The Guidelines propose oversight of council systems and processes through an audit committee and provide assistance to councils in implementing internal audit and risk management.

All risk management related activities within Mosman Council will be conducted consistent with the International Risk Management Standard AS/NZS ISO 31000:2009.

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# POLICY REGISTER

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## Definitions

Enterprise risk management - the culture, processes and structures that are directed towards realising potential opportunities whilst managing adverse effects in order to improve the achievement of Council's enterprise objectives

Risk - the effect of uncertainty on objectives

## Principles

The International Standard ISO 31000:2009 Risk management - Principles and Guidelines lists 11 principles that are applicable to the risk management approach of Mosman Council. That is risk management:

- creates and protects value
- is an integral part of all organisational processes
- is part of decision making
- explicitly addresses uncertainty
- is systematic, structured and timely
- is based on the best available information
- is tailored
- takes human and cultural factors into account
- is transparent and inclusive
- is dynamic, iterative and responsive to change
- facilitates continual improvement of the organisation

## Outcomes

To ensure, through the application of this Policy, that:

- the Council, General Manager and the Executive Team are in a position to confidently make informed strategic, project and operational decisions based on Enterprise Risk Management Principles
- all reasonably foreseeable risks are systematically identified, assessed, analysed, prioritised and considered for appropriate treatment
- that relevant legislation and standards are used to provide guidance in best risk management practices
- the management of resources is targeted with effective controls
- the community, employees, volunteers, assets and financial integrity and sustainability are protected
- there is appropriate delegation of risk management responsibilities to council officials across all functional areas of Council

## Context

Risk exists in all aspects of Council's business. The level of risk that Council faces at any one time is the combination of the likelihood of an event occurring and the consequences if it happened. Risk for Council is likely to occur in three main areas:

1. Strategic Risks - relate primarily to the role and responsibilities of the elected Council in the following areas:

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## POLICY REGISTER

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- Impact on Reputation
  - Managing community and stakeholder expectations
  - Asset and Resource Management
  - Strategic Planning
  - Integrated Planning and Reporting
  - Community and Civic Leadership
  - Financial Sustainability
  - Accountability and Governance
2. Operational risks - arise directly from the day to day operations of the Council and include, but are not limited to, the following:
- Corporate Governance
  - Financial Management
  - Community Engagement
  - Asset Management
  - Service Delivery
  - Human Resources Management
  - Information Management and Technology
  - Contracting and Procurement
  - Business Systems and Processes
  - Regulatory Enforcement
  - Property Management
3. Project Risks - in many instances projects are the mechanism by which Council delivers its services. All projects have risks and accordingly risk management is a critical function that is undertaken as part of project management. In the context of projects this means identifying, communicating, assessing, mitigating, recording and reviewing risk at all stages throughout the project.

### Responsibilities

#### *Council*

- Approve Council's Enterprise Risk Management Policy
- Consider risk as an integral part of decision making

#### *Audit Committee*

- Review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud
- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings
- Review the impact of the risk management framework on its control environment and insurance arrangements
- Review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been tested periodically

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## POLICY REGISTER

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### *General Manager*

- Ensure the implementation of an effective Enterprise Risk Management System
- Respond to and report on significant risks and opportunities that may arise

### *The Executive Team*

- Integrate ERM into strategic and business plans and performance agreements
- Monitor and review reports as part of the corporate reporting framework
- Monitor and review the ERM policy and framework and its implementation
- Promote a culture of risk management across Council
- Provide appropriate resourcing to support the implementation of ERM

### *Managers*

- Ensure that risk management is integral to business planning
- Prepare and monitor risk management plans
- Report the management of risk to the Executive Team
- Monitor and evaluate the operation of this Policy as it relates to their area of responsibility
- Promote and support the risk management culture
- Ensure appropriate training is provided

### *All Officials*

- Familiarise themselves with the risk management process and its application within their areas of responsibility
- Participate in the identification, assessment, reporting and management of risk

### **Related Information**

*Local Government Act 1993*

*Work Health and Safety Act 2011*

International Standard ISO 31000:2009 Risk Management

MOSPLAN

### **Review**

This policy will be reviewed every four years unless otherwise directed by Council or the General Manager.

### **Contact**

Enquiries should be directed to the Risk And Insurance Coordinator on 9978 4176

**Title:** ROAD RESERVES SALE, LEASING AND CONSENT  
POLICY

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## POLICY REGISTER

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<b>MOSPLAN Reference:</b>	Strategic Direction 3 - An Attractive and Sustainable Environment and Strategic Direction 5 - A Business-Friendly Community with Sound, Independent Civic Leadership
<b>Date Adopted:</b>	13 June 2000 (PF/120)
<b>Date Reviewed:</b>	7 April 2020 (CS/16)

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### Policy Details:

This policy covers all road reserves vested in fee simple in Mosman Council which may be subject to applications for the sale and lease of road reserves, or for consent to occupy those road reserves with private structures.

It does not apply to:

- Council's footpath approvals related to outdoor dining and shop and goods displays which are managed in accordance with Council's Outdoor Dining and Goods on Footpath Policy
- Applications made under Council's Nature Strip Maintenance Policy
- Applications for work zones and hoardings

**Reference(s):** Refer ECM Fixed Reference No. 5839506

**Responsible Department(s):** Corporate Services

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## POLICY REGISTER

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<b>Title:</b>	ASSET MANAGEMENT
<b>MOSPLAN Reference:</b>	02.07.01
<b>Date Adopted:</b>	4 August 2009 (EP/140)
<b>Date Reviewed:</b>	

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### Policy Details:

#### BACKGROUND

Council owns and uses approximately half a billion dollars of non-current assets to support its core business of delivery of service to the community. Asset management impacts directly on the core business of Council and appropriate asset management practices needs to be established to achieve Council's strategic service delivery objectives.

The Council is committed to providing a systematic practices and co-ordinated activities to optimally manage its physical assets, risks and whole of life costs (lifecycle costs) in order to ensure that services provided are at appropriate levels to satisfy customer and community needs in a sustainable manner in order to achieve MOSPLAN Objectives.

An Asset Management Strategy is being established as a long term plan to manage Council's assets. Asset Management Plans are also being developed for each asset Class.

This Asset Management Policy together with MOSPLAN, the Asset Management Strategy and each Class Asset Management Plan will provide the framework for Asset Management. Asset Management practices and processes will comply and be consistent with Council's Risk Management Policy and Risk Management Improvement Plan 2009 and future updates.

Asset Management continues to be specifically included in and consistent with MOSPLAN.

#### SCOPE

This policy applies to all Council owned and managed infrastructure and property assets and sets guidelines for implementing consistent asset management processes throughout Mosman Municipal Council.

Asset classes are:

- Buildings;
- Roads;
- Stormwater drainage;
- Parks and Open space;
- Marine structures.

This policy does not apply to human resource assets.

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## POLICY REGISTER

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### POLICY STATEMENT

- Council will ensure that assets covered under this policy are planned, created, operated, maintained, renewed and disposed of in accordance with sustainability principles and Council's priorities for service delivery.
- Asset Management Plans will be developed for each asset Class for long term strategic management of Council assets and will include financial plans.
- Council will implement systematic asset management methodology (Asset Management Strategy) in order to apply appropriate asset management best practices across all areas of Council. This will include establishment of service levels, inspections and condition audits to take informed decision on assets and to identify future funding needs.
- Asset management information systems will be further developed and will include data capture, asset register, programming of maintenance and inspections, whole of life costing, forecasting and financial reporting
- All relevant legislative requirements together with political, social, environmental and economic considerations will be taken into account in asset management.
- The Council will promote training and continuous improvement in asset management practices and processes in the Council so as to progressively improve asset management.

### DEFINITIONS (As provided by International Infrastructure Manual)

**Asset:** A physical component of a facility which has a value, enables services to be provided and has an economic life of greater than 12 months

**Asset Management:** The combination of management, financial, economic, engineering and other practices applied to physical assets with the objective of providing the level of service in the most cost-effective manner

**Asset Management Policy\*:** Overall intentions and direction of an organisation, related to assets and the framework for the control of asset related processes and activities, that are driven from and consistent with the organisational strategic plan.

\*PAS 55-1, Institute of Asset Management

**Asset Management Strategy:** A strategy for asset management covering the development and implementation of plans and programmes for asset creation, operation, maintenance, rehabilitation/replacement, disposal and performance monitoring to ensure that the desired levels of service and other operational objectives are achieved at optimum cost

**Asset Management Plan:** A plan developed for the management of one or more infrastructure assets (Classes) that combines multi-disciplinary management techniques (including technical and financial) over the lifecycle of the asset in the most cost effective manner to provide a specified level of service.



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## POLICY REGISTER

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**Infrastructure Assets:** Stationary systems forming a network and serving whole communities, where the system as a whole is intended to be maintained indefinitely at a particular level of service potential by the continuing replacement and refurbishment of its components. The network may include normally recognised ordinary assets as components.

**Asset Management Information Systems:** An asset management system is a combination of processes, data and software applied to provide the essential outputs for effective asset management such as reduced risk and optimum infrastructure investment.

**Level of Service:** The defined service quality for a particular activity or service area against which service performance may be measured.

**Lifecycle Cost:** The total cost of an asset throughout its life including planning design, construction, acquisition, operation, maintenance, rehabilitation, and disposal costs.

### RESPONSIBILITY

**Councillors** are responsible for adopting the policy and ensuring that sufficient resources are applied to manage the assets.

The **General Manager** has overall responsibility for ensuring that an asset management strategy, plans and procedures are developed and reports generated on the status and effectiveness of asset management within Council.

### REVIEW STRUCTURE

This Asset Management Policy shall be reviewed every 4 years to ensure that it meets the requirements of legislation and the needs of Council.

Unplanned reviews may be triggered by new technology, legislation/regulation changes, incident and variation in resources or community demand.

All reviews will take into account information affecting the effective ongoing management of physical and built assets which are owned and managed by Mosman Council.

<b>Reference(s):</b>	Refer Dataworks "Asset Management Strategy" Document No. 2147837 MOSPLAN, Future Mosman, Asset Management Action Plan, Class Asset Management Plans, Risk Management Policy, Risk Management Action Plan
<b>Responsible Department(s):</b>	Environment and Planning

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## POLICY REGISTER

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**Title:** ROADS ASSET MANAGEMENT PLAN  
**MOSPLAN Reference:** Program 2 (02.01)  
**Date Adopted:** 4 June 2013 (EP/42)  
**Date Reviewed:**

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### Policy Details:

The purpose of the Roads Asset Management Plan is to have a tool which assists Council to achieve its asset management outcomes which are consistent with MOSPLAN, the Council's Community Strategic Plan.

This AMP outlines the broad approach that Council will adopt to manage the condition of and use of road assets over the next 12 years, as well as direction for use, safety and maintenance.

**Reference(s):** Refer Dataworks Document: "Roads Asset Management Plan".  
**Responsible Department(s):** Environment and Planning - Manager Assets and Services

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## POLICY REGISTER

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**Title:** STAFF USE OF COUNCIL CAR PARKS – CORPORATE PRACTICE

**MOSPLAN Reference:** GR.04

**Date Adopted:** 6 May 2014 (GM approval)

**Date Reviewed:**

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### Policy Details:

To provide direction to staff and their authorised visitors on the use of Council car parks, acknowledging the need to give priority use of the more easily accessible sections of Council regulated car parks to customers of local businesses and covers the following car parks:

- Mosman Square/Library Walk
- Vista Street
- Bridgepoint

**Reference(s):** Refer Dataworks Document: "Staff Use of Council Car Parks Corporate Practice" ECM Fixed ref. no. 3280854.

**Responsible Department(s):** Corporate Services – Director Corporate Services

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## POLICY REGISTER

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<b>Title:</b>	MANAGEMENT OF COMMUNITY PROPERTIES POLICY
<b>MOSPLAN Reference:</b>	Strategic Direction 2 – A Culturally Rich and Vibrant Community, Strategic Direction 3 – An Attractive and Sustainable Environment and Strategic Direction 5 - A Business-Friendly Community with Sound, Independent Civic Leadership
<b>Date Adopted:</b>	6 October 2015 (CS/37)
<b>Date Reviewed:</b>	4 February 2020 (CS/2)

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### Policy Details:

To provide direction and a framework for community property operations covering plans of management for community property and the controls in the granting and management of leases, licenses and permits over community property.

<b>Reference(s):</b>	Refer ECM Document Set ID: 3603558: "Management of Community Properties"
<b>Responsible Department(s):</b>	Corporate Services – Director Corporate Services

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## POLICY REGISTER

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**Title:** EQUAL EMPLOYMENT OPPORTUNITY  
MANAGEMENT PLAN 2018-2021

**MOSPLAN Reference:** CS.01

**Date Adopted:** 5 August 2016

**Date Reviewed:** 28 June 2018

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**Policy Details:**

*Refer "Equal Employment Opportunity Management Plan 2018-2021" (ECM Document Set Id. 5473114)*

The Mosman Council Equal Employment Opportunity (EEO) Plan 2018-2021 has been prepared in accordance with Equal Employment Opportunity legislation requiring Council to take appropriate action to eliminate discrimination and promote equal opportunity for persons in designated groups in relation to employment matters.

**Reference(s):** Refer ECM Document Set Id. 5473114 - Equal Employment  
Opportunity Management Plan 2018-2021

**Responsible Department(s):** Human Resources

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## POLICY REGISTER

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**Title:** HERITAGE  
**MOSPLAN Reference:** Program 3 (03.04.01)  
**Date Adopted:** 11 May 1999 (PF/97), 13 August 2002 (PF/157)  
**Date Reviewed:** 6 September 2004 (EP/166)

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**Policy Details:**

That Council will consider issues raised by its residents who feel they will be affected by the heritage listing of a property, in accordance with its adopted Heritage Policy.

That nominations for heritage items be in such written form as adopted by Council.

**Reference(s):** Refer Dataworks Document Nos. 1025852 "Heritage Policy" & 78730 & EP/166 6 September 2004.  
**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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**Title:** SIGNIFICANT ROCK FACES AND RETAINING WALLS  
**MOSPLAN Reference:** 03.04.07  
**Date Adopted:** 1 August 2005 (EP/184)  
**Date Reviewed:**

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### Policy Details:

No excavation of rock faces or retaining walls identified as significant in the Rock Faces and Retaining Walls Study and on the Rock Faces and Retaining Wall Map is allowed, except under special circumstances.

Special circumstances should be considered when any of the following is met:

1. There are other existing openings into the rock face/wall and additional openings would be consistent with that approach.
2. Any excavation would not detract from the visual contribution of the rock face/wall in its context.
3. The excavation would not adversely affect the setting of sites that are highly visible from the harbour or public reserves.
4. There is a need for maintenance activities by Council, in order to ensure safety and serviceability. Where works involve demolition followed by reconstruction of stone retaining walls, preference should be given to the use of same or similar/complimentary materials, when economically viable.
5. There are safety needs that involve use of external support methods and include appropriate embellishment of those external support methods in order to retain original features and ameliorate appearance.

**Reference(s):** Refer Dataworks Document No. 1194507  
**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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**Title:** WASTE MINIMISATION  
**MOSPLAN Reference:** 03.03  
**Date Adopted:** 3 March 2012 (EP/10)  
**Date Reviewed:**

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### Policy Details:

To provide the waste avoidance, management and minimisation requirements for new developments within Council's Development Control Plans.

The Department of Premier and Cabinet, Office of Environment and Heritage requires through its Waste and Sustainability Improvement Payment scheme that each Council incorporates into its development control plans a *Waste Not* section to provide the waste avoidance, management and minimisation requirements for new developments.

The Mosman Waste Minimisation Policy 2012 incorporates each of the requirements of the Waste Not Policy template provided by the office of Environment and Heritage.

It is proposed that the policy will supplement the content of the various development control plans. These DCPs make specific reference to the Waste Policy.

**Reference(s):** Refer Dataworks Document No. 3093723  
**Responsible Department(s):** Environment and Planning



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## POLICY REGISTER

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<b>Title:</b>	LOCAL APPROVALS - APPEALS TO LAND AND ENVIRONMENT COURT
<b>MOSPLAN Reference:</b>	04.02.02
<b>Date Adopted:</b>	14 March 2000 (PF/51)
<b>Date Reviewed:</b>	21 June 2004 - amended (EP/90)

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### Policy Details:

That where Land and Environment Court Appeals are lodged and Council's professional officers do not support the Council decision and it is inappropriate for them to appear in Court on its behalf, Council's solicitors be instructed to obtain a second opinion on a rotating basis from a panel of consultant Town Planners.

In the event that the panel expert approached in a particular case is not able to support the Council's decision Council's solicitors be requested to negotiate with the applicant on the appointment of an expert appointed by the Court.

In the event that the Court appointed expert is not able to support Council's decision the Mayor and General Manager be delegated authority to settle the matter on the advice of Council's solicitors.

In the event of plans being unsatisfactory when they come before the Court that Council seek costs as they arise; and any grounds for refusal must be accompanied by reasons for their implementation that are supported by relevant planning instruments.

<b>Reference(s):</b>	Refer Dataworks Document No. 117911and 1320042
<b>Responsible Department(s):</b>	General Manager

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## POLICY REGISTER

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**Title:** LAND & ENVIRONMENT COURT JUDGEMENTS  
**MOSPLAN Reference:** 04.02.02  
**Date Adopted:** 14 May 2002  
**Date Reviewed:**

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**Policy Details:**

That all judgements relating to Mosman Council of the Land & Environment Court be made available to all interested Councillors with a summing up from our Legal Representative advising us of any changes to our planning instruments that should be made as a result of the judgements.

**Reference(s):** Notice of Motion 14 May 2002 DW No. 258319  
**Responsible Department(s):** General Manager

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## POLICY REGISTER

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**Title:** DEVELOPMENT APPLICATIONS  
**MOSPLAN Reference:** Program 4 (26.08.03)  
**Date Adopted:** 26 August 2003 (Council meeting reconvened from 12 August 2003)  
**Date Reviewed:**

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### Policy Details:

Council adopt as policy that where it wishes to approve a development application contrary to the recommendation of its administration, it outlines its reasons in the public record at a council meeting, and call for a report requiring the necessary conditions for submission to the next available ordinary council meeting.

**Reference(s):** Refer to Dataworks Document No. 786409 – Report to Policy and Finance Meeting PF/141  
**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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**Title:** STORMWATER MANAGEMENT WITHIN MOSMAN  
**MOSPLAN Reference:** Program 04.02  
**Date Adopted:** 6 November 2007  
**Date Reviewed:**

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**Policy Details:**

All facets of stormwater management and stormwater re-use are covered by the policy. Based on research of Mosman Council's rainfall patterns, this document quantifies the allowable reduction to on-site detention volumes when utilising rainwater tanks, thus giving a clear guideline for the use of rainwater tanks in Mosman Council.

**Reference(s):** Refer to Dataworks Document No. 1683165 - Policy Document  
**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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<b>Title:</b>	CONDUCT OF TECHNICAL EXPERTS AT COUNCIL MEETINGS
<b>MOSPLAN Reference:</b>	Program 4
<b>Date Adopted:</b>	7 September 2010 (GM/23)
<b>Date Reviewed:</b>	N/A

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### Purpose

The purpose of this policy is to ensure that technical experts who address the Council at Council meetings on behalf of applicants and objectors to development applications or other matters address the Council in an impartial manner and maintain their professional integrity by not becoming an advocate for a particular party.

### Application

This policy applies to technical experts including town planners, architects, engineers and the like when addressing the Council or a Committee of the Council.

### Policy

On many occasions applicants and objectors or other interested parties retain professional technical experts to address the Council at its meetings on their behalf to make submissions in support of, or in objection to, development applications or other matters being considered by Council.

While Council appreciates hearing from its residents and other interested persons, the Council is concerned that technical experts have become advocates for parties and may misrepresent the facts.

Accordingly, when technical experts seek to address the Council they will be required to comply with this policy and to sign an acknowledgement that they agree to be bound by it prior to addressing the Council.

### General Conduct

When addressing the Council or a Committee of the Council a technical expert must abide by the following:

- A technical expert has an overriding duty to assist the Council impartially on matters relevant to the expert witness' area of expertise.
- A technical expert must act with honesty, integrity and impartiality, and respect the role that Council officials play in the local government decision making process.
- In addressing the Council in relation to a development application under the Environment Planning and Assessment Act 1979 a technical expert must have regard to the provisions of s79C of that Act.
- A technical expert is not an advocate for a party.

**Reference(s):** Acknowledgment of Technical Expert Form DW: 2461363

**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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<b>Title:</b>	DEVELOPMENT ASSESSMENT - PROTOCOL FOR INSPECTION OF SITES
<b>MOSPLAN Reference:</b>	Program 4
<b>Date Adopted:</b>	7 September 2010 (GM/23)
<b>Date Reviewed:</b>	N/A

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### Policy Details:

1. Applications for approval or modification of developments which are listed for determination by the Council may be the subject of an on-site inspection.
2. Site inspections are made on the recommendation of the Director Environment and Planning or by resolution of the Council and shall be facilitated on site by a nominated Council officer.
3. The purpose of such inspections is to allow Councillors to familiarise themselves with the development site and surrounds and appreciate the issues raised in the assessment report.
4. If other sites are to be inspected they will be nominated by the Director Environment and Planning in the relevant report.
5. Councillors will be briefed on the development application, issues identified in the assessment and the report recommendation prior to attending the site.
6. The inspection does not form part of the Council meeting and, as such, input by applicants and objectors must be limited to describing the proposal/their concerns. The inspection is not an opportunity for applicants, objectors or Councillors to engage in debate.
7. Only one speaker at a time shall be heard and Councillors are to hear each speaker as a group rather than engage in conversations with separate parties. Where multiple sites are to be inspected/visited in respect of an item all parties to the matter must be granted access.
8. Professional advisors, lobbyists and technical experts of both applicants and objectors are not to attend site inspections. The only exception to this is where that person is the applicant and in such circumstances any input by the applicant is to be in accordance with paragraph 6. Any submissions by agents of the applicant shall be made at the relevant Council meeting.
9. As the inspection is not a meeting it is not open to Councillors to discuss outcomes or formulate recommendations. This will take place at the Council meeting. If a Councillor wishes to frame a motion different to the Officer's Recommendation it is open to the Councillor to canvas the intended changes and request the Manager Development Services in writing to frame appropriate wording to be available at the meeting.

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## POLICY REGISTER

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10. In the event that Councillors require a photograph to be available at the Council meeting for those Councillors not present or to refresh recollections the attending staff member should be requested to take the necessary photos for this purpose.

**Reference(s):** N/A  
**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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<b>Title:</b>	COMPLIANCE AND ENFORCEMENT
<b>MOSPLAN Reference:</b>	Program 4
<b>Date Adopted:</b>	5 June 2012
<b>Date Reviewed:</b>	3 July 2012 (EP/41)

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### Purpose

To assist Council's authorised officers to act promptly, consistently and effectively in response to reports or allegations of unlawful activity.

### Policy objectives

The aim of this policy is to establish clear guidelines for the exercise of discretion in dealing with reports about unlawful activity including the following:

1. To facilitate a prompt response to allegations of unlawful activity
2. Open and consistent approach to enforcement
3. An organised and effective process of education, consultation with and assistance to the community
4. The seeking of appropriate remedies when there is a breach of the law
5. Enforcement action to be taken with procedural fairness

### Responsibility

All council staff who investigate written and verbal action requests alleging unlawful activity are responsible for implementing these policy guidelines.

All notifications of alleged unlawful activity will be logged in Council's document management system Dataworks and tasked to the responsible person using the automated workflows.

<b>Reference(s):</b>	DW 3090593
<b>Responsible Department(s):</b>	Environment and Planning

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## POLICY REGISTER

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<b>Title:</b>	SWIMMING POOLS INSPECTION PROGRAM
<b>MOSPLAN Reference:</b>	BE.04
<b>Date Adopted:</b>	3 December 2013 (EP/77)
<b>Date Reviewed:</b>	

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### Policy Details

This inspection program is relevant to all swimming pools regulated under the *Swimming Pools Act 1992*. A reference to a swimming pool in this document also includes a spa pool.

### Policy objectives

The inspection program is designed to provide measures to identify non-compliant swimming pools, ensure upgrade works are carried out and in the process raise swimming pool safety awareness.

An inspection of a swimming pool is to be carried out by Council, where any of the following circumstances exist:

#### 1. Complaints

On receipt of a complaint by Council concerning an alleged defective swimming pool barrier, a written request will be forwarded to the owner of the swimming pool to arrange access for an inspection. Where a complaint is substantiated after an inspection, a Direction will be issued to the owner of the swimming pool.

#### 2. Certificate of Compliance Applications

Section 22D of the Act provides for a swimming pool owner to make application to Council or an Accredited Certifier for a Certificate of Compliance. On receipt of an application and payment of the inspection fee, Council will undertake an inspection of the swimming pool. Where the application form indicates that it relates to the sale or lease of the premises, the inspection will be undertaken within 10 business days after receiving the application and inspection fee. Where a defective barrier has been identified, a Direction will be issued to the swimming pool owner.

A re-inspection will be undertaken by Council and the appropriate re-inspection fee will be paid by the swimming pool owner. A certificate of compliance will be issued in respect of a swimming pool that is registered on the Department of Local Government Swimming Pools Register and that complies with the requirements of Part 2 of the Act.

#### 3. Exemption Applications

Section 22 of the Act provides for a swimming pool owner to make application to Council for an Exemption from all or any of the requirements of Part 2 of the Act, in certain circumstances. On receipt of an application and the appropriate fee, Council will undertake an inspection of the swimming pool. After determination of the

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## POLICY REGISTER

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Exemption Application, where further works are necessary to make the swimming pool barrier compliant, Council will issue a Direction to the swimming pool owner.

### **4. Other inspections at request of owner**

Section 22C of the Act provides for a swimming pool owner to make application to Council for an inspection, which includes advice about swimming pool compliance. On receipt of an application and payment of the inspection fee, an inspection of the swimming pool will be undertaken. Where a defective barrier is identified, a Direction will be issued to the swimming pool owner.

### **5. Notices issued by an Accredited Certifier**

Section 22E of the Act requires that an Accredited Certifier must provide a Notice to the owner of a swimming pool after inspection, if not satisfied that the swimming pool is compliant. A copy of the Notice is required to be provided to Council. On receipt of a notification from an Accredited Certifier, a written request will be forwarded to the owner of the swimming pool to arrange access for an inspection to be undertaken and payment of the inspection fee in accordance with Section 22F of the Act. Where a defective barrier is identified, a Direction will be issued to the swimming pool owner.

### **6. The development certification role and Building Certificate applications**

Where Council is engaged as a Certifier and/or on receipt of an application for a Building Certificate for a property which has a swimming pool, arrangements will be made with the swimming pool owner for an inspection to be undertaken of the swimming pool. Where a defective barrier is identified, a Direction will be issued to the swimming pool owner.

### **7. Tourist and visitor accommodation or premises with more than two dwellings**

‘Tourist and visitor accommodation’ means a building or place that provides temporary or short term accommodation on a commercial basis and includes any of the following: backpacker’s accommodation, bed and breakfast accommodation, farm stay accommodation, hotel or motel accommodation, serviced departments, but does not include camping grounds, caravan parks or eco tourist facilities.

‘Dwelling’ means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile. Premises containing more than two dwellings would include a residential flat building, town houses, villas or the like.

These categories of premises are to be inspected at least once every three years. A written request will be forwarded to the owner of the swimming pool to arrange access for an inspection to be undertaken and payment of the inspection fee in accordance with Section 22F of the Act. Where a defective barrier is identified, a Direction will be issued to the swimming pool owner.

### **8. Random audit**

Where inspection resources permit, the swimming pool register will be reviewed to identify swimming pools where there is not a valid Certificate of Compliance or a

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## POLICY REGISTER

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relevant Occupation Certificate in existence and Council has not carried out an inspection of the swimming pool in the past 5 years. A written request will be forwarded to the owner of the swimming pool to arrange access for an inspection to be undertaken and payment of the inspection fee in accordance with Section 22F of the Act. Where a defective barrier is identified, a Direction will be issued to the owner of the swimming pool.

➤ **Directions**

Where a defective swimming pool barrier has been identified, the non-compliant aspects will be notified to the swimming pool owner as a Direction. The Direction is a legally enforceable document and provides the swimming pool owner with a right of appeal to the Land and Environment Court.

After the time period for compliance with the Direction has expired, a re-inspection of the swimming pool will be carried out by Council to determine if compliance has been achieved. Given the safety issues, any failures to comply would result in Council seeking legal enforcement of the Direction through an application to the Land and Environment Court.

➤ **Inspections and re-inspection fees**

Section 22F of the Act allows Council to charge an inspection fee for all inspections carried out under Division 5 of the Act.

An initial inspection fee will be payable by the swimming pool owner at the time of making an application or request to Council for an inspection of a swimming pool. An application will not be taken as being lodged until payment of the application fee has been received by Council.

Where Council has initiated the need for an inspection in accordance with this program, other than for a complaint, a request for payment will be forwarded to the owner of the swimming pool.

Where a re-inspection is necessary, a once only re-inspection fee will be payable by the swimming pool owner. In such cases, Council will request payment from the swimming pool owner prior to re-inspection.

All inspection fees will be charged in accordance with Council's schedule of fees and charges.

➤ **Penalty Infringement Notices**

There are a range of Penalty Infringement Notices (on the spot fines) that will be issued by Council for non-compliance with the requirements of the Act. Such penalties are not used as an initial response by Council but rather as a deterrent for continued failure to comply. However, in circumstances where Council has initiated the need for inspection and the swimming pool owner has been unwilling to pay for the inspection beforehand, and the swimming pool barrier has been found to be defective, a penalty infringement notice will be issued.

**Reference(s):** EP/77 3 December 2013  
**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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## POLICY REGISTER

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<b>Title:</b>	DONATION OF MEMORIAL TREES
<b>MOSPLAN Reference:</b>	05.05.01
<b>Date Adopted:</b>	22 August 2000 (NE/57)
<b>Date Reviewed:</b>	9 October 2001 (PF/227)

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### Policy Details:

That any request from a resident to donate a tree to be planted in a public reserve or street in memory of loved ones be assessed on its merits and be subject to the requirements of the Street Tree Master Plan or current planning for the reserve in question. Further, that a register of memorial trees be kept as an attachment to Council's Significant Tree Register so that the history and memory of the person for whom the tree has been planted, is not lost over time.

The placement of memorial plaques in a Council's Reserve is to be in recognition of a long term resident of Mosman or a person who has contributed to the Mosman community over many years and is only to be considered in conjunction with the donation/sponsorship of a new tree which is to be planted in accordance with an agreed plan.

Plaques are to be placed on the tree guard and not in the ground due to the possibility of the plinth and plaque becoming a trip hazard to pedestrians.

A written application is required with approval subject to the following conditions:

1. The applicant to meet all costs associated with the purchase, engraving and placement of the plaque (maximum size 150mm x 50mm x 3mm) and the cost of purchasing and planting of the tree.
2. The tree will remain the property of Council which will maintain it whilst it is economically viable to do so.
3. Council will not be responsible for the replacement of the plaque due to vandalism or theft.

<b>Reference(s):</b>	Refer Dataworks No. 141149 – Report NE/57 to Natural Environment Committee 22AUG2000 Refer Report PF/227 to Policy and Finance Committee 9OCT2001
<b>Responsible Department(s):</b>	Environment and Planning

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## POLICY REGISTER

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**Title:** TREES - REPLACEMENT  
**MOSPLAN Reference:** Program 5 (05.05.02)  
**Date Adopted:** 11 June 1992 (PG/19)  
**Date Reviewed:**

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**Policy Details:**

That permission for the removal of trees be granted on the basis that a suitable replacement tree is planted elsewhere on the property.

**Reference(s):** N/A  
**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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**Title:** ILLEGAL TREE POISONING - SHROUDING  
**MOSPLAN Reference:** 05.04.04  
**Date Adopted:** 14 March 2000 (NE/18)  
**Date Reviewed:**

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**Policy Details:**

That when a significant tree is poisoned, it be shrouded and the shroud remain until it rots and an explanation be posted on the tree. Further, that additional shrouding be considered on each tree and that the time the shrouding remains in place be determined on a case by case basis.

**Reference(s):** Refer Dataworks Document No. 117933 – NE/18 Illegal Tree Poisoning and Removals  
**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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**Title:** URBAN FOREST  
**MOSPLAN Reference:** 05.05.01  
**Date Adopted:** 2 August 2004 (EP/128)  
**Date Reviewed:**

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### Policy Details:

#### Definition

The Urban Forest is defined as the totality of trees and shrubs on all public and private land in and around urban areas (including bushland, parkland, gardens and street trees) and is measured as a canopy cover percentage of the total area, and is recognised as a primary component of the urban ecosystem.

#### Policy

With regard to the management of Mosman's trees, the Urban Forest, it is Council policy that

- a) The Urban Forest is recognised as a vital component to the infrastructure of urban landscape providing benefits such as natural beauty, visual interest, and softening rigid lines and harsh textures (aesthetics); micro-climatic influence, reduction in glare and the effects of wind and solar radiation (climatic); reducing cooling costs, asset protection and increased property values (economic); stormwater management, reduction in air pollution, and improving biodiversity (environmental); and public and private amenity (social).
- b) Mosman's Urban Forest be conserved, replenished and enhanced to achieve identified and agreed targeted canopy coverage, providing optimal benefits at acceptable costs, through the implementation of best urban forest principles and Ecologically Sustainable Development (ESD).
- c) The management and development of the Mosman Urban Forest seeks to achieve a balance between the competing needs of the environment, budget limitations, utilities and infrastructure, legal obligations, the propriety rights of owners, and the desires of local residents to protect the investment they have made in their property.



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# POLICY REGISTER

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## Management Tools

Implementation of this Urban Forest Policy will incorporate the following management principles.

- Planned Management – A strategic plan is fundamental to achieving the optimal development and quality of the urban forest
- Systematic Management – Ensuring that there are adequate resources invested in the Management of the Urban Forest and that the resources are managed efficiently.
- Integrated Management – Management of the urban forest must be integrated with the management of the entire urban environment – built infrastructure and natural places.

These principles are demonstrated within the following specific tools Council has developed to manage Mosman's Urban Forest:

- Tree Preservation Order (TPO)
- Street Tree Master Plan
- Urban Forest Management Register
- Contract for Tree Management and Associated Works
- Bushland Management Program including Bushland Management Contracts, Volunteer Bushcare Program, Unmade Road Strategy and Bushland Education Program.
- Mosman Local Environmental Plan (LEP)
- Mosman Residential and Commercial Development Control Plans (DCP's).

## Actions

The following actions are in place to manage Mosman's Urban Forest and are reflected.

### 1) PLANNING

- a) Identify and evaluate Council's existing tree resources on streets and in parks and reserves.
- b) Develop a strategic plan to maintain existing street vistas, such as Holt Avenue and Bradley's Head Road, and park trees, such as the Balmoral Figs. Identify opportunities to increase "signature" streets and parks around Mosman.
- c) Identify streets suitable for planting as wildlife corridors.
- d) Develop, and update as required, a set of standard conditions to minimise the conflicts between trees, development and infrastructure.
- e) Implement Urban Forest Management Register *"to identify trees, single or group, on private property or Council Land, which are considered exceptionally important within Mosman's Urban Forest, and detail general and specific strategies to ensure better methods of protection, care and management of listed trees"*.

### 2) TREE REMOVAL (Council Land)

- a) Establish and implement a system of monitoring existing trees for health, disease, storm damage, and risk to the public.

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- b) Generally trees are only to be removed if it is determined that they are dead, dying, or dangerous (to person or property) and following a tree hazard evaluation.
- c) Where trees are to be removed for reasons other than those outlined in point b), the public will be given an opportunity to make submissions to Council on whether the trees should be retained.
- d) Where appropriate suitable dead trees within bushland are to be retained as habitat.

### 3) TREE PLANTING (Council Land)

- a) Trees are to be planted, wherever possible, to replace any tree removed.
- b) Identify opportunities to plant new trees and do so without adversely affecting views from public or private land.
- c) Establish a replacement program for trees that have been identified for removal.
- d) Replace poor performing trees to reinvigorate streetscapes and tree corridors.
- e) Develop a strategic plan for the ongoing tree planting

### 4) TREE MAINTENANCE (Council Land)

Ensure the best tree management standards are implemented for the maintenance of trees on streets, parks and reserves.

### 5) TREES ON PRIVATE PROPERTY.

- a) The removal and replacement of trees on private property is to be assessed, using the Tree Preservation Order, as a function of the management of Mosman's Urban Forest (as defined in the policy).
- b) Develop, and monitor, integrated management systems to identify trees worthy of retention on development sites.
- c) Trees identified for retention on development sites are to be protected from development and other activities that threaten their health and appearance.
- d) Develop, and update as required, a set of standard conditions to minimise the conflicts between trees, development and infrastructure.

### 6) EDUCATION

Provide appropriate resources, advice and education material to communicate Council's policies and procedures in relation to the management of Mosman's Urban Forest.

**Reference(s):** N/A

**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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**Title:** CORAL TREES  
**MOSPLAN Reference:** 05.05.03  
**Date Adopted:** 23 October 2001 (NE/65)  
**Date Reviewed:**

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**Policy Details:**

That Council progressively phase out Coral trees by natural attrition from Council owned and/or controlled land unless otherwise identified as representing a risk to the public or targeted for removal from a bushland area as part of the approved annual work plan for that area.

**Reference(s):** Dataworks Document No 217690  
**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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**Title:** TREES - REMOVAL FROM PUBLIC LAND  
**MOSPLAN Reference:** 05.05.03  
**Date Adopted:** 9 July 2002 (NE/37)  
**Date Reviewed:**

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### Policy Details:

That:

- A. When it is proposed to remove a tree from public land a letter be sent to all properties in the same street in the immediate vicinity, i.e. within 50 metres of the tree proposed for removal, inviting comment.
- B. The measures outlined in point A be in addition to Council's normal procedure of placing a sign on the trees proposed for removal.
- C. When a tree is to be removed for emergency reasons, immediate notification be given to surrounding properties.

**Reference(s):** Dataworks Document No. 552623  
**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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<b>Title:</b>	PRUNING ON PUBLIC LAND
<b>MOSPLAN Reference:</b>	05.05.03
<b>Date Adopted:</b>	
<b>Date Reviewed:</b>	7 March 2006 (EP/34)

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### Policy Details:

#### Background

Mosman's Urban Forest is an asset which is highly valued by the community. The Urban Forest Policy covers trees on both public and private land and recognises that trees provide many benefits to the community. It is acknowledged that the desire to maintain views from residences is also a high priority within Mosman and this can only be achieved by mechanical means. Objectives of Mosman's Urban Forest Policy include:

- *Mosman's Urban Forest be conserved, replenished and enhanced to achieve identified and agreed targeted canopy coverage, providing optimal benefits at acceptable costs, through the implementation of best urban forest principles and Ecologically Sustainable Development (ESD).*
- *The management and development of the Mosman Urban Forest seeks to achieve a balance between the competing needs of the environment, budget limitations, utilities and infrastructure, legal obligations, the propriety rights of owners, and the desires of local residents to protect the investment they have made in their property.*

Council has issued delegations to staff to allow pruning of trees on public land to restore views from private property. Any approved works are completed to appropriate standards by a Council approved contractor at the applicant's expense. These delegations are regularly reported and reviewed by Council. This process is administered through Councils Tree Preservation Order (TPO) application and approval process. One of the key considerations in adopting this process is to discourage residents from taking matters into their own hands and participating in uncontrolled and unsupervised vandalism of vegetation on public land to restore views from their properties.

#### Objectives

The objectives of this policy are to:

- Define the level of pruning permitted on public trees under one application.
- Define the number of trees permitted to be pruned under one application.
- Define the period of time permitted between applications for pruning of the same and adjoining trees on public land.

There are a number of factors which need to be considered in looking at these issues. The first factor is that trees continue to grow until they reach maturity. Whilst an application to prune a tree may be approved at a given time, the tree will continue to grow and possibly interfere with views resulting in subsequent applications to prune the same tree.

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The second factor is that in some parts of Mosman the desired view may not be directly in front of the residence seeking to obtain the view. Due to the orientation, shape and subdivision pattern of some parcels of land in Mosman the view could be across the frontage of adjoining residences. This may result in applications (at different times) to prune different parts of the same tree from different residents. Depending on when the first application was received and assessed, subsequent applications will be refused until a specified time period has elapsed. It is noted that subsequent applications will be assessed on their merits.

The third factor is a similar issue. Due to the orientation, shape and subdivision pattern of some parcels of land in Mosman the view could be directly in front of each residence. This may lead to a series of applications from adjoining residents to prune different trees in front of their own properties. Depending on which application was received first, subsequent applications will be refused until a specified period has elapsed as the trees subject to the application are in the vicinity of trees pruned as part of an earlier application. It is noted that subsequent applications will be assessed on their merits.

Restricting the number of trees to be assessed under a TPO application to prune trees on public land to a maximum of three per application will assist in maintaining the balance between the resident's wishes for views from private property and the preservation of Mosman's trees on public land. In addition, a timeframe of 12 months is considered appropriate until further view prune applications for the same trees are considered, or applications for trees in the vicinity of trees which were the subject of an earlier application are considered.

### Policy

- Mosman's Urban Forest is an asset which is highly valued by the community. The Urban Forest Policy comprises trees on both public and private land and recognises that trees provide many benefits to the community. It is acknowledged that the desire to maintain views from private residences is also a high priority within Mosman.
- Council will consider applications to prune trees on public land made through the Tree Preservation Order.
- No more than 10% of the live canopy will be approved for pruning. Pruning will be in accordance with the Australian Standard for Pruning of Amenity Trees (AS 4373) and must be undertaken by a Council approved arborist.
- No more than 3 trees on public land will be considered for pruning under one application.
- No more than one application per 12 month period will be considered for individual trees on public land
- Any other trees, whether the subject of an earlier application or not, will not be considered for assessment within the vicinity (20m measured from the base of the trunk) of trees assessed within that period.
- Any approved works are at the applicant's expense.
- When non-native species are removed from reserves they be replaced with an appropriate native species

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## POLICY REGISTER

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**Reference(s):**

- Mosman Council Urban Forest Policy.
- Mosman Council Tree Preservation Order.

**Responsible  
Department(s):**

Environment and Planning

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## POLICY REGISTER

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**Title:** POULTRY - KEEPING OF  
**MOSPLAN Reference:** Program 5  
**Date Adopted:** 3 April 1984 (F/15)  
**Date Reviewed:**

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### Policy Details:

That, pursuant to the provisions of Section 124 of the Local Government Act 1993, Council's policy for the keeping of live poultry be as follows:

- (a) Fowls (including guinea fowls) shall not be kept nearer than 9 m from any dwelling, public hall, or school or any premises used for manufacture, preparation, sale or storage of food and other varieties of poultry shall not be kept nearer than 30 m from such premises.
- (b) The maximum number of fowls (including guinea fowls) which may be kept on any premises shall be 12.
- (c) The keeping of roosters shall not be permitted.
- (d) Applications received for the keeping of other varieties of poultry be referred to Council for determination.
- (e) Applications received not in conformity with the above policy be referred to Council for determination.

**Reference(s):** N/A  
**Responsible Department(s):** Environment and Planning



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## POLICY REGISTER

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**Title:** BUSHCARE  
**MOSPLAN Reference:** Program 5.04  
**Date Adopted:** 2 October 2007 (EP/218)  
**Date Reviewed:**

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**Policy Details:**

Refer to "Bushcare Policy" (Dataworks Document No. 1659478)

**Reference(s):** Dataworks Doc. No. 1659478  
**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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<b>Title:</b>	GRAFFITI
<b>MOSPLAN Reference:</b>	Program 5 (05.11) Program 7 (07.03)
<b>Date Adopted:</b>	15 July 1997 (CNCL Mayoral Minute No. 2) 11 August 1998 (PF/213)
<b>Date Reviewed:</b>	31 October 2007

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### Policy Details:

Mosman Council is committed to managing graffiti on Council and private property throughout the Mosman area through employing a rapid removal and prevention strategy, which provides for:

- the removal of graffiti from Council owned property within one working day of identification;
- the removal of graffiti from private properties within three working days of identification, subject to the provisions of Part 4 of the Graffiti Control Act, 2008; and
- the emergency response and urgent removal of graffiti as required by Council's Contract Supervisor. This provision provides for the urgent removal of graffiti considered obscene, offensive, racist and/or vilifying.

<b>Reference(s):</b>	<ul style="list-style-type: none"> <li>• Dataworks Document 1601320 – Signed acceptance of Graffiti Management Contract</li> <li>• Dataworks Document 1598924 – Memorandum to General Manager with recommendation to engage graffiti management contractor</li> <li>• Dataworks Document 1599251 – Council report delegating authority to the General Manager to negotiate with tenderers and enter into a contract</li> </ul>
<b>Responsible Department(s):</b>	Environment and Planning/ Environment and Services

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## POLICY REGISTER

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**Title:** FOOD SAFETY COMPLIANCE AND ENFORCEMENT  
**MOSPLAN Reference:** Program 5 (05.09)  
**Date Adopted:** 4 August 2009 (EP/136)  
**Date Reviewed:**

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**Policy Details:**

Refer to the "Food Safety Compliance Policy".

**Reference(s):** Dataworks Document 2146289  
**Responsible Department(s):** Environment and Planning - Environment and Services

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## POLICY REGISTER

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<b>Title:</b>	SUSTAINABLE EVENT MANAGEMENT
<b>MOSPLAN Reference:</b>	Program 5
<b>Date Adopted:</b>	5 July 2011 (EP/87)
<b>Date Reviewed:</b>	

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### Policy Details:

#### Introduction

Mosman Council has a role and obligation in protecting the environment, minimising adverse environmental impacts, remediating environmental problems and leading by example. This policy demonstrates Council's commitment to sustainability and sound environmental management. It highlights how the principles of sustainability should be integrated into the planning, management and implementation of Council's activities and service delivery with respect to event management, and advocated to Council staff, the Mosman community and other external stakeholder organisations.

#### Policy Objective

To ensure that sustainability principles are applied to the planning, management and implementation of all events within the scope of this Policy.

#### Policy Commitment

Mosman Council is committed to:

- 1) Reducing Mosman's ecological footprint;
- 2) Minimising impacts on the environment by incorporating the principles of Ecologically Sustainable Development into planning and policy;
- 3) Excellence in environmental management and sustainability, utilising current best practice standards where possible;
- 4) Applying sustainability principles to the purchasing and procurement of goods and services for events, workshops and meetings;
- 5) Ensuring responsible use of resources including water and energy, and implementing efficiency measures to reduce water and energy consumption before, during and after events;
- 6) Reducing corporate greenhouse gas emissions through sustainable event management;
- 7) Implementing waste avoidance strategies and maximising resource recovery for events;
- 8) Enhancing the environmental awareness of employees, contractors, councillors, volunteers and the community to build their capacity to plan, organise, deliver, or participate in a sustainable event;
- 9) Fostering an environmentally responsible behaviour in all relevant stakeholders (internal and external) involved in planning, organising, delivering or participating in an event;

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- 10) Striving for ongoing improvement in environmental performance through monitoring and evaluation of sustainable events.

### Policy Scope

This Policy applies to all events, workshops and meetings coordinated by Mosman Council, as well as events held on land managed by Council within the Mosman Local Government Area, including, but not limited to:

#### Internal - Council

- Special Events
- Civic Events
- Forums / Conferences
- Workshops
- Meetings
- Mosman Markets
- Festival of Mosman

#### External – Other Organisations/Individuals

- Minor Events
- Major Events

For example, but not limited to, external events such as: the Balmoral Burn, Hunter Valley Uncorked, Mudjee Wine and Food Fair.

At this stage, this Policy will not apply to:

- Wedding receptions held at the Art Gallery or Rotunda;
- Small private gatherings of less than 50 people (e.g. family picnics, birthday parties) held in public areas.

Whilst the policy will not apply to weddings or small private gatherings, all Mosman residents and visitors to Mosman are encouraged to consider the environment during their event, including sustainable travel, the purchasing and use of sustainable products, waste minimisation and the disposal of all waste appropriately in the waste/recycling facilities provided.

### Policy Statement

Sustainability principles should be considered and demonstrated during all phases of an event including:

- Pre-Event Planning  
Incorporating sustainability into design, planning, organisation, training and contract management prior to the event to ensure all sustainability principles have been considered and incorporated where possible into the planning and management of the event.
- Event Implementation  
Putting the planned activities into action, and managing the activities during the event. Monitoring during the event to ensure compliance with the policy.
- Post-Event  
Review and evaluation of the event to identify successful outcomes and achievements, and develop processes for continuous improvement.

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The following sustainability aspects should be considered and incorporated, where applicable, into the planning, organisation, management and implementation of all events within the scope of this Policy:

- Waste avoidance and minimisation
- Resource recovery (reuse, recycling)
- Energy conservation
- Climate Change/Greenhouse gas emissions
- Sustainable transport
- Water conservation
- Biodiversity conservation
- Animal welfare / ethics
- Sustainable purchasing (e.g. sustainable products/services)
- Social considerations (e.g. volunteering, charity)
- Economic considerations (e.g. local stakeholders, local products, budgets, value for money)

Mandatory Inclusions have been identified and provided below. The Mandatory Inclusions must be complied with for all events, as defined within the scope of this Policy.

- Promotional materials are to be printed on recycled paper (80-100% post-consumer recycled content).
- Fairtrade products are to be purchased / provided at events (e.g. coffee, tea).
- All cups, plates, napkins and cutlery purchased, used, and distributed at an event must be made from recycled / recyclable / reusable / biodegradable and/or compostable materials.
- Free range eggs are to be used in fresh food made for the event (to be eaten or sold), and bought products should be sourced made with free range eggs where possible.
- Plastic water bottles are not to be sold or given away during an event, alternative water sources should be provided.
- Plastic bags are not to be used / given away during events, alternative products should be used.
- Balloons are not to be used, given away or released during events.

### **Sustainable Event Management Checklist and Plan**

The Sustainable Event Management Checklists<sup>1</sup> (internal) and the Sustainable Event Management Plan<sup>2</sup> (external) must demonstrate that the mandatory inclusions have been implemented and that other sustainability aspects, as provided above, have been considered and incorporated into the Checklist or Plan under the following areas:

- Mandatory Inclusions
- Venue/Location
- Transport
- Equipment, supplies and products
- Water and Energy Use
- Waste Management
- Event promotion & materials
- Catering

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- Training / Awareness

Under this Policy, a Sustainable Event Management Checklist must be completed by relevant Council staff responsible for the planning and implementation of Council events within the scope of this Policy (namely all Special Events, Civic Events, Forums/Conferences, Mosman Markets, Festival of Mosman, Workshops, and Meetings).

A Sustainable Event Management Plan must be completed and submitted to Council by external organisations/individuals, for both major and minor events, with the event booking form and application for approval. Bookings for an external event held on land managed by Council in the Mosman LGA will not be approved by Council without the submission of a satisfactory Sustainable Event Management Plan.

Failure to comply with this Policy and the approved Sustainable Event Management Plan may result in the exclusion of the external stakeholders responsible for the non-compliance in any future events hosted by Council, or inform Council's decision to reject a booking on land managed by Council of any future events hosted by the non-complying external stakeholders/organisations.

### **Preferred Suppliers – Sustainable Products**

This Policy allows for the provision of a preferred suppliers list for sustainable products, including but not limited to; printing, catering supplies, and other materials. Council will, for the purpose of delivering on this Policy, undertake the process of developing and promoting a preferred suppliers list which can be utilised by internal Council staff and external organisations/individuals to purchase sustainable products/materials for an event within the scope of this Policy.

### **Responsibilities**

All relevant staff involved in the planning, organisation, delivery, monitoring, evaluation and/or administration of an event, workshop or meeting are responsible for adhering to this Policy, and the accompanying Guide for Sustainable Event Management.

### **Monitoring**

The Manager Environment and Services will be responsible for reviewing this Policy, and monitoring compliance and environmental performance of this Policy by internal staff, where practicable.

The Venue and Markets Officer situated at the Art Gallery will be responsible for ensuring that Mosman market stallholders comply with the mandatory criteria included within this Policy, at a minimum.

The Events and Marketing Coordinator and Council Bookings Officer will be responsible, where possible, for monitoring compliance of this Policy by external organisations/individuals.

### **Communication**

This Policy will be adopted by Council and incorporated into Council's Policy Register. This Policy will be made available as a public document and communicated to all staff through the new staff induction process, and to specific relevant staff in a meeting/training forum.

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## POLICY REGISTER

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This Policy will be communicated to external organisations/individuals through the event booking process and via the Council website.

### Evaluation and Review

This Policy and the accompanying Guide for Sustainable Event Management will be reviewed every three years to ensure the information remains up to date.

The following mechanisms will be used for monitoring performance:

- Performance indicators in MOSPLAN
- Stakeholder feedback
- Monitoring/audit reports of events

### References

This Policy is to be implemented in conjunction with the Mosman Guide for Sustainable Event Management.

This document is the overarching Policy for the existing Special Events Management Policy. This Policy is to be referred to in conjunction with the Special Events Management Policy and takes precedence over the Special Events Management Policy with respect to the consideration and incorporation of sustainability.

This document is the overarching Policy for the existing Drill Hall Bookings Policy and Procedures and takes precedence over the Drill Hall Bookings Policy with respect to the consideration and incorporation of sustainability. The Guide to Sustainable Event Management Part B must be provided to all parties booking the Drill Hall/Sports Centre, if the event to be booked is within the scope of this Policy.

The Sustainable Event Management Plan will take the place of the existing Waste Management Plan referenced in the Special Events Management Policy.

**Date of Completion:** 23 June 2011

**Date of Adoption:** 5<sup>th</sup> July 2011

**Date of Review:** Prior to 5<sup>th</sup> July 2014

<sup>1</sup> A template for the Sustainable Event Management Checklists is included in the Guide for Sustainable Event Management – Part A: Internal Council Events

<sup>2</sup> A template for the Sustainable Event Management Plan is included in the Guide for Sustainable Event Management – Part B: External Events (Organisations/Individuals)



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## POLICY REGISTER

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**Reference(s): (see DW)**

- Template for the Sustainable Event Management Checklists - Guide for Sustainable Event Management – Part A: Internal Council Events
- Template for the Sustainable Event Management Plan - Guide for Sustainable Event Management – Part B: External Events (Organisations/Individuals)
- Procurement Policy and Manual
- Environmental Management Plan
- Environmental Sustainability Action Plan
- Environmental Sustainability Policy
- Special Events Management Policy
- Drill Hall Bookings Policy and Procedures
- Mosman Art and Craft Markets Application Form

**Responsible  
Department(s):**

Environment and Planning

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## POLICY REGISTER

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**Title:** ROAD AND PUBLIC PLACE NAMING POLICY  
**MOSPLAN Reference:** GR.06  
**Date Adopted:** 6 June 2017 (CS/19)  
**Date Reviewed:**

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**Policy Details:**



# ROAD AND PUBLIC PLACE NAMING POLICY

Corporate Document

Version: V2 / ECM: Fixed Reference No.5186632

Adopted by: Council on 6 June 2017

Ownership: Corporate Services

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# POLICY REGISTER

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## Purpose

To provide a rationale and framework for the naming of roads and public places in Mosman.

## Objectives

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The application of this Policy is to achieve the following objectives:

- Ensure a consistent procedure for the naming of local roads and public places within Mosman
- Ensure that road and public place names comply with the relevant legislation and locality requirements
- Promote the use of names within the local government area which are identifiable, embrace Mosman's heritage and are locatable and where appropriate that they have an aboriginal context or are names of historical Mosman identities
- Provide staff, the local community and future developers with clear information on Council's requirements for the naming of roads and public places
- Encourage public participation in the naming and renaming procedure

## Scope

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This policy applies to Councillors to assist them in determining names of roads and public places within Mosman and to staff administering the Policy.

## Application

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Council is required to name roads and public places for a variety of circumstances which may originate from resident request or Council resolution. The below details the consideration framework for naming of roads and public spaces which will ultimately require a Council resolution and approval by the NSW Geographical Names Board (GNB).

### Naming Convention

When naming or renaming roads and public places this should be undertaken in accordance with relevant legislation and the requirements of the GNB. The GNB is empowered by the *Geographical Names Act 1966* which provides it the authority to assign names to places; to investigate and determine the form, spelling, meaning, pronunciation, origin and history of any geographical name; and to determine the application of each name with regard to position, extent or other reference.

### Sources

Council's preference for sources of names generally in order of preference includes:

- Aboriginal names relevant to the local area
- local history and heritage
  - this includes references to Mosman's diverse cultural history
  - early explorers, pioneers, settlers and other eminent women and men
  - war/casualty lists
- thematic names such as flora, fauna or ships relevant to Mosman
- names suited to the physical, historical or cultural character of Mosman
- commemorative names

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## POLICY REGISTER

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- the following requirements are also to be observed when assigning names:
  - first names will only be included where it is necessary to appropriately recognise an individual;
  - Council will usually only use names posthumously, except where an individual has made an exceptional contribution to the Mosman Community and the attribution of that name is not controversial within the Community;
  - names of individuals currently holding public office will not be used

Further in relation to Roads the following requirements are to be observed:

### Uniqueness

Name duplications of roads within Mosman must be avoided. This includes homophones or other similarities in names. Eg. "White Street" and "Whyte Street". Similarly, duplicate road names in close proximity to neighbouring local government areas are to be avoided. However, roads crossing Council boundaries ought to have one consistent name. So long as it is practicable, roads will have a continuous unique name from the beginning to end of a road, regardless of Council boundaries, landforms and intersecting roads.

### Communication

Names should be easy to read, spell and pronounce. Unduly long names are to be avoided, as are names of three or more words including the road type. (An exception to this may be where multiple words are necessary due to their geographic relationship with the area ie Whiting Beach Road). Further, short streets ought to have short names to prevent unnecessary crowding on maps. The use of given names generally ought to be avoided, unless it is essential to identify an individual to avoid ambiguity. Roads with double destination names are to be avoided.

### Spelling

Where it is intended that a road have the same name as a place or feature with an approved geographical name, particular care will be taken to ensure that the correct spelling is adopted. Where names have been changed or corrupted by long established local usage, Council will only alter or restore the previous name where community support for the change has been evidenced. Council will not adopt names with abbreviations (eg 'Creek' in 'Wallaby Creek Road' is not to be abbreviated), with the exceptions of "St" for "Saint" and "Mt" for "Mount".

### Form

Council will omit apostrophes from road names. eg Smith's Road becomes 'Smiths Road'. Further, where possible, Council will avoid the use of the possessive 's', unless the euphony becomes harsh. Council will also avoid the use of hyphens, slashes and other diacritical marks. Council will write any numbers in a road name alpha rather than numeric form.

### Road Type

The appropriate suffix for the road name (eg street, lane, crescent etc) must be used for the geographical location of the road to be named. An extensive list of various road types is available in the "NSW Addressing User Manual" - Geographical Names Board.

### Prefixes

The use of a compass points prefix/suffix such as "north" or "extension" will be avoided, particularly where new roads are to be named. An exception may be granted where it may be appropriate to delineate each half of a road by the addition of a compass point suffix for

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## POLICY REGISTER

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the purposes of assisting the community and emergency services to locate the appropriate part of the road.

### Propriety

Names which are characterised as follows are to be avoided:

- Offensive or likely to give offence
- Incongruous - out of place
- Commercial or company

### Community Consultation

When considered appropriate Council will seek suggestions and or comments from the community on names proposed for roads and public places. This will be undertaken in accordance with Council's adopted Community Engagement Strategy.

### Related Information/Glossary

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The Policy should be read in conjunction with the following policies and documents:

- Community Engagement Strategy
- Street Address and Allotment Amendment Policy

The Policy should be read in conjunction with the following documents/legislation:

- AS/NZS 4819:2011 Geographic Information - Rural and Urban Addressing
- AS1742.5-1997 Manual of uniform traffic control devices - Part 5 Street name and community facility name signs
- Geographical Names Act 1966 (Section 12)
- Guidelines for the Determination of Place Names, March 2013
- Roads Act 1993 (Section 162)
- Roads Regulation 2008 (Sections 7 - 10)

### Review

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This policy will be reviewed every four years unless otherwise directed by Council or the Executive team.

### Contact

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Enquiries should be directed to the Director Corporate Services on 9978 4000.

### Amendments

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Date	Amendment	Reference
15/02/1977	Adopted	C/09
02/02/1987	Reviewed	F/103
06/06/2017	Reviewed	CS/19

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## POLICY REGISTER

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**Title:** STREET ADDRESS AND ALLOTMENT AMENDMENT POLICY

**MOSPLAN Reference:** GR.06

**Date Adopted:** 6 June 2017 (CS/18)

**Date Reviewed:**

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**Policy Details:**



# Street Address and Allotment Amendment Policy

Public Document

Version: 2 / ECM: Fixed Reference No.: 5702663

Adopted by: Council on 6 June 2017

Ownership: GR.06

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# POLICY REGISTER

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## Purpose

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To detail Council's requirements and the process in administering applications from property owners to change the address of their property.

## Objective

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Ensure that properties in Mosman contain street numbering which is logical in sequence and which does not lead to confusion for any important service authority.

Ensure relevant consultation with stakeholders.

## Scope

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Section 124 (8) of the *Local Government Act 1993* requires that properties be provided with house numbering. The Policy provides direction to Council staff and information to property owners on the process and procedure in allocating street numbering.

## Policy Requirements

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1. The application must not lead to any confusion for emergency services
2. The application must contain street numbering of a logical sequence
3. The application is not subject to objections by the Department of Finance, Services and Innovation - Addressing Committee in accordance with their policy
4. Consideration by staff of neighbour submissions
5. Sub letters after numbers, (i.e. 65A) will only be approved if adjacent neighbours do not object

## Procedure

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1. Applications must be in writing and be accompanied by the prescribed fee. A separate application is required for each property requesting a change (one application per strata plan)
2. All requests and allocation of numbers are assessed on an individual basis with allowances made for existing inappropriate house numbering
3. Staff will liaise with the applicant on receipt of the application and if necessary discuss the merit of same
4. Staff will notify neighbours including identification of possible changes to setbacks and other significant built form impacts (if applicable) and invite submissions
5. Staff will consult the Department of Finance, Services and Innovation – Addressing Committee who will complete an impact assessment including consultation with Emergency Services

## POLICY REGISTER

6. Staff will liaise with Australia Post regarding delivery of mail to the proposed new address
7. If the Department of Finance, Services and Innovation and Australia Post have no objections staff will write to adjoining neighbours advising of the application and inviting written comments within 14 days
8. Written comments objections will be considered by staff and a determination made which will be advised in writing to the applicant and any objectors

If approval is granted formal advice is provided to the following authorities:

- Australia Post
- Valuer General
- Telstra (for 000 emergency service)
- Land and Property Information

If approval is not granted, 50% of the application fee is refunded.

### Related Information/Glossary

This Policy should be read in conjunction with Australian AS/NZS 4819:2011 – Geographic information – Rural and urban addressing:

Reference(s):	Australian AS/NZS 4819:2011 – Geographic information – Rural and Urban addressing NSW Addressing User Manual - Geographical Names Board
Responsible Department(s):	Corporate Services

### Review

This policy will be reviewed every four years unless otherwise directed by Council or the Executive Team.

### Contact

Enquiries should be directed to the GIS Coordinator on 9978 4158.

### Amendments

Date	Amendment	Reference
13 November 2012	Adopted: (Version 1)	CS/46
6 June 2017	Reviewed and updated: (Version 2)	CS/18



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## POLICY REGISTER

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<b>Title:</b>	COMMERCIAL FILMING/PHOTOGRAPHY
<b>MOSPLAN Reference:</b>	Program 6
<b>Date Adopted:</b>	17 February 1970 (C/2)
<b>Date Reviewed:</b>	3 November 1988 (F/159), 11 September 1990 (F/213), 16 November 1993 (F/281), 24 September 1996 (PF/275) 7 November 2006 (CS/79) 7 April 2009 (CS/23) 3 July 2012 (CS/31)

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### Policy Details:

Council will permit the use of Council controlled land in accordance with Council's standard conditions of application and approval for the purpose of commercial filming or photography on Mondays to Fridays (excluding public holidays) having regard to the Local Government Filming Protocol.

Applications for commercial filming or photography on weekends and public holidays and outside the hours of 7.00am to 7.00pm weekdays will be considered on their merits and if approved will be subject to appropriate conditions.

<b>Source:</b>	Delegation 24 – Program 2
<b>Reference(s):</b>	Filming Related Legislation Amendment Bill 2008 (18 June 2008)
<b>Responsible Department(s):</b>	Corporate Services

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## POLICY REGISTER

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<b>Title:</b>	RESERVES/BEACHES ETC - COMMERCIAL ACTIVITIES
<b>MOSPLAN Reference:</b>	Programs 6 & 10
<b>Date Adopted:</b>	30 January 1979 (F/11)
<b>Date Reviewed:</b>	2 December 1986 (F/278)

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### Policy Details:

That Council will not to permit commercial type activities on its reserves/beaches etc.

(It should be noted that Council has in fact granted mobile vending rights in respect of Clifton Gardens, Sirius Cove and Chinaman's Beach (Rosherville) Reserves.)

<b>Reference(s):</b>	N/A Corporate Services
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## POLICY REGISTER

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**Title:** FORESHORE RESERVES - ENCROACHMENTS  
**MOSPLAN Reference:** Program 6  
**Date Adopted:** 10 August 1982 (C/06)  
**Date Reviewed:**

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### Policy Details:

(a) It is Council Policy that:

- (1) It is reasonable to permit adjoining property owners to have direct access from their properties to the reserve by steps, provided they are of an attractive design and do not encroach in such a manner as to unduly obstruct the passage of public through the reserves.
- (2) In some cases greater harm would be done to the reserves by requiring the removal of the existing low retaining walls than by allowing them to remain.
- (3) Where small gardens established on the reserve by adjoining property owners can be enjoyed by the public, and do not obstruct free movement through the reserve or amount to the annexation of portion of the reserve for exclusive private use, they not be required to be removed.

(b) That rental for each encroachment be assessed on a case by case basis at Council's discretion.

(c) That, where it comes to Council's knowledge, following completion of new building work, that sections of buildings, fences, retaining walls, etc. encroach onto the public roadway, footpath or reserve, such encroachment be the subject of a report and recommendation by the Director Corporate Services.

**Reference(s):** N/A  
**Responsible Department(s):** Corporate Services

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## POLICY REGISTER

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<b>Title:</b>	AMUSEMENT RIDES/JUMPING CASTLES AND KINDY FARMS
<b>MOSPLAN Reference:</b>	Programs 6 & 10
<b>Date Adopted:</b>	9 September 1997 (PF/228)
<b>Date Reviewed:</b>	14 March 2005

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### Policy Details:

Council will permit amusement rides/jumping castles and kindy farms on its ovals and reserves subject to the following conditions:

- (a) The use is in association with a booking of an oval or reserve.
- (b) The hirer of the oval/reserve paying a \$220 application fee to cover the cost of staff having to identify and mark out the area for erection. This fee is in addition to the normal fee set by Council.
- (c) The company operating the amusement rides/jumping castles and kindy farms having a current public risk insurance policy with a minimum indemnity of \$10,000,000.
- (d) The company responsible for the amusement rides/jumping castles and kindy farms paying a \$1,000 refundable fee, such to be refunded on there being no damaged caused to the oval/reserve.
- (e) The hirer of the oval/reserve being advised that the use of the amusement rides/jumping castles and kindy farms is to be strictly limited to their own use and not outside users.
- (f) The use of amusement rides/jumping castles and kindy farms at Balmoral being restricted to the ovals and the reserve at the southern end, except where in conjunction with approved Council events, ie Mudgee Wine and Food Fair, Queenwood Country Fair etc.

<b>Reference(s):</b>	N/A
<b>Responsible Department(s):</b>	Corporate Services

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## POLICY REGISTER

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**Title:** SPECIAL EVENT MANAGEMENT  
**MOSPLAN Reference:** Program 6 (06.03.06)  
**Date Adopted:** 9 December 1997 (OT/38)  
**Date Reviewed:** 10 February 1998 (OT/1), 9 June 1998 (PF/160), 5 September 2006 (CD/46)

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**Policy Details:**

That Council will permit special events occurring on public lands within the Mosman Local Government area in accordance with Council's adopted policy statement and operations manual.

**Reference(s):** Refer Dataworks Document No. 3093467 "Special Event Management Policy Statement and Operations Manual"  
**Responsible Department(s):** Community Development

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## POLICY REGISTER

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<b>Title:</b>	MANAGEMENT OF SMOKING IN PUBLIC PLACES
<b>MOSPLAN Reference:</b>	Program 05.09.05
<b>Date Adopted:</b>	1 November 2004 (CS/72)
<b>Date Reviewed:</b>	6 February 2007 (CS/8), 6 March 2007 (CS/14), 4 April 2023 (CS/9)

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### Policy Details:

This policy includes the management of smoking of tobacco products, vape products and e-cigarettes, and prohibits:

1. Smoking within 10 metres of all children's play areas under Council's care.
2. Smoking be prohibited on or around all properties where Council is owner, reserve trust manager or has care, control and management where such properties are playing fields, sporting grounds, bushland, parks and reserves, bus shelters, as well as Vista Street underground carpark, Bridgepoint car park, Reservoir Park, Boronia House grounds, Mosman Square and the adjacent Village Green.
3. Smoking on all of Mosman's beaches.
4. Smoking within 10 metres of the entrances to Council owned or managed buildings including balconies or covered areas of those buildings;
5. Smoking by persons within alfresco dining areas on public land *where Council has conditioned such approvals to occupy the land and*
6. Smoking at all Council run events *on its beaches, reserves, parks, ovals and playing fields.*

Encourage sporting clubs using Council facilities to assist Council in promoting its policy in regards to prohibiting smoking around playing fields and sporting grounds by adopting the codes promoted

In addition to the prohibitions identified above, Council will:

1. Encourage sporting clubs *using Council facilities* in Mosman to *assist Council in promoting its policy prohibiting smoking around playing fields and sporting grounds by adopting the codes promoted by NSW Health as part of the "Smoke Free NSW" program, including:*
  - banning smoking by under 18s at club activities;
  - banning coaches from smoking whilst coaching or training;
  - banning smoking by team players at training sessions;
  - requiring team meetings on the field or during breaks to be smoke free;
  - banning the sale of tobacco, vaping, and e-cigarette products at club facilities.
2. Facilitates an education campaign on this issue that specifically targets not just residents but our many visitors, and the effect of passive smoking on children in the home.

## POLICY REGISTER

3. Erect and maintain suitable signage to prohibit smoking at locations deemed necessary to educate and warn persons of the prohibition, to enforce the prohibition and to highlight both the adverse environmental and public health issues associated with smoking.
4. Condition upon request for a new or renewed agreement all its leased premises and premises which have approval under Section 125 of the Roads Act 1993 to occupy the footpath for outdoor dining or other estates that apply to Council owned and managed lands and properties, prohibiting smoking in outdoor dining areas and enforce such prohibitions and require such premises to display no smoking signs to patrons at all times.

### Principles:

The Policy recognises that:

- Passive smoking has identified and quantified health risks. The US Department of Health has classified second-hand smoke as a "Class A" or known human carcinogen, for which there is no safe level of exposure. (US Dept. of Health 2000)
- Second-hand or environmental tobacco smoke is a complex cocktail of over 4,000 chemicals in the form of particles and gases. It includes irritants and systemic toxicants such as hydrogen cyanide, sulphur dioxide, carbon monoxide, ammonia, and formaldehyde. It also contains carcinogens and mutagens such as arsenic, chromium and reproductive toxicants such as nicotine and cadmium. (Australian Government Dept. of Health & Ageing 2002).
- Side-stream smoke which drifts from the burning end of a cigarette contains these carcinogens and toxic particles, which are finer and more concentrated than mainstream filtered smoke, meaning they can be inhaled more deeply into the lungs. In some cases their concentration is 30 times higher than mainstream smoke. (Cancer Council).
- Children are most vulnerable to the effects of passive smoking on respiratory illness and asthma (Cancer Council; NHMRC).
- Where Council provides assets and services intended to be a benefit to children and other members of the community, Council has an obligation to promote public health outcomes.
- The data for public health impacts of smoking in well ventilated open space areas is complex, and that some of these impacts are indirect and cumulative and not related to the inhalation of smoke. Indirect effects can result from children playing with discarded butts, and from the accumulation of cigarette derived particles on clothing and skin.
- Every citizen has the right to clean fresh air.
- Tobacco use is the single greatest cause of preventable disease in Australia. Reducing its use is therefore a major and effective strategy for promoting public health.
- The advent of vaping means that members of the public near an individual vaping are exposed to passive vaping by inhaling the second-hand vapourised liquid or aerosol exhaled by the individual using the vape.

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## POLICY REGISTER

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- Vape aerosol can contain a number of harmful substances including nicotine, toxins, carcinogens and ultrafine particles.
  - The provision of smoke-free public places and responses to the advent of e-cigarettes are considerations under the current National Tobacco Strategy (Australian Government, Department of Health and Aged Care 2023).
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<b>Reference(s):</b>	N/A See Doc No. 1583909 - Cafes and Restaurants with Smoke Free Outdoor Dining Approvals
<b>Responsible Department(s):</b>	Environment and Planning



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## POLICY REGISTER

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**Title:** HELICOPTERS  
**MOSPLAN Reference:** Program 06.02.05  
**Date Adopted:** 26 June 1979 (C/04)  
**Date Reviewed:**

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**Policy Details:**

That Council not permit the use of its ovals/reserves and other public areas for commercial aviation operations.

**Reference(s):** N/A  
**Responsible** Corporate Services  
**Department(s):** Environment and Planning

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## POLICY REGISTER

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**Title:** HORSES/PONY/DONKEY RIDES  
**MOSPLAN Reference:** Program 06.02.05  
**Date Adopted:** 3 November 1988 (F/155)  
**Date Reviewed:**

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**Policy Details:**

That, for public safety reasons, the use or riding of horses, ponies or donkeys be prohibited from Council's reserves, parks and ovals.

**Reference(s):** N/A  
**Responsible** Corporate Services  
**Department(s):** Environment and Planning

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## POLICY REGISTER

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**Title:** USE AND MAINTENANCE OF SPORTING FIELDS  
**MOSPLAN Reference:** Program 06.02.03  
**Date Adopted:** 9 February 1999 (PF/16)  
**Date Reviewed:** 28 November 2005 (EP/287)  
7 March 2006 (EP/37)

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**Policy Details:**

Refer Dataworks Document No. 1351688 "Policy for Use and Maintenance of Sporting Fields"

**Reference(s):** Refer Dataworks Document No. 1351688. "Policy for Use and Maintenance of Sporting Fields"

**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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**Title:** SCHOOL ACTIVITIES ON RESERVES  
**MOSPLAN Reference:** 06.03.15  
**Date Adopted:** 2 October 2001 (PF/223)  
**Date Reviewed:**

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**Policy Details:**

Refer "Policy on School Activities on Reserves" (Dataworks Document No 229189).

**Reference(s):** Refer Dataworks Document No. 229189 "Policy on School Activities on Reserves"  
**Responsible Department(s):** Corporate Services

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## POLICY REGISTER

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**Title:** TEMPORARY ACCESS TO PRIVATE PROPERTIES  
ACROSS COUNCIL RESERVES

**MOSPLAN Reference:** 06.02.06

**Date Adopted:** 2 July 2002 (PF/133)

**Date Reviewed:**

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### Policy Details:

Council's policy is not to allow temporary access to private property across Council reserves for building or maintenance purposes except in extenuating circumstances.

If a resident considers there are extenuating circumstances applying to their particular situation, Council may consider allowing temporary access. An application for such access needs to be lodged in accordance with the requirements outlined in the Policy document and, should it be approved, will be subject to strict conditions of approval and payment of a substantial bond and fees in accordance with Council's pricing policy.

In this regard it is recognised that residents may have delivery of materials, goods etc. undertaken across Council reserves without the need for approval in some circumstances. This is provided that such delivery does not involve the use of any vehicle, crane, fork lift truck, elevator or motorised trolley etc. traversing the land, i.e. the materials or goods are carried across the land to the site by hand and generally can be delivered within a short time frame, say 1 hour.

**Reference(s):** Refer Dataworks Document No 541695 "Policy for Temporary Access to Private Property across Council Reserves"

**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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<b>Title:</b>	FIREWORKS AND CEREMONIAL FIRES ON COUNCIL LAND
<b>MOSPLAN Reference:</b>	06.02.12
<b>Date Adopted:</b>	9 July 2002 (PF/129)
<b>Date Reviewed:</b>	3 July 2012 (CS/31)

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### Policy Details:

Council will approve requests for small fireworks displays and the lighting of small ceremonial fires on Council's reserves subject to:

- A. All fireworks displays being under the control of a specialist pyrotechnic company (copy of Licence required together with WorkCover authorisation).
- B. Corporate fireworks displays and displays in excess of 4 metres in height must finish by 9.30 pm and be of a maximum 10 minutes duration. All displays are to be restricted to the grassed areas of reserves away from the water's edge and bushland and be at a safe distance from any buildings and structures. The use of fireworks known as salutes or reports is prohibited.
- C. Applications from community based organisations only being considered with regard to the lighting of ceremonial fires.
- D. A plan detailing all safety measures that will be taken to prevent injury or harm to the surrounding residences, spectators and the general public being submitted and approved by the General Manager prior to the event.
- E. The applicant notifying the Fire Brigade of the event and, in respect of fireworks over 4 metres in height, notifying all surrounding homes within a 500 metre radius or as directed by the General Manager.
- F. Standard conditions for use of Council's reserves concerning damage to the reserve and rubbish removal to apply, it being noted that fees for use of reserves are additional to those proposed for the specific purpose of lighting of ceremonial fires and fireworks displays.
- G. Applications are to be accompanied by a copy of the relevant Public Liability insurance cover with a minimum cover of \$20 Million.

<b>Source:</b>	Delegation 25 – Program 2
<b>Reference(s):</b>	Delegations Register
<b>Responsible Department(s):</b>	Corporate Services

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## POLICY REGISTER

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<b>Title:</b>	PERSONAL FITNESS TRAINERS - LICENCING
<b>MOSPLAN Reference:</b>	06.02.12
<b>Date Adopted:</b>	29 November 2004 (CS/81)
<b>Date Reviewed:</b>	7 March 2005 – amended (CS/14), 4 July 2006 – amended (CS/39) 2 March 2010 (NOM 4) 1 November 2011 – amended (CS/61)

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### Policy Details:

That Council will regulate the activities of commercially based personal fitness trainer's in their use of public open space in accordance with Council's adopted standard conditions as follows:

1. Trainers must be licensed and training sessions are to be limited to the normal activities of a registered personal trainer, Yoga instructor, Tai Chi instructor or the like which would include but not be limited to appropriate cardio-vascular and muscular skeletal programs which may include pad training (boxing style) on public open space in Mosman .
2. Licensed Trainers to comply with reasonable directions of the Council's Ranger(s) in relation to any actual or potential conflicting activities or to display evidence of licence in prescribed manner.
3. Licensed Trainers must be appropriately qualified instructors who have relevant first aid certification and must be able to produce documentary evidence of same at time of application.
4. Licensed Trainers shall keep and maintain a log book of significant accidents or injuries occurring during training sessions on public open space land.
5. Licensed Trainers shall prior to commencing static/grid training inspect the immediate area to ensure no hazards are evident and take appropriate action to remove those hazards or alternatively move the training site and without undue delay report to Council the hazardous defect or other hazardous matters observed during any training requiring Council's attention.
6. Licensed Trainers shall not sub-let or assign its rights under this agreement.
7. Licensed Trainers shall indemnify and hold harmless the Council from and against all damages, sums of money, costs, charges, expenses, actions, claims and demands which may be sustained or suffered or recovered or made against the Council by any person for any loss of life or injury or damage any person may sustain due to the negligent act of the personal trainer whilst conducting a training session.
8. The Licensed Trainer shall not exceed 10 persons per squad when conducting training on roads, footpaths, public reserves, parks and beaches without the written consent of Council.
9. The Licensed Trainer when conducting training on Council's public open spaces and footpaths shall always conduct themselves in a proper and orderly manner and be

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## POLICY REGISTER

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considerate to other users and adjacent residents. Any noise created by the training activities shall not be audible from adjacent residential properties.

10. The Licensed Trainer shall not suspend boxing or kickboxing bags from trees and/or structures in the public open space area.
11. The Licensed Trainer and their clients shall not step on or walk on or in any other way inappropriately use picnic tables and street furniture and shall leave the training area in a state similar to or better than prior to their commencement of training .
12. The Licensed Trainer shall not use the War Memorial adjacent to Allan Border Oval and the Rotunda at Balmoral as training locations.
13. The Licensed Trainer shall take out and maintain for the duration of the Term in its name as Licensee, APRA approved Public Liability Insurance for minimum \$10 million and produce documentary evidence of same at time of registration.
14. Notwithstanding any implication or rule of law to the contrary the Council shall not be liable for any damage or loss the Licensee may suffer by the act, default or neglect of any other person or by reason of the Council failing to do something on or to the reserve.
15. The Licensed Trainer is only authorised to offer training sessions. The sale of clothing or equipment or refreshments or any other good, service or product is not permitted.
16. The Licensed Trainer will not display any advertising signage including banners or "A" Frame signs on Council's reserves.
17. The Licensed Trainer shall not interfere with any Council approved or booked activity including but not limited to a wedding, birthday party, corporate BBQ, sport or sporting activity that is being carried out on any oval or reserve or part thereof and the Trainer acknowledges that such a booking has priority over the Trainer's use and this is for non-exclusive use.
18. The Licensed Trainer shall be responsible for satisfying all work health and safety requirements.
19. The Licensed Trainer shall pay to the Council an annual \$50 application fee inclusive of GST for the issue of the Licence. Only trainers that have adequate public liability insurance and are a member of a Council approved professional body affiliated with the fitness industry or are suitably qualified to Council's satisfaction will be granted a Licence.
20. The Council reserves the right to terminate its agreement with a Licensed Trainer without notice if in its sole opinion it has determined that the Trainer has failed to comply with the reasonable direction of its Ranger(s) or has breached a condition of approval. A trainer whose licence has been terminated can appeal in writing to the General Manager against the determination.

**Reference(s):** Refer to Council's Pricing Policy for fees

**Responsible Department(s):** Corporate Services



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## POLICY REGISTER

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**Title:** PARKS AND GARDENS POLICY

**MOSPLAN Reference:** Program 06.02

**Date Adopted:** 10 October 2005 (EP/240)

**Date Reviewed:**

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Refer to "Mosman Council Parks and Gardens Policy" in Dataworks.

Any proposals for introducing public art be brought to Council for consideration.

**Reference(s):** Refer Dataworks Document No. 1255695

**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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**Title:** SIGNS AS REMOTE SUPERVISION  
**MOSPLAN Reference:** Program 6  
**Date Adopted:** 5 July 2004 (CS/32)  
**Date Reviewed:**

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### POLICY OBJECTIVE:

To ensure clear and concise directions, as to the location, content and frequency of signs at beaches, swimming pools, reserves and parks , to minimise public liability exposure emanating from provision of services to the community.

### POLICY STATEMENT:

- 1 Council has prepared a set of procedures in relation to its signs used as remote supervision. These procedures are based on current best practice. Such signage shall be used to direct, advise, or warn members of the public of inherent dangers in the environment in which they are operating.
- 2 Signage in Council's Reserves shall be inspected on an annual basis.
- 3 Areas of public liability exposure at beaches, swimming pools, reserves and parks inadequately signposted shall, when Council becomes aware of a potential risk, be assessed with a view to:-
  - a) eliminating the risk
  - b) reducing the risk
  - c) accepting the riskusing signs as remote supervision
- 4 Signs in existence currently not meeting the current best practice and / or Australian Standards shall be replaced as funds permit in priority order based on public usage of the respective areas and the rating formula detailed in the procedures.
- 5 The appropriate Council Manager shall seek an annual budget allocation from Council to be used for the replacement of old signs and the installation of new signs where areas of high risk are identified as per the procedures.

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**Reference(s):** DW 1085623  
**Responsible Department(s):** Corporate Services

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## POLICY REGISTER

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<b>Title:</b>	DONATION OF MEMORIAL SEATS
<b>MOSPLAN Reference:</b>	06.02.07
<b>Date Adopted:</b>	3 October 2000 (PF/214)
<b>Date Reviewed:</b>	9 October 2001 (PF/227)
	1 April 2008 (EP/37)

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### Policy Details:

Applications for the placement of a memorial plaque in a Council Reserve to be considered only where:

- Such memorial is in recognition of a long term resident of Mosman or a person who has contributed to the Mosman community over many years; and
- A seat according to Council's design is donated and installed at the applicant's cost.

The plaque can be placed on the donated seat installed at a location determined in accordance with an agreed plan or on an existing seat which does not already have a plaque attached or was not previously donated without a plaque. It should be noted that the placement of a plaque is not mandatory to the donation of a seat.

In addition to the above criteria, a written application is required with approval granted subject to the following conditions:

1. The applicant to meet all costs associated with the purchase and installation of the seat and, if requested, the purchase and engraving and placement of the plaque (maximum size 150mm x 50 mm x 3 mm) on the seat.
2. The seat will remain the property of Council which will maintain the seat whilst it is economically viable to do so.
3. Council will not be responsible for the replacement of the plaque due to vandalism or theft.
4. Council retains the right to relocate the seat to an alternate site if and when it is considered necessary to do so.
5. The location is to be in accordance with the agreed plan determined by the Manager Assets and Services after taking into consideration the location of the existing trees and park furniture.

<b>Reference(s):</b>	Refer Dataworks Document No. 147212 – Report PF/214 to Policy and Finance Committee 03OCT2000 Refer Report PF/227 to Policy and Finance Committee 9OCT2001 Refer Report to Council EP/37 1 April 2008 (1786369)
<b>Responsible Department(s):</b>	Corporate Services

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## POLICY REGISTER

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**Title:** DRILL HALL - Policies for Rental Pricing, Booking  
Conditions and Conditions of Use

**MOSPLAN Reference:** 06.03.16

**Date Adopted:** 1 July 2008

**Date Reviewed:**

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**Policy Details:**

Refer to 'Booking Policy and Procedures' in Dataworks (2019865)

**Reference(s):** Refer Dataworks Document No. 2019865  
Refer Report to Council CD/12 1 July 2009

**Responsible Department(s):** Corporate Services

# POLICY REGISTER

<b>Title:</b>	LOW, MEDIUM AND HIGH INTENSITY SEASONAL COMMERCIAL USE LICENCES FOR COUNCIL'S PUBLIC RESERVES (NOT OTHERWISE PROVIDED FOR IN THE PRICING POLICY)
<b>MOSPLAN Reference:</b>	02.02.01
<b>Date Adopted:</b>	1 November 2011 (CS/61)
<b>Date Reviewed:</b>	

## Policy Details:

Policy for low, medium and high intensity seasonal commercial use licences for Council's public reserves (not otherwise provided for in the Pricing Policy).

Council will assess applications for low, medium and high intensity seasonal commercial use licences for its public reserves (not otherwise provided for in the Pricing Policy) in accordance with this policy.

Community/not for profit use will be charged at 30% of the commercial rate and public/education/leisure use will be charged at 60% of the commercial rate.

The intensity of the activities are to be measured and determined in accordance with the following policy:

Low intensity	Low impact + low frequency
Medium intensity	High impact + low frequency; or Low impact + high frequency
High intensity	High impact + high frequency

## Low Intensity Use

Low Intensity activities include some or all of the following:

- Minimal set-up requirements
- Utilise a small portion of the hired area
- Do not generate a lot of noise
- Take place for no more than 10 hours per week
- Conducted in an area that is not highly utilised.

## Medium Intensity Use

Medium Intensity activities include some or all of the following:

- Minimal set up requirements
- Take place between 10 to 15 hours per week
- Utilise a small portion of the hire area
- Do not generate a lot of noise
- Conducted in an area that is not highly utilised.

OR

- Considerable set up requirements

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## POLICY REGISTER

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- Take place less than 10 hours per week
- Utilise a reasonable portion of the hired area
- Generates some noise
- Conducted in an area that is regularly utilised.

### High Intensity Use

High Intensity activities include some or all of the following:

- Considerable set up requirements
- Take place more than 15 hours per week
- Utilise a reasonable portion of the hire area
- Generates some noise
- Conducted in an area that is regularly utilised

**Reference(s): (see DW)**

**Responsible  
Department(s):** Corporate Services

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## POLICY REGISTER

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<b>Title:</b>	MISCELLANEOUS USE OF OVALS, RESERVES AND PUBLIC OPEN SPACE
<b>MOSPLAN Reference:</b>	06
<b>Date Adopted:</b>	3 July 2012 (CS/31)
<b>Date Reviewed:</b>	

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### Policy Details:

Council will approve on their merits and subject to availability of open space:

- A. Applications for rollerblading competitions or rollerblade fun days at Balmoral Oval Car Park by local organisations, subject to appropriate conditions.
- B. Applications for Barbecue Parties and Sunday School Picnics on Council's reserves.
- C. Applications for the use of Ovals by Schools, Sporting Clubs and other Organisations, other than applications which require a specific determination by Council.
- D. Applications to permit tents and marquees on ovals and reserves, i.e. Clifton Gardens (western gully end), Rosherville Reserve (south of the Willow trees) and Spit Reserve (Soccer Field area) and Mosman, Balmoral, Rawson and Middle Head Ovals, between Monday and Friday during daylight hours excepting Public Holidays.
- E. Applications to erect marquees outside daylight hours and weekends on Council's Ovals and Reserves.
- F. Applications from sporting organisations and charities to erect tents, marquees, etc., on Council's foreshore reserves in association with approved sporting events on weekends.
- G. Applications to be allocated space in Council's dinghy storage rack at Balmoral, Mosman Bay, Quakers Hat and Pearl Bay, subject to availability of dinghy rack spaces and Council's standard conditions of application and approval.
- H. Applications to use Clifton Gardens and the southern end of Balmoral Beach adjacent to the Balmoral Sailing Club for entry to and exit from Sydney Harbour and Middle Harbour by the Army and Navy for training purposes during daylight hours subject to:
  - a) There being no inconvenience caused to the public and no damage to the reserve.
  - b) The Army/Navy issuing an indemnity to Council against any claim in association with their respective use of the beach and reserve.
- I. Applications for the use of jazz or similar type bands or orchestras, not using amplification, to play music on Council's reserves, subject to General Manager's discretion and Rangers monitoring the sound and impact on residents and other passive users of the reserves.

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- J. Applications from the public to conduct funerals and memorial services on Council's reserves and parks and that the fee as determined in the Pricing Policy for weddings be extended to apply for funerals and memorial services.
- K. Applications for the waiving of the fee in respect of functions organised by registered charities for charitable purposes. Cancellations, including due to wet weather, are non-refundable in respect of weddings and fees in respect of other functions are subject to a 50% cancellation fee.
- L. Applications by community groups for the use of the Village Green area.

**Source:**

- A. Delegation 2 - Program 6
- B. Delegation 3 - Program 6
- C. Delegation 4 - Program 6
- D. Delegation 5 - Program 6
- E. Delegation 6 - Program 6
- F. Delegation 7 - Program 6
- G. Delegation 10 - Program 6
- H. Delegation 11 - Program 6
- I. Delegation 12 - Program 6
- J. Delegation 14 - Program 6
- K. Delegation 15 - Program 6
- L. Delegation 16 - Program 6

**Reference(s):**

- A 17/8/93 - F/194
- B. 17/2/70 - C/2; 11/9/90 - F/213
- C. 17/2/70 - C/2; 22/10/92 - F/253, 11/9/90 - F/213
- D. 16/11/89 - F/212; 10/7/90 - F/162; 11/9/90 - F/213
- E. 11/6/96 - PF/157
- F. 13/2/96 - PF/25
- G. None
- H. 19/10/92 - F/252
- I. None
- J. None
- K. PF/101 - 7/4/98
- L. 7/2/89 - Minute No. 15; 11/9/90 - F/213

**Responsible  
Department(s):**

- A. – L. Corporate Services



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## POLICY REGISTER

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**Title:** HOUSEBOATS AND MOSMAN ROWING CLUB -  
ACCESS TO SPIT WEST RESERVE

**MOSPLAN Reference:** 06

**Date Adopted:** 3 July 2012 (CS/31)

**Date Reviewed:**

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### Policy Details:

Council will grant access to the owners of the three houseboats at Pearl Bay and the Mosman Rowing Club on the condition that they do not permanently park on the reserve and after payment of the respective security deposit as specified in the Pricing Policy in respect of:

- a) Tradesmen's vehicles which are used to carry tools and equipment for repairs and alterations but only on condition that prior notification has been given to the Director Environment and Planning, and subject to the houseboat owners or Club representatives giving adequate reasons why the vehicle must remain on the reserve while the tradesmen are carrying out their work.
- b) Vehicles delivering large and heavy objects such as furniture but only on condition that prior approval has been obtained from the Director Environment and Planning.
- c) Any special circumstances which in the opinion of the Director Environment and Planning justify the granting of permission for a vehicle to drive on the reserve.
- d) Authority to grant access to the owners of the three houseboats at Pearl Bay by way of a key after payment of a security deposit of \$50 on the condition they do not permanently park on the reserve. And further that Council have a master key system with a separate key issued to the houseboat owners.

**Source:** Delegation 9 - Program 6

**Reference(s):** None

**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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<b>Title:</b>	MARIE BASHIR MOSMAN SPORTS CENTRE VENUE HIRE POLICY
<b>MOSPLAN Reference:</b>	Strategic Direction 5 - A Business-Friendly Community with Sound, Independent Civic Leadership and Strategic Direction 7 - A Healthy and Active Village Lifestyle
<b>Date Adopted:</b>	4 June 2019 (CS/12)
<b>Date Reviewed:</b>	

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### Policy Details:

To set out guidelines for the hire of the Marie Bashir Mosman Sports Centre to the public and covers the management of the Marie Bashir Mosman Sports Centre as a recreation and community hire venue. The Venue Coordinator and Venue Officer (or nominees) manage the implementation of this Policy.

<b>Reference(s):</b>	Refer ECM Fixed Reference No. 2404501
<b>Responsible Department(s):</b>	Corporate Services

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## POLICY REGISTER

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**Title:** MANAGEMENT OF AGGRESSIVE NATIVE BIRDS  
**MOSPLAN Reference:** 07.08  
**Date Adopted:** 6 June 2005  
**Date Reviewed:**

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### Policy Details:

#### Policy Objectives

To limit the interaction between people and aggressive native birds and, as a last course of action, destroy and remove the identified problem bird/s.

#### Scope

This policy applies particularly to magpies however can include other aggressive protected native birds in Mosman. The proposed management strategies identified in this policy will not compromise the conservation of any species.

#### Stakeholders

NSW National Parks and Wildlife Services  
Mosman Municipal Council  
NSW Police  
Residents and visitors to Mosman

#### Background

There are several species of native birds with Mosman that display aggressive behaviour in the protection of nest sites however the most prominent examples are magpies which nest in the trees bordering Allan Border Oval and the Council offices. In 2003 there were 22 recorded attacks on pedestrians and in 2004 there were 12 such recorded attacks.

The aggression is seasonal and may occur, but is not limited to the months of June to October each year. The aggression can be a swooping intimidating aggression on people or can be a direct attack resulting in injuries.

The National Parks and Wildlife Service (NPWS) also receives numerous phone calls and requests for assistance each year about interactions between people and aggressively acting native birds and the community has an expectation that the NPWS or Council will respond in situations where these attacks occur.

The NPWS have developed a policy, ***NPWS Policy on Management of Native Birds that Show Aggression to People***, which ***can be found on their website*** [www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au) aims to:

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- Develop and implement education and awareness strategies, particularly outside the breeding season that build a positive community attitude to living with native birds.
- Provide practical advice for people to avoid negative interactions and support people to deal with interactions when they occur, particularly during breeding season.
- Promote partnerships with other organisations, such as Local Councils who also provide assistance with these matters so as to improve management of these issues.
- Provide standard procedural guidelines for NPWS staff responding to incidents concerning native birds acting aggressively. These include criteria for determining when a bird is considered a risk to public safety and definition of differing roles and responsibilities on NPWS managed lands and on other tenures.
- Maintain an on-going record of response to wildlife management issues, including incidents with aggressive birds as a basis for monitoring and evaluating management

This policy offers practical guidance to Council in assessing and implementing strategies to manage the interaction between aggressive birds and people.

### Legislative Context

Under the *National Parks and Wildlife Act 1974 (NPW Act)* the Director-General of the NPWS has statutory responsibility for the protection and care of native wildlife both on and off national parks in NSW. All native bird species are protected under the *NPW Act*, however, some may be considered locally unprotected fauna under s.96 of the Act.

The *NPW Act* contains provisions under which a licence may be issued which authorises the harm of protected native fauna under section 120 (General) licence (s120 licence) or section 121 (Occupier's) licence (s121 licence). Such licences may specify the number, location and species, which may be harmed.

### Procedure and response to reports or observations of an aggressive bird

1. Council staff will monitor and report incidents of aggression from native birds to the Manager Ranger Services.
2. The first response will be to assess the risk of injury to the general public in consultation with the local NPWS officers. Any assessment or management strategy will be prepared and implemented cooperatively with the NPWS.
3. In cases where it has been confirmed that the bird swoops but is not considered a risk to public safety Council will erect warning signs to advise the public to reduce the number of encounters with the bird.
4. When a bird has been reported doing any of the following:
  - Caused actual personal injury or damage on more than one occasion;
  - Attacks the head, striking from the ground upwards and from the front of the person;

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- Hovers above the head for a prolonged period, attacking the head and face;
- Constantly swooping or attacking in an area frequented by elderly and/or disabled persons and/or young children;
- Swoops or attacks the head or face in a location that might endanger the victim through their response such as running onto a road;

and the aggressive behaviour is confirmed and documented by a Ranger it should be determined to be a public safety risk and Council will request an approval for its destruction.

5. If the behaviour of the bird(s) meets this risk assessment and it is determined that the bird(s) should be removed then destruction of the bird is the only option that will be considered.

Note: The relocation of an aggressive bird is not recommended by the NPWS due to the unacceptable suffering and stress on the animal and relocation may simply move the problem.

The NPWS does not recommend the removal of nests, except out of season, as removal during the breeding season may lead to re-nesting by the breeding pair and could prolong the swooping period or cause an increase in the aggressive behaviour.

6. The destruction of a bird must be undertaken humanely and by people with the appropriate authority, licence and skill.
7. Trapping will be used if possible and is preferred as the use of a firearm creates a risk to people or property.
8. The person contracted to carry out the trapping or destruction will submit a safe work method statement to Council before the work is carried out and be appropriately qualified and licensed and must notify the Police beforehand.

**Reference(s):** The National Parks and Wildlife Service Policy on Management of Native Birds that Show Aggression to People  
[www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au)

**Responsible Department(s):** Corporate Services

**Title:** CHILD SAFETY POLICY

**MOSPLAN Reference:** Strategic Direction 1 - A Caring and Inclusive Community

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## POLICY REGISTER

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Strategic Direction 7 - A Healthy and Active Village  
Lifestyle

**Date Adopted:** 4 August 2020 (CD/10)

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**Policy Details:**

Mosman Council is committed to the safety of children. This policy outlines Council's approach to keeping children safe and articulates Council's expectations of all those who provide services for children on behalf of Council, or who otherwise provide programs and activities for children at Council owned or controlled facilities.

In the event that allegations are raised in relation to child abuse, this policy provides guidance to ensure that the allegations are properly addressed. All complaints will be treated seriously and fully investigated and handled with maximum confidentiality and discretion.

**Reference(s):** Refer to ECM Fixed Reference No: 5919679

**Responsible Department(s):** Corporate Services

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## POLICY REGISTER

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<b>Title:</b>	COMMUNITY NOTICEBOARDS
<b>MOSPLAN Reference:</b>	Program 8
<b>Date Adopted:</b>	10 May 1994 (F/75)
<b>Date Reviewed:</b>	11 March 1997 (OT/1)

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### Policy Details:

The following policy is in relation to noticeboards in Mosman Square, Library Walk, Community and Cultural Centre, Seniors' Centre, Youth Centre and the Community Information Centre:

- (a) Community noticeboards are intended to provide current and accurate information relating to Council matters and community services, activities and organisations.
- (b) Emphasis shall be on organisations and services operating in, or offering in, the Mosman community.
- (c) In general, the noticeboard shall not be used for commercial advertising. It should be recognised that a clear distinction between profit-making and non profit-making bodies is sometimes hard to draw, eg advertising of services provided by individuals in the social, educational and cultural fields should be considered on their merits. There may be occasional exceptions where certain services are considered important enough for inclusion on the noticeboard in terms of community need.
- (d) The relevant Community Development Manager shall be accountable for the general appearance, relevance and currency of the notices; the Corporate Services Department shall be responsible for the general condition and cleanliness of the noticeboards.
- (e) The noticeboards shall be kept locked at all times.
- (f) All notices shall be channelled through the relevant Community Development Manager who has the authority to make decisions within the guidelines of this policy.
- (g) The individual and the organisation responsible for the notice shall be clearly noted on each item, together with relevant dates concerning the currency of the item.
- (h) At the Community Information Centre there shall be greater focus on the provision of visitor information (including the provision of information relating to commercially operated venues or services).

<b>Reference(s):</b>	N/A
<b>Responsible Department(s):</b>	Corporate Services Community Development

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## POLICY REGISTER

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**Title:** CHARITY CLOTHING/RECYCLE BINS  
**MOSPLAN Reference:** Program 8  
**Date Adopted:** 8 & 15 July 1997 (PF/168)  
**Date Reviewed:**

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**Policy Details:**

That the General Manager be delegated authority to approve placement of recycled clothing bins, subject to the concurrence of Ward Councillors and that Council only permit NACRO (National Association of Charitable Recycling Organisations) members, subject to written application to Council, to place bins on Council property.

**Reference(s):** N/A  
**Responsible Department(s):** Environment and Planning



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## POLICY REGISTER

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**Title:** CHARITABLE ORGANISATIONS USE OF COUNCIL FACILITIES

**MOSPLAN Reference:** 08.02.03

**Date Adopted:** 13 November 2001 (CCD/41)

**Date Reviewed:**

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### Policy Details:

That:

- A. A charitable organisation for the purposes of this policy be defined as follows :
 

"a non profit body established to assist those who need relief because of poverty, sickness, homelessness, destitution, distress, suffering, misfortune or helplessness. Such a body has voluntary workers some of whom may be Mosman residents and provides services which may be accessed by Mosman residents in need".
- B. Charitable organisations (as defined in A) be given free use of the Mosman Square Seniors' Centre for their collection days in consultation with the Seniors' Centre Coordinator who would take into consideration the needs of senior users.
- C. In order to keep costs down, planning meetings associated with charitable collection days be held, free of charge, in appropriate areas of the Seniors' Centre including access to the kitchen and a secure office area or the Library at times when the specific facility is open for another purpose but if the Art Gallery and Community Centre complex is preferred by the charitable organisation, the Community rate apply.
- D. The cost of staffing the Seniors' Centre on collection days associated with recommendation B be funded from a new vote of \$1,600 in the Community Development Manager's responsibility centre, such funding to be allocated from the 2001/02 Contingency Vote and be described in the budget as "Staffing of venues for charity collection days", noting that the calculation is based on six such days per annum.
- E. The use of the Grand Hall and other areas in the Art Gallery and Community Centre by charitable organisations (as defined in A) be at the adopted Community Rate with exceptions only applying if:
  - i) the activity is specifically related to Council's social or management planning and has been included in the current year's budget; or,
  - ii) at the discretion of the Mayor, on receipt of a recommendation from the Director Community Development or Community Development Manager, in which case costs incurred by Council would be allocated from the Mayor's Emergency Discretionary Fund.

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F. The objective of the Mayor's Discretionary Fund currently defined as:

"The Mayor's discretionary fund has been established to assist, through emergency cash grants, those in the community who are in need and in crisis and require immediate financial support."

be amended by the addition of the following sentence:

"The fund may also be used to facilitate use of spaces within the Art Gallery and Community Centre by charitable organisations" (as defined in A above).

G. Hire Application Forms for all Council facilities be amended to include a disclaimer stating that Council is not responsible for any form of loss arising from the event being held in the facility.

**Reference(s):**

**Responsible**

Community Development

**Department(s):**

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## POLICY REGISTER

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<b>Title:</b>	CONDUCTING CHARITABLE COLLECTIONS, SALE OF RAFFLE TICKETS, BUSKING, CANVASSING, PROMOTIONS AND CONDUCTING PROTESTS ON COUNCIL LAND
<b>MOSPLAN Reference:</b>	11.05.08 and Program 8
<b>Date Adopted:</b>	4 March 2008 (CS/7)
<b>Date Reviewed:</b>	6 May 2008 (CS/21)

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### Policy Details:

That Council will regulate the activities of those persons collecting on behalf of a charitable organisation, selling raffle tickets, busking, canvassing, promoting or protesting on Council controlled land in accordance with Council's adopted standard conditions as follows:

#### Charitable Collections and Sale of Tickets in Raffles, Art Union etc:

- Guidelines regarding charity collections and fundraising published by the Office of Charities, Department of Gaming and Racing must be adhered to at all times.
- All applications must be accompanied by a Certificate of Currency (Public Liability Insurance). The applicant's name must correspond with the name of the insured. The Certificate of Currency must include:
  - name of the insured
  - duration of cover
  - amount insured (minimum \$10 million)
  - name and details of the insurer
  - policy number
- Collection shall only be conducted in the area and at the times specified in the approval. Permits are only valid for the area stated in the approval - roaming the streets is not permitted.
- If the collection includes access to private property, the owner's consent must be obtained prior to collection.
- Persons making the collection must not impede the flow of pedestrians - pedestrian access must be maintained at all times.
- Collectors should not harass pedestrians. A "no thank you" to a request for charity means just that. Collectors should not follow the pedestrian repeating requests.
- Total collections are limited to one group per day with a maximum of three groups per week. Maximum number of collections per charity group not to exceed six per year unless authorised by Council for special occasions. The following organisations are able to conduct collections on unlimited occasions subject to lodgement of applications:
  - ◆ Legacy,
  - ◆ Salvation Army,
  - ◆ Cancer Council,
  - ◆ Red Cross and
  - ◆ Mosman service clubs (Mosman Lions Club, Mosman Rotary Club and Mosman Probus Club)

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- Sale of Raffle tickets or tickets in Art Unions etc is limited to Local (Mosman branch) not for profit organizations and Mosman sporting clubs.
- A card table 1m x 1m is permitted at some locations. Details of the location of the table must be supplied in the application.
- Use of props, equipment, stages, backdrops, A Frame signs, stalls or marquees is prohibited.
- Amplification is prohibited.
- Schools must provide a letter of their intended activities on the letterhead of the school or the Parents and Citizens Association and supply a copy of their Certificate of Currency.
- By signing the application, applicants agree to comply with the conditions laid out in the Mosman Council Charitable Collections and Sale of Raffle Tickets Policy. Non compliance may result in the immediate cancellation of the permit and or the issue of an on the spot infringement.

### **Busking:**

- Applications for permit/s allowing busking in the Mosman Council designated areas must be sought through Mosman Council.
- Permits are not transferable
- Frequent (Busker) (six times in 12 months) must provide Council with evidence of current:
  - Public and Products Liability Insurance. (Note - minimum \$5 million total value)
  - Workers Compensation Insurance where required by the law.
- Not for Profit Performers must also apply for a permit.
- Children under 18 must also apply for a permit. Proof of parental consent must be provided for applicants under the age of 18 years.
- For the purposes of identification applicants are required to present proof of identity in one of the following forms at the time of application before a Busking permit will be issued:
  - A student identity/proof of age card
  - A current passport
  - A bankcard or credit card with signature
  - Current drivers' licence
- Display structures and A Frame signs are not permitted and signs or banners are not to be attached to trees or street or direction signs. Signs on private property are only permitted with the consent of the owner/proprietor of the private property.
- By signing the Application for a Permit for Busking in Mosman applicants agree to comply with the conditions laid out in the Mosman Council Busking Policy. Non compliance may result in the immediate cancellation of the permit and/or the issue of an on the spot infringement.

### **Buskers:**

- must remain within their specified zone.
- must display their Permits to Busk in a prominent, highly visible position at the busking site at all times.

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## POLICY REGISTER

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- operating in a commercial area must first consult and obtain the consent from the occupier/proprietor of the premises immediately adjacent to their proposed busking location.
- must not solicit funds however can accept volunteered monetary appreciations.
- must carry out directions issued by the NSW Police Force, Ambulance, Fire and any other Emergency Services or Mosman Council Rangers or authorized officers.
- must immediately terminate their performance if a Council Ranger or authorized officer deems the act as too loud, offensive, invasive, dangerous or as likely to cause harm to persons or private or public property.
- must not unreasonably restrict or cause obstruction to pedestrian flow or entrances to shops or buildings.
- must make sure their site (equipment/instruments) do not pose a threat to public safety i.e. impede pedestrian access and/or be a trip hazard.
- must keep their designated site clean while they are performing.
- must not use dangerous implements or materials as part of their performance.
- must not perform longer than three hours at any one site.
- must not sell or make offer for sale any commodity unless written consent by Council is noted on the permit.
- must not advertise or be seen to be endorsing any product of any kind in conjunction with their performance.
- must not use amplification.

### **Canvassing/Promotions:**

- Applications for permit/s allowing promotions / canvassing in the Mosman Council designated areas must be sought through Mosman Council.
- All profit based/commercial organisations / businesses must pay the application fee as prescribed in the Pricing Policy.
- The application must clearly detail how the canvassing / promotion is to be conducted.
- All applications must be accompanied by a Certificate of Currency in respect of a Public Liability Insurance policy they have in their name. The applicant's name must correspond with the name of the insured. The Certificate of Currency must include:
  - name of the insured
  - duration of cover
  - amount insured (minimum \$10 million)
  - name and details of the insurer.
  - policy number.
- The applicant and personnel involved in the activities shall comply with any directive of Mosman Council Rangers or an authorised officer.
- A maximum of 5 promotions by an applicant / business will be approved in any one twelve month period.
- The applicant and personnel involved in the activities shall not inconvenience or obstruct pedestrian, vehicular traffic or occupants of premises in the vicinity of the activities.

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## POLICY REGISTER

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- The applicant must indemnify Mosman Council against all claims for damage or injury that may result from the activity or occupation of part of the public way during the activity.
- The applicant and personnel involved in the activities shall ensure that the activities do not disrupt normal day to day business operations located in the vicinity of the activities.
- The applicant and personnel involved in the activities shall be responsible for any damage caused to the public place as a result of the activities and will reimburse Council for the cost of any necessary repairs.
- The applicant and personnel involved in the activities shall maintain the areas to be used in a clean and tidy condition to the satisfaction of Mosman Council and shall reimburse Council for any extraordinary cleansing costs resulting from the activities.
- A Frame signs are not permitted and signs or banners are not to be attached to trees or street or direction signs. Signs on private property are only permitted with the consent of the owner/proprietor of the private property.
- A card table 1m x 1m is permitted at some locations. Details of the location of the table must be supplied in the application.
- Council reserves the right to cancel this approval at any time.
- Any conflict of interest with adjoining or adjacent business operations will not be approved.
- Should the promotion involve the handling of food all relevant standards and conditions must be complied with as required by Council's Environmental Health Officers.
- By signing the application, applicants agree to comply with the conditions laid out in the Mosman Council Canvassing/Promotions Policy. Non compliance may result in the immediate cancellation of the permit and the forfeiture of the fee, and/or the issue of an on the spot infringement.
- Refer to separate policy regarding the canvassing for federal, state and local government elections.

### Protests:

- The applicant must first obtain the consent of the NSW Police of the proposed activities and the applicant and personnel involved in the activities shall comply with any conditions imposed by it.
- Applications for permit/s allowing protests in the Mosman Council designated areas must be sought through Mosman Council.
- The applicant must clearly detail nature of protest and how the protest is to be conducted.
- The applicant and personnel involved in the activities shall comply with any directive of Mosman Council Rangers or other authorised officer.
- The applicant and personnel involved in the activities will not inconvenience pedestrian and vehicular traffic and occupants of premises in the vicinity of the activities.
- The applicant must indemnify Mosman Council against all claims for damage or injury that may result from the activity or occupation of part of the public property during the activity.
- The Council retains the right depending on the nature of the protest to require the applicant to produce evidence of public liability insurance cover under which Council is indemnified to the extent of at least \$5 million.

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## POLICY REGISTER

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- The applicant and personnel involved in the activities shall ensure that the activities do not disrupt normal day to day business operations located in the vicinity of the activities.
- The applicant and personnel involved in the activities shall be responsible for any damage caused public property as a result of the activities and will reimburse Council for the cost of any necessary repairs.
- The applicant and personnel involved in the activities shall maintain the areas to be used in a clean and tidy condition removing all items including waste generated as a result of the activity to the satisfaction of Mosman Council. The applicant shall reimburse Council for any extraordinary cleansing costs Council may incur should it be required to undertake the necessary cleaning.
- Council reserves the right to cancel this approval at any time.
- Any conflict of interest with adjoining or adjacent business operations will not be approved.
- A Frame signs are not permitted and signs or banners are not to be attached to trees or street or direction signs. Signs are not to be placed on private property unless the consent of the owner/proprietor of the private property has been granted.
- A card table 1m x 1m is permitted at some locations. Details of the location of the table must be supplied in the application.
- By signing the application, applicants agree to comply with the conditions laid out in the Mosman Council Conducting a Protest Policy. Non compliance may result in the immediate cancellation of the permit and or the issue of an on the spot infringement.

**Reference(s):** Charitable Fundraising Act 1991  
Section 632 Local Government Act 1993

**Responsible Department(s):** Corporate Services

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## POLICY REGISTER

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**Title:** LIBRARY MEMBERSHIP  
**MOSPLAN Reference:** Program 9  
**Date Adopted:** 18 September 1990 (Correspondence Item 2 Minute No. 20)  
**Date Reviewed:**

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**Policy Details:**

That membership of Mosman Library be free.

**Reference(s):** N/A  
**Responsible Department(s):** Community Development



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## POLICY REGISTER

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**Title:** MOSMAN VILLAGE MARKET  
**MOSPLAN Reference:** Program 10 (10.07.02)  
**Date Adopted:** 5 May 1998 (PF/119)  
**Date Reviewed:** 11 September 2001 (CCD/36), 2 October 2007 (CD/33)

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**Policy Details:**

Refer "Mosman Village Market Policy". (Dataworks Document No. 1659093 & 68076 (wet weather policy).

**Reference(s):** Refer Dataworks Document No. 1659093 and 68076  
"Mosman Village Market Policy"  
**Responsible Department(s):** Community Development

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## POLICY REGISTER

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<b>Title:</b>	CORPORATE SPONSORSHIP
<b>MOSPLAN Reference:</b>	Program 10 (10.06.07)
<b>Date Adopted:</b>	13 October 1998 (PF/260)
<b>Date Reviewed:</b>	5 September 2006 (CD/44)

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### Policy Details:

#### Objectives

1. To formalise general principles to apply to the negotiation and implementation of sponsorship agreements.
2. To outline the mechanisms Council will use to achieve sponsorship of its services, functions and programs - and the provision of assets.
3. To develop practices that are in accordance with the Independent Commission Against Corruption (ICAC) Sponsorship Principles.
4. To provide opportunities for corporations and individuals to contribute to the provision of community activities, programs and events.
5. To conduct the attraction and management of sponsorship in an ethical, open and transparent manner.

#### Definition

Mosman Council endorses the Independent Commission Against Corruption's (ICAC) Guidelines definition of sponsorship:

"a contribution in money or kind, generally by the corporate sector or private individuals, in support of a public sector activity. It does not include the selling of advertising space, joint ventures, consultancies and gifts or donations where the reciprocal benefit provided by the government agency does not extend beyond some modest acknowledgement."

#### Policy Statement

##### **A. General Principles**

1. The General Manager, or an officer authorised by the General Manager, has the authority to seek and negotiate corporate sponsorship agreements.
2. Any consideration given to the establishment of sponsorship agreements shall have regard to the following:
  - (i) realistic servicing of the sponsorship by Council
  - (ii) the maintenance of a consistent and professional image of Council and the sponsor within the community at all times.
  - (iii) ICAC guidelines and sponsorship principles.

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## POLICY REGISTER

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3. Sponsorship agreements are to be developed in line with Council's long-range strategic planning and reflect unified and consistent themes.
4. Mosman Council will approve the negotiation of Corporate Sponsorship agreements with any company, partnership or sole trader who wishes to participate in this program and which is a reputable organisation whose public image, products and services are consistent with the values, goals and specific policies of Mosman Council. Specifically, the following are excluded:
  - (i) Companies, Partnerships or Sole Traders involved in the manufacture, distribution and wholesaling of tobacco related products.
  - (ii) Companies, Partnerships or Sole Traders involved in the manufacture, distribution and sale of addictive drugs.
  - (iii) Companies, Partnerships or Sole Traders who have been found guilty of illegal or improper conduct by ICAC or any other legal authority.
  - (iv) Companies, Partnerships or Sole Traders whose services or products are considered to be injurious to health, or are seen to be in conflict with Council's policies and responsibilities to the community.
  - (v) Each project will be assessed on the individual merits of the sponsor and the items to be sponsored.
5. Alcohol related sponsorship to be accepted providing such sponsorship is not directly linked to activities, assets, facilities or services for young people under the age of eighteen (18) years.
6. Funds raised through sponsorship of specific expenditure items, which are included in the current budget, should be used solely for that purpose.

### **B. Probity Safeguards**

1. The terms of any sponsorship will not restrict Mosman Council's ability to carry out its regulatory functions fully and impartially.
2. Sponsorships will not be entered into with individuals or corporations where there is a real or apparent conflict of interest.
3. If Council is asked to make a determination in respect of an application made to it by the sponsor for approval under a statute which requires the exercise of Council's discretion then the Council will have the right to forthwith terminate the sponsorship agreement and no party shall be entitled to claim compensation. The Council may also seek appropriate independent advice on the merits of the application, whether it ought to be approved and, if so, on what conditions;
4. If Council is required to exercise its regulatory functions and serve a notice pursuant to a function on the sponsor the contract will be forthwith terminated without the right of either party to claim compensation.
5. The Council will not explicitly endorse sponsors or their products.

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## POLICY REGISTER

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6. If sponsors' products or services are to be offered as a part of the Sponsorship agreement, they will be evaluated objectively in accordance with Council's procurement procedures to ensure they are appropriate and meet Council's needs.
7. Council staff and Councillors must not seek or receive any personal benefit from, or related to a sponsorship agreement.
8. Sponsorships will be based on a written agreement between Council and the sponsor and be assessed against predetermined criteria.
9. Sponsors will not be employed as contractors unless they have been selected through a public competitive tender process separate from the selection process for the sponsorship.
10. Forms of recognition or benefits will be appropriate to the extent and nature of the event or activity.

### **C. Recognition – Mechanisms**

1. Mosman Council will recognise its Corporate sponsors in a number of ways.
2. The extent of such recognition will be determined in relation to the level and nature of the sponsorship and these benefits accorded to sponsors will be predetermined and advertised when calling for Expressions of Interest or tenders. Such forms of recognition could include, but not be limited to:
  - (i) appropriate signage of the sponsored item;
  - (ii) Signage might include company logo, but not advertising of any product or service. The scale and style would be controlled to not detract from the visual amenity of the public space.
  - (iii) Attribution in Council's web site.
  - (iv) Mention in Mayoral Column, Mosman Daily, 2088 Magazine and other selected media.
  - (v) media release and seeking of associated media opportunities;
  - (vi) invitations to selected Council functions;
  - (vii) annual function for sponsors;
  - (viii) printing of the sponsor's name and logo in Council's Annual Report and other external publications;
  - (ix) printing of the sponsor's names and logo on banners (see related policies)
  - (x) naming rights for an event, building etc. for the term of the sponsorship;
  - (xi) award or trophy struck in the sponsor's name and publicly presented;

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## POLICY REGISTER

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- (xii) right to use the asset, service, event, name and logo etc. in sponsor's advertising and sales promotion in a form and on occasions to be mutually agreed;
- (xiii) event facilities, which may include hospitality, free preferential seats, event functions, award presentation, car parking, VIP functions etc.
- (xiv) merchandising of goods at selected points of sale;
- (xv) static display in the foyer of Council's Civic Centre, Library, Community Centre/Gallery or Seniors' Centre.
- (xvi) professional footage and photography of the asset, service, event etc. for use by the sponsor in a form to be mutually agreed;
- (xvii) to use the asset or facility, subject to approval in each individual case, in static displays or for an activity of the sponsor when not required for Council's use;
- (xviii) opportunity for sponsor's name and/or logo to be promoted through appropriate general advertising by Council;
- (xix) annual print advertising campaign to thank major sponsors.
- (xx) Specific benefits will be advertised with any Call for Expressions of Interest or outlined to the potential sponsors if a direct approach is made to or by Council.

### **D. Sponsorship – Procedure**

1. Council will make sponsorship opportunities widely known, using broadly based open procedures that are not limited to solely invited sponsors and including criteria for selection. In this regard one or more of the following methods will be used:
  - (i) Council advertising a willingness to accept sponsorship for a list of projects and state some general rules for negotiation every six (6) months. Closing dates for sponsorship will be stated where appropriate (e.g. sponsorship of an event). A further public notice will be advertised where projects seeking sponsorship have been developed after a six monthly public notice has been published; All of the above will also be posted on Council's web site.
  - (ii) The Council calling for Expressions of Interest for sponsorship of Council's assets, services, functions and programs when \$2,500 or more is sought from a single sponsor for a project; (a number of potential sponsors may also be targeted before the Expressions of Interest close); If large sums are sought through sponsorship (over \$25,000) then Council's tendering procedures will apply. All calls for Expression of Interest or tenders for sponsorship will include reference to criteria by which sponsorship proposals will be assessed.
  - (iii) If interest in a project would be restricted to sponsors with highly specialised characteristics, regardless of the amount of sponsorship sought, then more direct

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## POLICY REGISTER

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methods such as sending out letters and proposals to an attracted set of sponsors would be appropriate. The widest selection of specialised sponsors should be contacted in this case. Reasons for not advertising Expressions of Interest should be thoroughly documented to dispel any possible suggestions of impropriety;

- (iv) If a potential sponsor approaches Council with a project, either (a), (b) or (c) should be followed depending on appropriateness. If advertising for Expressions of Interest is deemed necessary, the potential sponsor's intellectual property rights over the project should be maintained by advertising the project in its broadest terms.

### **E. Evaluation of Offers**

1. Sponsorship proposals will be assessed in accordance with the ICAC Sponsorship guidelines, the probity safeguards in this Policy and the predetermined criteria set at the planning stage of the event or activity. All sponsors will be made aware of all other sponsors involved in the project, event or activity prior to the signing of the sponsorship agreement.
2. The Expression of Interest or tender will be signed off by the Director prior to them being called.
3. The Expression of Interest or tender will be assessed by two members of staff with recommendations to their Director or to the General Manager in accordance with Council's Policy relating to quotes and tenders.
4. Council may decide at any stage not to proceed with the sponsorship opportunity.
5. The receipt of a sponsorship proposal of a significant value, (over \$10,000) either sought or offered by Council, will be reported to Council with recommendations to:
  - accept a proposal; or
  - further negotiate with one or more applicants; or
  - accept none of the proposals
6. All sponsorship proposals over \$10,000 will be subject to risk assessment.
7. Once a suitable outcome has been achieved for both parties Council shall determine final approval for each sponsorship agreement. Once approved, the details of the sponsorship will be made public, including the forms of recognition and benefits offered to the sponsor.

### **F. Written agreement (see attached pro forma letter)**

1. Sponsorships will be documented in a written agreement between Council and the Sponsor. This written agreement will be a contract and will become a public document and be listed in Council's Annual Report.
2. The agreement will be signed by both parties and will contain the following information:
  - The benefits for both parties
  - The expected outcomes for Council
  - Forms of acknowledgement
  - The scope to which the sponsor may use the agreement

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## POLICY REGISTER

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- Requirements for record keeping
- Financial accountability
- Provisions for breach of the agreement and methods for handling disputes
- Terms of the agreement and conditions for renewal and termination
- Criteria for Evaluation
- Dispute resolution process

### **G. Monitoring**

1. Council will monitor the success of the current sponsorships from both Council's and the Sponsor's points of view, based on criteria set out in the written agreement.
2. A report, or progress reports where appropriate, will be provided to Council at least on each agreement over \$10,000 dealing with the success of key points within the individual agreement, which may include:
  - Media coverage
  - Attendances
  - Public feedback
  - Delivered sponsors benefits
3. Where appropriate throughout the term of a Sponsorship Agreement of over \$10,000 Council will seek feedback from the sponsor and the Council regarding the success of the event or activity sponsored. This information will be assessed as to whether any ideas can be put in place to improve or extend the current arrangement or alternatively be used in improving future agreements or programs.
4. Record keeping, expenditure reporting and annual reporting

For each sponsorship, an individual account will be established to record expenditure, and to enable auditing and reporting.

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## POLICY REGISTER

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### SPONSORSHIP PRO FORMA LETTER

Dear,

#### Re: Sponsorship Agreement

This is to confirm the sponsorship agreement between Mosman Council ('Council') and for a financial contribution to/ naming rights / in-kind support of the \_\_\_\_\_ event/other to be held on \_\_\_\_\_. This agreement is valid from \_\_\_\_\_ to \_\_\_\_\_ (or the completion of the project/ activity/event.)

#### Benefits to Sponsor

*The Sponsor will receive the following: (examples)*

- Public recognition of the sponsorship proposal and support of events and activities conducted by Council for the Mosman community.
- Information signage identifying the contributing individual or corporate body.
- Naming rights of events or activities conducted by Council.
- Attribution in Council's web site.
- Temporary displays/banners recognising support given.
- Media releases recognising support given.
- Invitations to attend Council events.
- etc

*The sponsor may use this agreement.*

#### Benefits to Council

*This sponsorship agreement will be of benefit to the Council through for example .... the increased resources available to conduct the event/activity/project, the availability of in-kind assistance to provide a quality event/ activity/project for the local community, etc etc. Council is etc*

#### Agreed Forms of acknowledgment of the Sponsor

*The Sponsor will receive recognition throughout the planning, promotion and delivery of the event/ activity in the following ways: for example .....*

- Attribution in Council's web site.
- Temporary displays/banners recognising support given.
- Media releases recognising support given.
- Mention in Mayoral Column, Mosman 2088, Mosman Daily, etc recognising support given.

#### Record Keeping / Financial accountability

*Council will retain records of all transactions between the two parties, with a separate budget code established to ensure the sponsorship funds are accountable and directly attributed to the sponsored event/activity. The sponsor may, at any time during the planning or delivery of the event /activity, request a financial report regarding the funds or the use of the in-kind assistance provided by the sponsor to Council.*

#### Breach of the agreement and dispute handling

#### Terms of the agreement and conditions for renewal

Criteria for Evaluation



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## POLICY REGISTER

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### Probity Safeguards

In accordance with Independent Commission Against Corruption Guidelines, and Council's Corporate Sponsorship Policy, a number of safeguards must be adhered to regarding this sponsorship agreement. In this regard your attention is directed to Council's Corporate Sponsorship Policy which is attached.

Your acceptance of these conditions and the detail in the Corporate Sponsorship Policy may be agreed by signing this letter and returning it to Council so that an invoice for the amount agreed can be issued.

On behalf of Council, thank you for your support of the ..... (event/ activity/ project).

Yours faithfully,

V H R MAY  
GENERAL MANAGER

Per:

(Name, Director)

Signed by or on behalf of the Sponsor:

Signature: .....

Name: .....

Position: .....

Date: .....

**Reference(s):**

**Responsible  
Department(s):**

Community Development

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## POLICY REGISTER

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**Title:** MOSMAN REGION ART GALLERY POLICIES  
**MOSPLAN Reference:** Program 10 (10.06.04)  
**Date Adopted:** 8 December 1998 (PF/311)  
**Date Reviewed:**

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**Policy Details:**

Refer "Policy for Education and Public Programs; Policy for Exhibitions and Activities and Policy for Acquisitions". (Dataworks Document Nos. 58917, 58918 and 58919)

**Reference(s):** Refer Dataworks Document Nos. 58917, 58918, 58919  
"Policy for Education and Public Programs, Policy for Exhibitions and Activities and Policy for Acquisitions".  
**Responsible Department(s):** Community Development

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## POLICY REGISTER

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**Title:** PUBLIC ART  
**MOSPLAN Reference:** Program 10.05.10  
**Date Adopted:** 28 November 2006 (CD/51) & (CD/62)  
**Date Reviewed:**

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Refer to the "Public Art Policy" in Dataworks (Doc. No. 3093091).

**Reference(s):** Refer Dataworks Document No. 3093091  
**Responsible  
Department(s):** Community Development

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## POLICY REGISTER

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**Title:** ART GALLERY - MOSMAN ART COLLECTION POLICY  
**MOSPLAN Reference:** AC.01 and AC.06  
**Date Adopted:** 10 November 2015 (CD/25)  
**Date Reviewed:**

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### Policy Details:

#### Purpose

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To detail the guidelines and processes for the acquisition, management and deaccessioning of all works for the Mosman Art Collection.

#### Objectives

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To:

- Develop and maintain a visual art collection of national significance and repute that reflects the cultural aspirations of Mosman Council and its expressed goals and policies.
- Collect contemporary and historical works of visual art of demonstrable excellence by artists of significance with an emphasis on Australian artists and artists who have an important connection to the Mosman and/or Northern Sydney community.
- Collect and commission selectively works of art which contribute to the exhibition program of the Mosman Regional Art Gallery and which enhance the buildings and grounds of Mosman Council and which foster an understanding, enjoyment and appreciation of the visual arts among the community and members of the general public.
- Collect selective works of significance for the development of research and reference collections, which support the Mosman Regional Art Gallery's commitment to the study and preservation of Australian visual arts and/or works which have an important connection to the Mosman and/or Northern Sydney community.

#### Scope

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The Mosman Art Collection is the official art collection of Mosman Council and the works of the Collection fall under the direct care and control of the Mosman Regional Art Gallery.

The Mosman Art Collection Policy is applicable to the Mosman Art Collection only. It does not apply to other cultural materials collected by Mosman Council including Local Studies items or general decorative items or artworks owned, managed and displayed by organisational units of Mosman Council.

In the event that Mosman Council is at some time in the future merged with one or more other Councils, it is the intention of Mosman Council that the Mosman Art Collection continues to be classified as a separate collection within any merged Council's art holdings and that care and control of the Mosman Art Collection remain the responsibility of the Mosman Regional Art Gallery.

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# POLICY REGISTER

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## Guidelines for acquisition

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### Criteria for acquisition

Mosman Council/Mosman Regional Art Gallery collects works of visual art within the terms of the collection policy whether by purchase, commission, gift or donation in the following categories, listed in descending order of emphasis:

1. Works of demonstrable excellence by artists of significance, with an emphasis on Australian artists and/or artists who have an important connection to the Mosman and/or Northern Sydney community.
2. Works from significant collections or collectors that have a connection to the Mosman and/or Northern Sydney community.
3. Site-specific works of art and/or works suitable for the display conditions of sites within Mosman Council's buildings and/or the public domain.
4. Works of significance for the purpose of developing identified research and reference collections and which reflect the cultural aspirations of the Mosman Regional Art Gallery.
5. Works of art which contribute to the congruence of the collection.

### Acquisitions procedures and agreements

Acquisition to the Collection can be made by:

- Purchase
- Commission
- Gift
- Donation
- Long term loan

With the exception of the Mosman Art Prize acquisition (acquired through winning entry), all works of art proposed for acquisition by Mosman Art Collection must be approved by the Mosman Regional Art Gallery Director (subject to relevant delegations, or otherwise by the General Manager or Council) prior to acquisition. Only the Mosman Regional Art Gallery Director has the right (again, subject to relevant delegations or otherwise by the General Manager or Council) to reserve works and/or make an offer of purchase of art works for Council. All art works approved for acquisition will be formally accessioned into the Mosman Art Collection by the Mosman Regional Art Gallery Director.

The Mosman Regional Art Gallery Director, when approving art works to be acquired, will give due consideration to:

- the management and resource implications of accepting loans, gifts or purchases
- the financial and legal implications of accepting improperly valued loans or gifts or improperly priced purchases
- insurance requirements
- all acquisitions are approved on the basis that adequate provisions exist for cataloguing, conservation, maintenance, storage and exhibition of a professional standard

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## POLICY REGISTER

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- all works must be in excellent condition

Clear legal title must be substantiated and is required for all art works permanently acquired, including objects of local or international ethnic cultural origin. If clear title cannot be provided, a proposed acquisition should not proceed. Acquisitions must be documented by a signed form or agreement. Title will pass to Mosman Council and not to any individual or organisational unit.

Copyright in each of the art works shall remain the property of the artist. At the time of purchase or acquisition Council will request permission to create and publish images of the artwork.

No person involved in the policy or management of the Mosman Art Gallery may compete with the Mosman Art Collection for works of art proposed for acquisition, or take advantage of privileged information received due to their position. Special care is required in considering any offer of an item either for sale or as a tax benefit gift from members of governing bodies, members of staff or their families or close associates.

### **Donations/gifts/long-term loan**

Gifts to the Collection are encouraged, provided such gifts are within the Collection Policy guidelines. The Mosman Regional Art Gallery Director has the right to accept or refuse such offers of gifts as they occur.

Gifts are only accepted where the donor has legal title to the work and the gift is made on the basis of a total transfer from the donor to Mosman Council.

Works of art offered on a long-term loan basis are only accepted on the understanding that the work will eventually be donated to the Council. Such an agreement will be formally documented before the work is accepted for loan.

The Mosman Regional Art Gallery is registered as a Participating Recipient Institution under the Federal Government's Cultural Gifts Program. The Program is administered in accordance with the gift provisions of the income tax law and with the advice of technical experts. The Cultural Gifts Program is administered by a secretariat based in the Ministry for the Arts.

### **Collection reporting and management**

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The Collection is maintained and displayed in accordance with industry standards and conventions of museum conservation, handling, storage, record-keeping (including a central catalogue containing photographs of each object, a brief description, and an accession number) and security.

The Mosman Regional Art Gallery Director is responsible for the overall management of the Collection. The Gallery Director includes a listing of new Collection works acquired during the previous financial year in Council's Annual Report. Mosman Regional Art Gallery staff undertake a stocktake and condition report audit of the Collection once every four years.

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## POLICY REGISTER

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Commissioning works of art, including official portraits and site-specific public art works are undertaken by the Mosman Regional Art Gallery Director (or otherwise by the General Manager or Council) in accordance with the Collection Policy and relevant Council delegations. The Mosman Public Art Trust has been established for the funding/commissioning of public art works.

### Collection loans and display

Works of art from the Collection are available for temporary exhibition loans on approval by the Mosman Regional Art Gallery Director, subject to the borrowers agreement to the conditions specified in the Mosman Regional Art Gallery Collection Loan Agreement.

Works from the Collection will be available for temporary exhibition loans in the following order of priority:

1. Mosman Regional Art Gallery exhibitions
2. Temporary Exhibition Loans
3. Key public areas of Mosman Council (eg Council Rooms, library, offices)

Historically, certain works have been associated with a particular location or organisational unit (such as the John Coburn tapestry in the Library) and due consideration of the provenance and history of locating a work of art will be given.

The relevant organisational unit Manager or nominee will be responsible for monitoring works displayed, and will report any changes or modifications to the location and environment conditions to the Mosman Regional Art Gallery.

Collection loan requests will be made through the Mosman Art Gallery. The Mosman Regional Art Gallery will endeavour to accommodate requests, however the Mosman Regional Art Gallery reserves the right to locate works in the Collection where deemed appropriate. The relevant Manager will be advised of any proposals to move works of art on display.

Works of art on display must not be moved without prior approval from the Mosman Regional Art Gallery Director. The Director or his/her staff or nominee/s will manage the movement of works of art on display.

### De-accessioning art works

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The Mosman Art Collection has been developed over many years. Prior to adoption of this policy, additions to the collection have reflected a range of determinations regarding artistic merit and other considerations including local relevance. This policy provides that, to maintain and safeguard standards, all works within the Collection are to be subject to periodic review. Works will be considered on a case-by-case basis for de-accessioning based on the following criteria:

1. relevance to the Art Collection Policy
2. artistic merit
3. duplication

## POLICY REGISTER

4. theft or loss, damage or serious deterioration in condition
5. the possibility of upgrading by exchange
6. repatriation of cultural material
7. evidence of clear legal title
8. suitability for either the identified research collections or exhibition/display purposes

The Mosman Regional Art Gallery Director is (subject to relevant delegations, or otherwise by the General Manager or Council) responsible for endorsing the disposal of art works from the Art Collection, as and when appropriate. Works identified for disposal will be valued by a recognised valuer and offered for sale or donation, in the following priority order:

1. to another public gallery or collection
2. through an auction house
3. the artist of the work

De-accessioning and disposal of works or art are initiated and undertaken by the Mosman Regional Art Gallery Director. De-accessioning and disposal of works within the Collection may only occur with the written approval of the General Manager.

Funds or compensation received from the de-accessioning and disposal of works of art from the Art Collection are used solely for the benefit of the Mosman Regional Art Gallery and usually for acquisitions, or as directed by the Mosman Regional Art Gallery Director.

### Review

This policy will be reviewed every four years unless otherwise directed by Council or senior management.

### Contact

Enquiries should be directed to the Manager Cultural Services/Gallery Director on 9978 4009.

### Amendments

Date	Amendment	Reference
10.11.2015	Art Gallery - Acquisitions policy replaced by this adopted policy (Mosman Art Collection)	CD/25



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## POLICY REGISTER

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<b>Title:</b>	FORESHORE PARKING STICKERS
<b>MOSPLAN Reference:</b>	Program 11 (11.04.03)
<b>Date Adopted:</b>	3 February 1998 (PF/12)
<b>Date Reviewed:</b>	6 April 2010 (CS/19), 2 July 2013 (CS/49)

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### OBJECTIVE

The objective of this policy is to provide non-transferable foreshore parking stickers to Mosman property owners, residents and non-residents.

### PURPOSE OF POLICY

- A) To provide non-transferable foreshore parking stickers to Mosman property owners and residents on the basis that:
- the owner of each rateable property is entitled to one free sticker for use on their vehicle.
  - Residential property owners can purchase additional stickers for their and their family's use for other vehicles registered and garaged at that same premises at the price stated in Council's current Pricing Policy.
  - Non-owner residents can purchase stickers for their vehicles at the price stated in Council's current Pricing Policy.
- B) To provide non-resident regular users of Mosman Council's foreshore car parks a discounted parking sticker as detailed in Council's current Pricing Policy.
- C) To ensure that stickers are only issued as per A & B above.

### PROCESS

The issue of non-transferable foreshore reserve parking stickers to ratepayers, residents (tenants), and non-residents shall be subject to the following:

- One free foreshore parking sticker be issued to the owner residing at each rateable Mosman residential property assessment upon completion of application form, with additional stickers being issued upon payment of the fee indicated in Council's current Pricing Policy and the submission of the relevant application form.
- One free foreshore parking sticker be issued to the non-resident owner of each rateable property assessment upon completion of application form. All additional stickers to be purchased at non-resident rate.
- The one free ratepayer sticker following the completion of the initial application form is to be issued automatically to the property owner each following year.
- All additional ratepayer stickers need to be reapplied for annually by the completion of the application and payment of the prescribed fee indicated in Council's current Pricing Policy. If Council has the registration number recorded for the vehicle for which the additional sticker is required there is no need for the provision of the supporting information for that vehicle.
- Ratepayers with an existing sticker can apply online via Council's website for the purpose of additional stickers.
- Maximum of three stickers, inclusive of free sticker if provided, per rateable property.
- Ratepayers when applying for their first sticker or a replacement sticker for the first time must provide the vehicle registration number for the vehicle it is to be applied to. They do not need to supply supporting information ie registration papers etc.

## POLICY REGISTER

- New property owners, whose details have not yet been received by Council from Land and Property Information – Department of Lands can, subject to providing proof of purchase of property and the completion of the application form obtain their free sticker.
- The owner/ratepayer of each rateable property at The Spit to be able to purchase up to a maximum of 3 'Corporate Stickers' for use in vehicles under the control of their clients and business associates providing they are not used in employee's vehicles or vehicles used by a company operating at The Spit or members of the respective clubs operating at The Spit.
- Tenants residing within Mosman may obtain a foreshore car parking sticker upon completion of the application form and the payment of the fee indicated in Council's current Pricing Policy. For the purpose of evidencing that the applicant resides at the stated Mosman address the application requires the sighting by Council staff of the current vehicle registration certificate for the vehicle to which the sticker is to be affixed plus one other document such as a current driver's licence, electricity account, gas account or telephone account.
- Applications for property owner's second and third vehicles and tenants vehicles which relate to a company vehicle not registered to the nominated Mosman address must be supported by a letter on company letterhead signed by a duly authorized company representative declaring that the stated registered vehicle is the responsibility of the named Mosman resident who resides at the nominated Mosman property and that the vehicle is predominately garaged at that property.
- Season parking stickers will be made available to non residents upon completion of the application form and payment of the applicable fee indicated in Council's current Pricing Policy.
- Application forms for all foreshore parking stickers to be made available on Council's website and the availability of the sticker noted in the New Resident Guide.
- Owners of properties managed by real estate agents/property managers must complete and submit an application annually to obtain their free sticker. Any additional stickers to be purchased are to be at the full non-resident rate.
- Statutory Declarations are required to be signed by property owners who require additional stickers for their vehicles which are not registered at the property address confirming that they do reside at that address whether part time or full time and that the property is not and will not be occupied by a tenant during the period of the sticker's currency.
- Statutory Declarations are required to be provided by the applicant when a replacement sticker is required i.e. when a new car is purchased or original sticker has been lost or destroyed. The fee for the provision of the replacement sticker is as indicated in Council's current Pricing Policy.
- Stickers are not transferable and to be valid must be permanently affixed to vehicle windscreen or side window on the left-hand side of the vehicle. Vehicle registration numbers to be printed on each sticker issued by Council other than the first automatically issued sticker mailed to property owners.
- Stickers attached to vehicles are not valid in Pay and Display Ticket parking foreshore car parks or in an on-street ticket parking space, if such vehicles have advertising structures attached to them or are being used for the purpose of commercial advertising or promotions.

This policy is to be reviewed every two (2) years.

**Reference(s):** N/A  
**Responsible Department(s):** Corporate Services

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## POLICY REGISTER

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**Title:** RESIDENT PARKING SCHEMES  
**MOSPLAN Reference:** Program 11 (11.04.02)  
**Date Adopted:** 14 July 1998 (PF/179)  
**Date Reviewed:** 5 June 2007 (EP/101)

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**Policy Details:**

Refer "Policy on Resident Parking Scheme" June 2007. (Dataworks Document No. 2030261)

**Reference(s):** Refer Dataworks Document No. 2030261 "Policy on Resident Parking Scheme" June 2007  
**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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**Title:** "NO STOPPING" RESTRICTION AT INTERSECTIONS  
**MOSPLAN Reference:** 11.04.00  
**Date Adopted:** 18 April 2001 (T/30)  
**Date Reviewed:**

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**Policy Details:**

That Council replace all "No Standing" signs at intersections with "No Stopping" signs or yellow linemarking when existing "No Standing" signs require replacement for maintenance purposes or where a problem location is brought to Council's attention provided that:

- (a) The replacement signs or yellow linemarking comply with Australian Road Rule 170.
- (b) Adequate finance is available to meet the cost of the work.

**Reference(s):** Refer Dataworks Document No 180148  
**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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<b>Title:</b>	STREET PARTIES (INCLUDING TEMPORARY ROAD CLOSURES)
<b>MOSPLAN Reference:</b>	11.04.01
<b>Date Adopted:</b>	10 December 1991 (T/119)
<b>Date Reviewed:</b>	4 December 2001 (PF/271) 5 February 2002 (PF/12), 5 May 2002 (PF/12) 7 November 2006 (T/54) 3 July 2012 (CS/31)

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### Policy Details:

Council will encourage street parties and assist wherever possible.

Council will approve applications for street parties which include temporary closure of roads subject to the application meeting the RMS guidelines, and consultation and approval of the members of the Traffic Committee subject to:

- (a) A letter box drop of the affected area and adjacent area being conducted to obtain the support of the majority of residents in the area.
- (b) The application being signed by 15 households or 25 percent of households within a street, whichever is the lesser.
- (c) The approval of the Police being obtained.
- (d) Ward Councillors to be advised of any proposed street parties. (Question without Notice - 21/3/89)
- (e) Emergency services being notified of the event and road closure.
- (f) There being no amplification of sound associated with the function.
- (g) Barricades being hired by those giving the party, the barricades to be placed so that sufficient room is left to enable a vehicle to proceed past the barricades on one side of the road only. Barricades are required to be placed in position immediately prior to the commencement of the party and removed to the nature strip at the end of the party or at sunset if sunset is prior to the end of the party.
- (e) Council to support small-scale street parties by meeting the advertising costs associated with the road closures in the Mosman Daily. This advertisement is inserted at least one week prior to the party and, for security reasons, does not advise that a street party is being held.

<b>Source:</b>	Delegation 2 – Program 11
<b>Reference(s):</b>	None
<b>Responsible Department(s):</b>	Corporate Services

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## POLICY REGISTER

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**Title:** ROAD OPENING CODE  
**MOSPLAN Reference:** 11.05.01  
**Date Adopted:** 3 August 1999 (PF/168)  
**Date Reviewed:**

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**Policy Details:**

That Council requires replacement of full slabs of footpath where they have been opened.

**Reference(s):** Road Opening Code  
**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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**Title:** NATURE STRIP MAINTENANCE  
**MOSPLAN Reference:** CS.01  
**Date Adopted:** 2 June 2015 (EP/28)  
**Date Reviewed:**

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**Policy Details:**

Refer " Nature Strip Maintenance Policy" (ECM Fixed Ref No. 3530035)

**Reference(s):** Refer ECM Fixed Ref No. 3530035 - Nature Strip Maintenance Policy  
**Responsible Department(s):** Environment and Planning

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## POLICY REGISTER

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**Title:** CAR SHARE POLICY  
**MOSPLAN Reference:** HE:S5  
**Date Adopted:** 5 July 2016 (EP/41)  
**Date Reviewed:** 5 February 2019

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### Policy Details:

To encourage and support car sharing within the Mosman Local Government Area with a view to providing a balance between community expectations regarding parking accessibility and the allocation of appropriate costs and locations to support car share operators. This policy applies to all car share operators operating in Mosman and all new applications for designated car share spaces in Mosman.

**Reference(s):** Refer ECM Fixed Ref No. 4963173 - Car Share Policy for further details  
**Responsible Department(s):** Environment and Planning



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## POLICY REGISTER

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<b>Title:</b>	PUBLIC BANNER POLICY
<b>MOSPLAN Reference:</b>	Strategic Direction 2 and Strategic Direction 4
<b>Date Adopted:</b>	5 June 2018 (CD/14)
<b>Date Reviewed:</b>	

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*Refer "Public Banner Policy" (ECM Document Set Id: 5476408).*

**Purpose:**

To provide guidance in relation to the hire of banner locations managed by Mosman Council and the display of public banners at those locations.

**Policy Details:**

Mosman Council manages the following locations for display of public banners in the Mosman municipality:

1. One street banner location across Military Road at Mosman Junction
2. Vertical banner poles at approximately 60 locations along Military Road, Mandalong Road, Avenue Road, Raglan Street and Middle Head Road.

The hire of these locations for display of public banners is subject to the following:

1. Applications for hire will only be accepted from local community organisations, public authorities and organisers of local events providing demonstrated support or benefit to the Mosman community and/or other community causes.
2. Applications will not otherwise be accepted from commercial organisations promoting commercial activities.
3. The relevant hire period for any application approved by Council is three weeks.
4. Council reserves the right to approve or refuse any application made to it.
5. Mosman Council will at all times have priority use of the banner locations referred to in this policy.
6. All other priority of use will be in accordance with the order in which applications for hire are received and determined by Council.
7. The fees applicable to the hire of banner locations will be in accordance with Council's Pricing Policy - Schedule of Fees and Charges, which is updated annually or as otherwise determined by Council. These fees do not include production costs associated with the banner/s to be displayed, which are the responsibility of the hirer.

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## POLICY REGISTER

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8. Any costs associated with damage incurred to banners while on display (e.g. due to weather conditions), together with any related removal and/or reinstallation costs, are the responsibility of the hirer.
9. Council will at all times exercise reasonable care with approved banners provided to it for display, but will not be responsible for loss of, or damage to, such banners.
10. All banners displayed as a result of a successful application under this Policy must be produced according to Council's specifications.
11. Street banners displayed at Mosman Junction may be double-sided, however Council reserves the right to display two banners (i.e. a banner facing both north and south) at any time depending on applications received and approved.
12. Sponsorship on banners approved for display under this Policy must be limited to no more than six sponsors per banner, with sponsorship content not to exceed 20% of total banner size. Sponsorship displayed on banners must not pertain to tobacco or alcohol advertising, and in this regard the restrictions referred to in Council's Sponsorship Policy apply.
13. Where an application for hire of a banner location relates to promotion of an event, the earliest time approval will be granted for display is three weeks prior to the event, weather and space permitting. Banner/s will be taken down on the first working day after the event.

The following procedures apply to all applications for hire of banner locations:

1. All applications are to be made on the Public Banner Application Form made available by Council.
2. Completed application forms, including detailed banner specifications, are to be submitted to Council's Events Team at least three months prior to the proposed hire period.
3. Council's Events Team will determine the application having regard to this Policy and information provided on the relevant application form. Staff from the Events Team will contact the applicant to advise of the determination and, if approval has been granted, issue an invoice for the applicable banner fee.

**Reference(s):** Refer to Mosman Council Sponsorship Policy.

**Responsible Department(s):** Community Development

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## POLICY REGISTER

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**Title:** MEDIA POLICY  
**MOSPLAN Reference:** Strategic Direction 4 and Strategic Direction 5  
**Date Adopted:** 3 July 2018 (CD/16)  
**Date Reviewed:**

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*Refer "Media Policy" (ECM Document Set Id: 5484977).*

**Purpose:**

To provide guidelines for communication with the media by Council officials to ensure a coordinated and consistent approach is taken to media liaison.

**Objectives:**

- Ensure information provided to the media by Council is consistent, well informed, timely and accurate
- Protect and enhance the reputation of Council
- Promote positive relationships and open exchange of information between Council and the media
- Identify responsibility and appropriate authorisation for information provided by Council to the media
- Provide direction to Council officials in dealing with media communications
- Mitigate risks associated with the communication of inaccurate information

**Reference(s):** Refer to Media Policy.  
**Responsible Department(s):** Community Development

# APPENDIX A

## **SUPPORTING DOCUMENTATION FOR POLICY REGISTER**

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- Mosman Local Environmental Plan 1998
- Mosman Local Environmental Plan 1998  
(Amendment No 1) - Heritage Conservation
- Mosman Local Environmental Plan 1998  
(Amendment No 2) - Exempt and Complying Development
- Mosman Development Control Plan - Exempt and Complying Development
- Mosman Residential Development Control Plan (October 1999)
- Plan of Management for Balmoral Reserves 2001
- Lighting Code for Residential Areas
- Business Centres Development Control Plan (March 2000)
- Public Domain Improvement Program Mosman and Spit Junction (March 2000)
- Mosman Local Environmental Plan No 1 - Applies to land at Middle Head and Georges Heights referred to as "Deferred Matter" in Mosman Local Environmental Plan 1998.
- Notifications Development Control Plan (August 1999)
- Section 94 Contribution Plan - Public Carparking in Spit Junction Town Centre 1996
- Section 94 Contribution Plan - Open Space (March 2001)
- Code for the Guidance of Architects, Builders, Engineers and Developers in respect of Off-Street Parking Requirements and Vehicular Access.
- Code of Conduct
- Pricing Policy
- Stormwater Pollution Control Code
- Code of Meeting Practice
- Freedom of Information Statement of Affairs (Dec 2003)
- MOSPLAN (Including EEO Management Plan, Social/Community Plan)
- Code of Safety
- Statement of Business Ethics

### Other Studies, etc.

- A Local Environmental Study of the Town Centres of Mosman Junction and Spit Junction. July 1991 (Mosman Municipal Council)
- Development Control Plan for the Town Centres of Spit Junction and Mosman Junction. September 1992 (Mosman Municipal Council)
- Spit Junction Community Space Embellishment Study. June 1989 (Conybeare Morrison & Partners)
- Spit Junction Urban Design Guidelines. July 1989 (Conybeare Morrison & Partners)
- Spit Junction/Mosman Town Centre Traffic and Parking Study. November 1989 (Colston Budd Hunt and Twiney Pty Ltd)
- Mosman/Spit Junction Retail Development - Impact Assessment. November 1988 (Plant Location International)
- Report of Office Space Study - Spit Junction. October 1989 (Plant Location International)
- Land at Brady Street, Mosman Market Assessment. December 1992 (JLW Research and Consultancy Pty Ltd)
- Military Road Urban Conservation Study. November 1982 (Conybeare Morrison and Partners)
- Military Road Development Control Plan Control Guidelines. December 1984 (Conybeare Morrison and Partners)
- Mosman Urban Design Study - Residential Areas. November 1990
  - Study Report
  - Landscape and Field
  - Analysis Report
  - Volume 1. Planning Controls
  - Volume 2. Design Guidelines(McDonald McPhee Pty Ltd/Pike and Burton)
- Rosherville Reserve, Clifton Gardens and Sirius Cove Development Control Plan Guidelines. November 1993 (Lester Firth Associates Pty Ltd)
- Mosman Heritage Study. January 1988 (Travis Partners Pty Ltd/Walker and Kass)
- Mosman Municipality Heritage Study of Aboriginal Sites. June 1991
  - Volume 1. Heritage and Conservation Policy
  - Volume 2. Review of Aboriginal Sites
  - Volume 3. Inventory of Aboriginal Sites(Margrit Koettig)
- Balmoral Beach Shell Midden. December 1992 (Val Attenbrow)
- Conservation and Architectural Guidelines for Residential Properties in Mosman Municipality 1991 (Mosman Municipal Council)

- Mosman Open Space Study. August 1994
  - Volume 1: Mosman Open Space Strategy
  - Volume 2: Plan of Management(Hepper Marriott Tasmania Pty Ltd; Hepper Marriott Associates Pty Ltd; and Jerry de Gryse Pty Ltd)
- Land Use Management Plan - The Spit. April 1990
  - Stage 1: Recreation User Survey
  - Stage 2: Draft Development Options
  - Stage 3: Draft Final Report
  - Stage 4: Land Use Management Plan(Gutteridge Haskins and Davey Pty Ltd)
- The Bathers' Pavilion, Balmoral - A Conservation Plan. July 1994
  - Volume 1: The Report
  - Volume 2: The Appendices(Robert A Moore Pty Ltd)
- Athol Hall, Ashton Park - Conservation Plan. June 1992 (Schwager Brooks and Partners)
- Report and Computer Tables, Mosman Municipal Council on Residential Traffic Control. February 1991 (Market Survey Centre Pty Ltd)
- Report on the Potential Impact of SEPP No 28 "Town Houses and Villa Houses" on the Municipality of Mosman. 1989 (Mosman Municipal Council)
- Review of Traffic Implications of SEPP No 28 "Town Houses and Villa Houses". December 1989 (Eugene Smith and Hone Pty Ltd)
- Report on the Potential Impact of the proposed Draft Sydney Regional Environmental Plan "Dual Occupancy" and Draft State Environmental Planning Policy "Residential Allotment Sizes" on the Municipality of Mosman. November 1986
  - Assessment of the Traffic Implications of the Urban Consolidation Policies in Mosman. November 1986
  - Assessment of Services Systems Implications of the Urban Consolidation Policies in Mosman. November 1986(Travis Partners Pty Ltd / Neustein & Associates / Meredith Walker & Associates / Eugene Smith & Hone Pty Ltd)
- Control Over Excavation in Residential Zones. September 1987 (Travis partners Pty Ltd / Neustein and Associates)
- West Ward Study Recommended LATM Scheme. December 1983 (Eugene Smith and Hone Pty Ltd)
- Mosman Community Profile 1998
- Social/Community Plan 1999-2004. Adopted 22 June 1999

