

Policies to be adopted

1. Conservations of the Yellow-Bellied Glider in the Broulee Area
2. Customer Service
3. Dedication of Land to Council
4. Fraud Control
5. Naming of Parks, Reserves, Sports Fields and Public Pathways
6. Planning Agreements
7. Pricing
8. Privacy and Information Protection
9. Public Art
10. Street Activities
11. Stormwater Disposal – Urban Land
12. Tree Risk Management on Council Controlled Land.

Policy title	Conservation of the Yellow-bellied Glider in the Broulee Area
Responsible manager(s)	Divisional Manager, Strategic Services
Contact officer(s)	Strategic Planning Officer, Environment
Directorate	Planning and Sustainability Services
Approval date	TBA
Focus Area	Sustainable Communities
Delivery Program Link	S5 Plan for and support sustainable growth and development
Operational Plan Link	S5.4 Plan for the protection and enhancement of our natural environment

Purpose

This policy recognises the need to balance sustainable development with the protection of the threatened yellow-bellied glider and its habitat.

Policy aims

This policy, developed in conjunction with the Office of Environment and Heritage, aims to:

- ensure the long-term presence of Yellow-bellied Gliders within the Broulee area, through retention of suitable habitat and other development controls as appropriate
- provide clarity and certainty to developers applying to undertake development or activities in the Broulee Area with regard to how development proposals within the Broulee area may avoid significant impact on the Yellow-bellied glider population
- allow consent and concurrence authorities to make a more informed decision with regard to developments and activities that may impact upon the habitat of the Yellow-bellied Glider
- reduce cost to the landholder and the development industry, by reducing the frequency that Species Impact Statements are required
- facilitate sensitive development without significant impact on the Yellow-bellied Glider or its habitat.

Policy details

1	<p>Application</p> <p>This Policy applies to all land within the Broulee area, comprising land bordered by the Pacific Ocean to the east, the Tomaga River to the north, the Moruya River to the south and a line 1km parallel to the west of the Princes Highway. This area is outlined in Map 1 of this policy.</p> <p>In the absence of a Shire wide policy for the conservation of the Yellow-bellied Glider on the coastal plains of the Eurobodalla, this policy will be used by Council officers to assist in assessing development applications and proposed activities for land on the coastal plains of Eurobodalla Shire containing suitable Yellow-bellied Glider habitat.</p>
2	<p>Legislation</p> <p>This policy supports section 79C of the Environmental Planning and Assessment Act 1979 and section 7.3 of the Biodiversity Conservation Act 2016.</p>

3	Council will grant consent or approval for development or activity on land to which this policy applies that is not in accordance with this policy where it can be demonstrated that the development or activity will not significantly impact upon Yellow-bellied Gliders or their habitat.
4	<p>This policy does not:</p> <ul style="list-style-type: none"> - alter the requirement for carrying out threatened species assessment; or - substitute the need for an assessment of significance on threatened species, populations or ecological communities, or their habitats under the <i>Biodiversity Conservation Act 2016</i>. <p>However, a Species Impact Statement will not be required for development or activities performed in accordance with this policy.</p> <p>Explanatory Note: Application of the assessment of significance for the Yellow-bellied Glider to development or activities that take place in accordance with this policy, will conclude that a significant impact will be unlikely and therefore a Species Impact Statement will not be required.</p>
5	The policy does not consider the impact of development or activities on other listed Threatened Species that may or may not occur in the area from time to time.

Implementation

Requirements		Responsibility
1	<p>Code of Practice</p> <p>This policy will be implemented by following Council's Conservation of the Yellow-bellied Glider in the Broulee Area Code of Practice, which specifies in detail the procedures and matters to be considered.</p>	Manager, Strategic Services
2	<p>Staff</p> <p>Under supervision, applicable council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.</p>	Natural Environment Planning Coordinator
3	<p>Concerns</p> <p>Concerns and requests received regarding the Conservation of the Yellow-bellied Glider in the Broulee Area Policy will be recorded on Council's Customer Service Request (CSR) or records system and handled in accordance with Council's Customer Complaints and Service Requests Policy. They will be used to analyse the history of complaints and requests and to help determine follow up actions.</p>	Natural Environment Planning Coordinator
4	<p>Complaints</p> <p>Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council's Complaints Policy.</p>	Public Officer
5	<p>Consultation</p> <p>This policy may only be modified by agreement between Eurobodalla Shire Council and the NSW Office of Environment and Heritage. Consultation regarding this policy will occur as</p>	Natural Environment Planning Coordinator

	relevant with key stakeholders and public submissions regarding this policy will be considered during the policy exhibition period.	NSW Office of Environment and Heritage
--	---	--

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary if legislation requires it; or when council's functions, structure or activities change; or when technological advances or new systems change the way that council manages development in the area to which this policy applies.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Customer concerns and complaints, Feedback Survey Responses	Council records
Internal or external audit	Audit

Governance

This policy should be read in conjunction with any related legislation, plans, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Conservation of the Yellow-bellied Glider in the Broulee Area - Code of Practice	http://www.esc.nsw.gov.au/inside-council/council/council-policies/codes/Conservation-of-the-Yellow-Bellied-Glider-in-the-Broulee-area.pdf
Biodiversity Conservation Act 2016	http://www.legislation.nsw.gov.au/#/view/act/2016/63
Environmental Planning and Assessment Act, 1979	http://www.legislation.nsw.gov.au/#/view/act/1979/203
Recovery Plan for the Yellow-bellied Glider (<i>Petaurus australis</i>)	http://www.environment.nsw.gov.au/resources/nature/recoveryplanFinalYellowbelliedGlider.pdf

Related external references

Name	Link
Threatened Species Assessment Guidelines	http://www.environment.nsw.gov.au/resources/threatenedspecies/tsaguide07393.pdf

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	26 Mar 2002	Council			Policy commenced
2	22 Sept 2009	Council	09/291	E09.3418	Policy retained (report G09/99)
3	10 Sep 2013	Council	13/277	E13.7095	Reviewed and updated.
4	TBA	Council		E16.0297	Reviewed and updated (start of new Council term)

Internal use

Responsible officer		Director Planning & Sustainability Services		Approved by	Council
Minute #		Report #		Effective date	
File no	E16.0297	Review date	Sept 2020	Pages	4

MAP 1



Policy title	Customer Service Policy
Responsible manager(s)	Divisional Manager Governance & Information
Contact officer(s)	Coordinator Customer Service & Information
Directorate	Finance and Business Development
Approval date	
Focus area	Supportive
Delivery Program link	SS3.1 Provide quality customer service
Operational Plan link	SS3.1.2 Customer attendance responded to in an efficient and timely manner

Purpose

Eurobodalla Shire Council's Customer Service policy was created to guide the development of an organisational culture focused on meeting the needs and expectations of its customers and to continuously improve its services for customers.

Policy aims

- Promote an integrated framework for providing quality customer service to the customers of Eurobodalla Shire Council
- Promote best practice customer service behaviours and attitudes by all Eurobodalla Shire Councillors, Council staff, contractors and volunteers
- Ensure transparency, consistency and fairness in the manner in which Council deals with its customers
- Make Council's policies and requirements for Customer Service readily accessible and understandable to the public.

Policy details

1	Application: This policy applies to all customers, Councillors, Council staff, contractors and volunteers of Eurobodalla Shire Council.
2	Legislation: This policy ensures Eurobodalla Shire Council's compliance with <i>Local Government Act 1993</i> www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
3	Customer Service Responsibility: All Eurobodalla Shire Councillors, staff, contractors and volunteers are responsible for the provision of quality customer service to the customers of EUROBODALLA SHIRE COUNCIL. They should perform their duties in a professional and responsible manner and treat members of the public fairly, respectfully and consistently, in a non-discriminatory manner and with proper regard for rights and obligations.
3.1	Each staff member is accountable for the quality of customer service delivered through their own work or the quality of output of any project or work team(s) of which they are a member.
3.2	Directors, Managers and Coordinators are responsible for developing a customer focused work ethic in their teams and empowering staff to undertake customer focused decision making.

3.3	Directors, Managers and Coordinators are responsible for working in consultation with their teams to develop and implement customer focused systems and processes that respond to and satisfy internal and external customer needs and expectations.
3.4	Staff will be provided with the appropriate tools, information and training to provide quality customer service.
4	<p>Customer Service Charter:</p> <p>Council staff, Councillors, volunteers and contractors will strive to meet the best standards that can be practically achieved, defined in the Customer Service Charter in a professional, responsive and ethical manner. Information provided to customers should be provided promptly and in a format that is easy for the recipient to understand. Information provided should be clear, accurate, current and complete.</p>
4.1	<p>The Customer Service Charter will be published and communicated to ensure that Eurobodalla Shire Council customers are aware of the standards they can expect from the representatives of Eurobodalla Shire Council and that are expected of them.</p> <p>We will:</p> <ul style="list-style-type: none"> - Be helpful - Assist with your enquiry courteously and professionally - Clearly and accurately explain our answers, actions, and options - Respect the privacy of customers in accordance with legislation. <p>We ask our customers to:</p> <ul style="list-style-type: none"> - Be courteous to our staff - Let us know when things change - Tell us when our service are less than satisfactory and when our service excels.
4.2	<p>The Customer Service Charter also defines the standards of response from Council. General enquiries are handled by front line staff and specialist staff referred to for other issues.</p> <p>Phone:</p> <ul style="list-style-type: none"> - Staff will identify themselves by name - If we can't help straight away we will let the customer know when we can help - Phone calls will be returned within 24 hours - When work is to be completed for a customer a reference number will be given - The After Hours Telephone Service will help with urgent enquiries. <p>Mail:</p> <ul style="list-style-type: none"> - We provide a response within 10 working days. <p>Email/'Your Say' on Council Website:</p> <ul style="list-style-type: none"> - We acknowledge within 24 hours - We provide a response within 10 working days.
5.	<p>Complaints, service requests and feedback</p> <p>Eurobodalla Shire Council Councillors, staff, contractors and volunteers recognise that effective handling of complaints, requests and feedback are the heart of good customer service. Responding appropriately to concerns and the information and experience gained in responding are an integral part of improving service provision as well as being key to developing and maintaining a relationship with customers.</p>

5.1	<p>Customer Service Request (CSR) system and CSR Survey System.</p> <p>The Council CSR system and CSR Survey System and process provide a system of receiving, recording, investigating, resolving, reviewing and storing service requests made by customers.</p> <p>The Customer Service Request Procedure provides guidance in the correct use of the CSR system for Council Officers.</p>
5.2	<p>Complaints, compliments and general feedback to Eurobodalla Shire Council can be made by customers in writing via:</p> <ul style="list-style-type: none"> - Eurobodalla Shire Council website 'Have your say' - Council email - Letter. <p>The Council Records system users record, store, nominate a responsible officer and apply Council service standards to the correspondence.</p>
6.	<p>Accessibility</p> <p>Eurobodalla Shire Council Councillors, staff, contractors and volunteers are committed to ensuring that all customers including those with disabilities and special needs are provided quality customer service.</p>
6.1	<p>Council offices provide physical access for customers and staff with mobility restrictions by providing disabled parking, entrance ramps and ensuring entrances are clear. Access to Council information and services is also available by telephone, on the Council website and by email.</p>
7.	<p>Customer Service Guide</p> <p>This document provides practical advice and tools to Council representatives to enable the delivery of quality customer service. This guide also provides advice on providing service to and communicating with people who have a disability.</p>
8.	<p>Unreasonable Customer Conduct Procedure</p> <p>When customers behave unreasonably in their dealings with Council, their conduct can significantly affect the customer service provided and received. Council therefore is proactive and decisive in managing customer conduct that negatively and unreasonably affects its services to the community, and supports Councillors and staff to do the same. The Unreasonable Customer Conduct Procedure provides guidance to Eurobodalla Shire Council representatives in the behaviour that can be expected from customers and how to deal with unreasonable customer conduct.</p>

Implementation

Requirements		Responsibility
1.	<p>Other Council documents:</p> <p>This policy will be implemented in conjunction with the Council's:</p> <ul style="list-style-type: none"> - Customer Service Charter - Complaints, Service Requests and Feedback Policy - Unreasonable Customer Conduct Procedure - Customer Service Request Procedure - Customer Service Guide. 	Council officers

2.	Training Council is committed to ensuring that all staff receive appropriate training in the application of this policy and the Customer Service Charter. This policy will be published on the Council website. Council Staff Customer Service Induction sessions will address this policy, the Customer Service Charter and Customer Service Guide.	Directors, Managers and Coordinators
3.	Staff Responsibilities All Eurobodalla Shire Council Councillors, staff, contractors and volunteers will be responsible for ensuring that this policy is implemented appropriately within their work area.	Eurobodalla Shire Councillors, staff, contractors and volunteers
4	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
5	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	As applicable

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages Customer Service.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Delivery Program/ Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer Service Request survey responses	Surveys conducted every 2 months of 5% of CSRs submitted in the previous 2 months. Surveys are of the timeliness of communication and quality of information provided to the customer

Internal or external review	Audit
Systematic external customer service evaluation	Mystery Shopper Program reports

Definitions

Word/ Acronym/ Phrase	Definition
Customer	A purchaser or user of products or services of Council. This may include external customers such as ratepayers, residents, organisations, constituents, stake holders, businesses, government agencies, contractors, consultants, and internal customers – Councillors and other staff members.
Customer Service	The identifiable, but sometimes intangible, series of activities undertaken by Council designed to provide a product or function and enhance the level of customer satisfaction.
Standards	A set of instructions or guide for performing operations or functions to ensure uniform methods, processes, practices and outcomes.
Concern / Complaint	Expression of dissatisfaction with a decision, the quality or timeliness of a service provided, or the behaviour of employees, contractors or volunteers. A concern may relate to a specific incident or issue involving Council, or to matters of a more philosophical or general nature regarding Council's processes or procedures.
CSR	Customer Service Request – Council's customer request management system.
Feedback	Positive or negative information about a customer's reactions to a product, or a person's performance of a task which is used as a basis for continuous improvement and positive reinforcement.

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
<i>Related Council Policy or Code of Practice</i>	www.Eurobodalla Shire Council.nsw.gov.au/inside-council/council/council-policies
<i>Local Government Act 1993</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N
<i>Privacy and Personal Information Protection Act 1998 (PIPPA)</i>	http://www.legislation.nsw.gov.au/#/view/act/1998/133
<i>Disability Discrimination Act 1992</i>	https://www.legislation.gov.au/Series/C2004A04426
<i>Health Records Information Privacy Act 2002</i>	http://www.legislation.nsw.gov.au/#/view/act/2002/71

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
Ombudsman NSW	http://www.ombo.nsw.gov.au/

Supporting documents

Name	Link
Customer Service Guide	Link to be provided
Customer Service Request Procedure	Link to be provided
Customer Services Charter	Link to be provided
Unreasonable Customer Conduct Procedure	Link to be provided

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	24 Nov 2009	Council	09/369	E09.3418	Policy adopted
2	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated
3	dd mmm 2017	Council	TBA	E16.0297 See list	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Divisional Manager Governance & Information			Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	See list E16.0297	Review date	Sep 2020	Pages	7

Policy title	Dedication of Land to Council
Responsible manager(s)	Divisional Manager, Strategic Services
Contact officer(s)	Land Use Planning Coordinator
Directorate	Planning and Sustainability Services
Approval date	TBA 2017
Focus area	Liveable Communities
Delivery Program link	L1.3 Implement recreation and community development initiatives
Operation Plan link	L1.3.5 Improve community awareness and usage of recreation facilities

Purpose

This policy recognises that as a result of the subdivision or development of land, some land may need to be dedicated to Council in the form of public open space. The policy also recognises the need to ensure that land so dedicated is fit for purpose.

This public open space may be structured such as parks, playgrounds or shared pathway connections; or unstructured such as riparian corridors, drainage reserves, biodiversity areas or areas of cultural heritage significance. Riparian, drainage and habitat corridors provide important biodiversity links for the Shire.

Through the development of its Recreation and Open Space Strategy (ROSS), Council has undertaken a comprehensive review of recreational needs, facilities and spaces in the Eurobodalla Shire on the basis of local, district and regional community needs. The strategy forms the basis for this policy.

Land may be dedicated to Council in lieu of making a monetary contribution pursuant to Council's Local Infrastructure Contributions Plan 2012 (LICP), as part of a voluntary planning agreement (VPA), or land may be dedicated to Council free of cost.

Policy aims

This policy aims to provide a clear rationale and assessment process for decisions regarding Council's acceptance of land proposed to be dedicated as public open space.

Policy details

1	Application This policy applies to the dedication of private land to Council as public open space within the Eurobodalla Local Government Area.
2	Legislation Eurobodalla Shire Council will comply with the Environmental Planning and Assessment Act 1979 .
3	All subdivisions creating new lots and developments generating increased populations will contribute to an increased demand for public open space.

	<p>This demand may be met by either the dedication of land to Council or the payment of a monetary contribution for the embellishment of existing open space or the purchase of other land to meet the strategic needs as identified in the ROSS.</p> <p>The objectives of this policy are as follows:</p> <ul style="list-style-type: none"> a) to set standards for the type, quality, nature and condition of land proposed to be dedicated; b) to ensure increased recreational, environmental and community value of public open space; c) to ensure maintenance of public open space is within Council's financial and operational capability; d) to ensure functionality and useability of public open space and/or drainage reserve.
4	The dedication and acceptance of structured and unstructured land to Council must be in accordance with the Dedication of Land to Council Code of Practice.
5	It will be the responsibility of the proponent to demonstrate that any proposal to dedicate land to Council as public open space complies with this policy in particular with regard to demonstrating that the ongoing costs and activities for Council of management and maintaining the land will be minimal.
6	Every subdivision will be assessed on its merits and according to this policy as to the requirement for an area of public open space. There may however be unique circumstances that may give rise to variation or departure from the policy and this is at the discretion of and by formal determination of Council.
7	In most circumstances, private ownership and management of riparian corridors, drainage land, biodiversity land and areas of cultural and heritage significance results in acceptable management outcomes and is Council's preferred outcome. Only in exceptional circumstances will Council accept public ownership of these lands.

Implementation

Requirements		Responsibility
1	<p>Code of Practice</p> <p>This policy will be implemented by following Council's Dedication of Land to Council Code of Practice, which specifies in detail the matters for consideration and procedures to be followed.</p>	Divisional Manager, Development Services
2	<p>Staff</p> <p>Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.</p>	Council Officers
3	<p>Concerns</p> <p>Concerns received regarding this policy will be recorded on Council's customer service request (CSR) or records system and handled in accordance with Council's Customer Service or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.</p>	Council Officers

4	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	Community, Arts and Recreation Services and the Infrastructure Services Directorates
---	---	--

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary if legislation requires it; or when Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages the dedication of land to Council.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Complaints	Council records
Customer Feedback Survey Responses	Surveys
Internal or external audit	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Dedication of Land to Council Code of Practice	http://www.esc.nsw.gov.au/inside-council/council/council-policies
Recreation and Open Space Strategy Local Infrastructure Contributions Plan Shared Path Strategy Development Contributions Plan	www.esc.nsw.gov.au
South Coast Regional Conservation Plan	www.environment.nsw.gov.au/resource/s/biodiversity/101000scrcp.pdf
Southern Rivers Catchment Action Plan	www.southern.cma.nsw.gov.au/news_publications-plans_strategies.php
<i>Environmental Planning and Assessment Act 1979</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N

Related external references

Name	Link
Department of Planning and Infrastructure	www.planning.nsw.gov.au/

Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	24 Nov 2011	Council	11/130	E05.9314	Policy Adopted – report O11/86
2	23 Jul 2013	Council	13/172	E13.7095	Updated Template, review date, references and links; removed operational elements to Code of Practice – report O13/112
3		Council		E16.0297	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Director, Planning & Sustainability Services			Approved by	Council
Minute #	13/172	Report #		Effective date	
File	E16.0297	Review date	Sep 2020	Pages	4

Policy title	Fraud Control
Responsible manager	General Manager
Contact officer	Director Finance and Business Development
Directorate	Finance and Business Development
Approval date	TBA
Focus area	Support services
Delivery Program link	SS1.2 Maintain a sound governance framework within which Council operates
Operational Plan link	SS1.2.3 Coordinate Council's governance projects and procedures

Purpose

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

The policy aims to:

- Facilitate the development of controls which will aid in the detection and prevention of fraud against the Eurobodalla Shire Council.
- Promote a culture of awareness that fraud and corruption will not be tolerated.

Policy statement

1	Application This policy applies to all Eurobodalla Shire Council councillors, staff, contractors, volunteers and delegates.
2	Legislation Council will comply with the <i>Public Interest Disclosures Act 1994</i> , <i>Local Government Act 1993</i> (Chapter 14 Honesty and Disclosure of Interests), and <i>ICAC Act 1998</i> .
3	General Requirements (a) Management is responsible for the detection and prevention of fraud, misappropriations and other inappropriate conduct. (b) Management and each member of the Management Team should be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of irregularity. (c) All councillors and employees have a responsibility to report fraud and suspected corrupt activity, through the appropriate notification, which may include taking advantage of the Public Interest Disclosures Act.

Implementation

Requirements		Responsibility
1	Code of Practice This policy will be implemented by following council's <i>Corruption Prevention Code of Practice</i> , which specifies in detail the plan, procedures and matters to be considered.	Director Finance & Business Development
2	Staff	Council managers and officers

	Under supervision, all Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received relevant training to do so.	
3	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy.. These records will be used to analyse the history of reported public concerns.	Council officers
4	Consultation Audit, Risk and Improvement Committee and consultation with Management Team. Dissemination to Council staff via divisional managers, intranet and e-mail. Other Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other relevant legislation, industry guidelines, and public comment.	Audit Committee Management team As appropriate

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner. **Note:** *Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.*

This policy may also be reviewed and updated as necessary if legislation requires it; or when council's functions, structure or activities change; or when technological advances or new systems change the way that council manages fraud and corruption.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
<ul style="list-style-type: none"> Council and Management publicly support the policy. Managers actively and positively contribute to the development and maintenance of controls. Any fraud detected is dealt with in accordance with this policy. There is staff awareness and/or use of appropriate reporting lines. 	Council records Internal Audit
Reduction of incidence to nil.	Council Records
Internal or external audit.	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/

<i>Independent Commission against Corruption Act 1998</i>	www.austlii.edu.au/au/legis/nsw/consol_act/icaca1988442/
<i>Public Interest Disclosures Act 1994</i>	www.austlii.edu.au/au/legis/nsw/consol_act/pida1994313/

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
Independent Commission against Corruption (ICAC)	www.icac.nsw.gov.au

Definitions

Term	Definition
Corruption	A breach of trust in the performance of official duties, acted or failed to act in the performance of the functions of their duties, or taken advantage of their employment to obtain any benefit for themselves or another person. Normally this will involve: a criminal offence, a disciplinary offence, or reasonable grounds for terminating the services of a public official.
Fraud	<p>Fraud is not restricted to monetary benefits. For the purpose of this policy, fraud against Council is described as: <i>"The dishonest misuse of Council's resources or using one's position and power for personal gain."</i></p> <p>A basic test for fraud could include the following questions: Was deceit employed? Was the action unlawful? Did it result in money/ benefits being received to which the person was not entitled?</p> <p>Some examples of fraud include:</p> <ul style="list-style-type: none"> • Unauthorised use of Council plant and equipment • Private use of Council's inventory and stores • Claiming unworked overtime on time sheets • Providing confidential Council information to unauthorised people or bodies • Allowing contractors to not fully meet contract requirements.

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	27 Jun 2006	Council	06/139		Policy Commenced
2	22 Sep 2009	Council	09/291	E09.3418	Policy reviewed and updated
3	27 Aug 2013	Council	13/246	E13.7095	Updated, added references and links
4	July 2015	-	-	E06.0380	Minor referencing updates
5	TBA				Minor referencing updates

Internal use

Responsible officer	Director Finance & Business Development			Approved by	Council
Min No	13/246	Report no	O13/131	Effective date	27 Aug 2013
File No	E06.0380	Review date	Sep 1016	Pages	3

Policy title	Naming Of Parks, Reserves, Sports Fields And Public Pathways
Responsible manager(s)	Divisional Manager Technical Services
Contact officer(s)	Engineering Administration Coordinator
Directorate	Infrastructure Services
Approval date	TBA
Focus area	Liveable Communities - Community Spaces
Delivery Program link	L5.2 -Manage & maintain a safe, sustainable and accessible range of community spaces
Operational Program link	

Purpose

Eurobodalla Shire Council's policy provides guidance to assist in naming public land including parks, reserves, sports fields and public pathways to identify that land in Council records, maps and plans for general public use.

The policy ensures compliance with the Geographical Names Board of NSW (GNB) naming and renaming of sites for which Council is the authority.

The Geographical Names Board of NSW (GNB) is the authority, under the *Geographical Names Act 1966*, responsible for the assigning of names to places and geographical features.

Policy aims

- Promote an integrated framework for dealing with the naming of parks, reserves, sports fields and public pathways
- Ensure compliance with legislative requirements under the *Geographical Names Act 1966*
- Ensure consistency and fairness in the manner in which the Council deals with the naming of parks, reserves, sports fields and public pathways
- Make the Council's policies and requirements for the naming of parks, reserves, sports fields and public pathways readily accessible and understandable to the public.

Policy details

1	Application This policy applies to public land including parks, reserves, sports fields and public pathways to identify that land in Council records, maps and plans for general public use.
2	Authority The Geographical names Board of NSW (GNB) is the authority, under the <i>Geographical Names Act 1966</i> , responsible for the assigning of names to places and geographical features. The GNB will only consider the adoption of a place name after the GNB has advertised it in the Government Gazette and local press for one month inviting public comment.

Implementation

Requirements		Responsibility
1	Legal The Geographical Names Board (GNB) has prepared guidelines for the determination of placenames. A copy of the guidelines is available from the GNB (www.gnb.nsw.gov.au) Council must give the Geographical Names Board (GNB) at least one month's notice of the proposed name.	Council officers
2	Staff Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.	Council officers
3	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
4	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Where the renaming of an existing site is being considered, affected property owners, community groups and Aboriginal Land Councils will be contacted inviting suggestions. Public submissions regarding this policy are invited for consideration during the exhibition period.	As applicable

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages the naming of parks, reserves, sports fields and public pathways.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Delivery Program/ Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
Internal or external review	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Related Council Policy or Code of Practice	www.esc.nsw.gov.au/inside-council/council/council-policies
Local Government Act 1993	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N
Geographical Names Act	www.legislation.nsw.gov.au/maintop/view/inforce/act+13+1966+cd+0+N

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
Geographical Names Board	Guidelines for the determination of placenames

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	26 June 2012	Council	12/179	E09.3418	Policy commenced
2	27 Aug 2013	Council	13/246	E13.7095	Reviewed and updated
3	TBA	Council	TBA	E16.0297 E06.0375	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Director Infrastructure Services			Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	E06.0375 E16.0297	Review date	Sep 2020	Pages	3

Policy title	Planning Agreements
Responsible manager(s)	Divisional Manager, Strategic Services
Contact officer(s)	Land Use Planning Coordinator
Directorate	Planning and Sustainability Services
Approval date	TBA 2017
Focus area	Sustainable
Delivery Program link	S5.1 Review and prepare planning strategies, policies and studies
Operational Plan link	S5.1.4 Infrastructure Contributions Plans review

Purpose

Planning agreements provide enhanced and more flexible infrastructure funding opportunities for planning authorities to achieve tailored development outcomes and targeted public benefits, subject always to good planning.

The Planning Agreement Policy sets out Council's framework to negotiate the provision of public infrastructure, facilities and services.

Policy aims

This Policy aims to:

- establish a framework governing the use of planning agreements by Council;
- ensure the framework so established is efficient, fair, transparent and accountable;
- enhance planning flexibility in Council's area through the use of planning agreements;
- enhance the range and extent of development contributions made by development towards public facilities in Council's area; and
- set out Council's specific policies on the use of planning agreements.

Policy details

1	Application This policy applies to planning agreements made or proposed to be made pursuant to Section 93F of the Environmental Planning and Assessment Act 1979 .
2	Legislation This policy sets out Council's policy relating to planning agreements under s93F of the Environmental Planning and Assessment Act 1979 (the Act) and the Environmental Planning and Assessment Regulation 2000 (the Regulation).
3	Framework Council's planning agreements framework consists of the following: <ol style="list-style-type: none"> a) the provisions of Subdivision 2 of Division 6 of Part 4 of the Act; b) the provisions of Division 1A of Part 4 of the Regulation; c) this policy; and d) the Planning Agreements Code of Practice.

4	<p>Objectives</p> <p>Council's strategic objectives for the use of planning agreements include:</p> <ul style="list-style-type: none"> a) to provide an enhanced and more flexible development contributions system for Eurobodalla Shire; b) more particularly, to supplement or replace, as appropriate, the application to development of s94 and s94A of the Act; c) to give all stakeholders in development greater involvement in determining the type, standard and location of public facilities and other public benefits; d) to allow the community, through the public participation process under the Act, to agree to the redistribution of the costs and benefits of development in order to realise community preferences for the provision of public benefits; e) to adopt innovative and flexible approaches to the provision of infrastructure in a manner consistent with Council's adopted management plan; f) to provide or upgrade infrastructure to appropriate levels that reflect and balance environmental standards, community expectations and funding priorities; g) to provide certainty for the community, developers and Council in respect of infrastructure and development outcomes; and h) to facilitate the provision of particular public facilities and other public benefits in connection with the development of priority sites nominated as such as in any structure plan made by Council.
5	<p>Circumstances in which Council will consider negotiating a planning agreement</p> <p>Council, at its discretion, may negotiate a planning agreement with a developer in connection with any application by the developer for an amendment to an environmental planning instrument (EPI) or for development consent relating to any land in Council's area.</p> <p>Council may consider negotiating a planning agreement with a developer to:</p> <ul style="list-style-type: none"> a) compensate for the loss of, or damage to, a public amenity, service, resource or asset caused by the development through its replacement, substitution, repair or regeneration; b) meet the demands created by the development for new public infrastructure, amenities and services; c) address a deficiency in the existing provision of public facilities in Council's area; d) achieve recurrent funding in respect of public facilities; e) prescribe inclusions in the development that meet specific planning objectives of Council; f) monitor the planning impacts of development; and g) secure planning benefits for the wider community <p>Council will consider the Acceptability test in the code when determining the desirability of a proposed planning agreement.</p>
6	<p>Application of s94 and s94A to development to which a planning agreement relates</p> <p>Council has no general policy on whether a planning agreement should exclude the application of s94 or s94A of the Act to development to which the agreement relates. This is a matter for negotiation between Council and a developer having regard to the particular circumstances of the case.</p> <p>However, where the application of s94 of the Act to development is not excluded by a planning agreement, Council will decide on a case by case basis whether it will allow benefits under the planning agreement to be taken into consideration in determining a development contribution under s94.</p>

7	Form of development contributions under a planning agreement The form of a development contribution to be made under a proposed planning agreement will be determined by the particulars of the instrument change or development application to which the proposed planning agreement relates.
----------	--

Implementation

Requirements		Responsibility
1	Code of Practice This policy will be implemented by following Council's Planning Agreements Code of Practice, which specifies in detail the matters for consideration and procedures to be followed.	Divisional Manager, Strategic Services
2	Staff Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Land Use Planning Coordinator, Development Assessment Coordinator
3	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council Officers
4	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	As applicable.

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary if legislation requires it; or when Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages planning agreements.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
Internal or external audit	Audit

Definitions

Other than the terms defined below, terms used in this policy and its associated code of practice have the meanings found in the Acts listed above

Word/ Term	Definition
<i>surplus value</i>	the value of the developer's provision under a planning agreement less the sum of the value of public works required to be carried out by the developer under a condition imposed under s80A(1) of the Act and the value of development contributions that are or could have been required to be made under s94 or s94A of the Act in respect of the development the subject of the agreement.

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Code of Practice	http://www.esc.nsw.gov.au/inside-council/council/council-policies
Local Government Act 1993	http://www.legislation.nsw.gov.au/#/view/act/1993/30
Environmental Planning and Assessment Act 1979	www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N
Environmental Planning and Assessment Regulation 2000	www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+557+2000+cd+0+N
Land Acquisition (Just Terms Compensation) Act 1991	www.legislation.nsw.gov.au/maintop/view/inforce/act+22+1991+cd+0+N
Development Contributions Practice notes – July 2005	www.planning.nsw.gov.au/planningsystem/pdf/all_contribution_pns.pdf

Related external references

Name	Link
Division of Local Government	www.dlg.nsw.gov.au/
Department of Planning and Environment	www.planning.nsw.gov.au/

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	19 Dec 2006	Council			Policy commenced
2	22 Sep 2009	Council	09/291	E09.3418	Policy retained (report G09-99)
3	10 Sep 2013	Council	13/272	E13.7095	Updated to new Policy Template, updated review date, updated references and links
4		Council		E16.0297	Reviewed and updated (start of new Council term)

Internal use

Responsible officer		Director Planning and Sustainability Services		Approved by	Council
Minute #		Report #		Effective date	
File	E16.0297	Review date	Sep 2020	Pages	5

POLICY

Policy name	Pricing
Responsible manager(s)	Director Finance and Business Development
Contact officer(s)	Divisional Manager Finance
Directorate	Finance and Business Development
Approval date	TBA

Purpose

To enable a pricing methodology based on guiding principles, with respect to fees and charges made by Council under Section 608 of the *Local Government Act (NSW) 1993* (the Act) and required to be shown in Council's Operational Plan under Section 405 of the Act.

Pricing will:

- Explore cost recovery opportunities
- Ensure value for money by providing effective and efficient service
- Balance fees against rates, grants and other funding sources
- Manage financial risk
- Develop transparent pricing structures that can be administered simply and efficiently and be understood by the public
- Develop pricing structures that reflect real life-cycle and environmental costs
- Recognise pricing encourages or discourages consumer use and behaviours.

Policy statement

1	Application Council's Pricing Policy generally supports the cost recovery philosophy. It recognises people's ability to pay and balances an expectation that some services will be cross subsidised from rates for the common good of the community.
2	Legislation Eurobodalla Shire Council will comply with Part 10 of Chapter 15 <i>Local Government Act (NSW) 1993</i> .
3	Fees and Charges Section 608 of the Act allows councils to charge or recover a fee for any service it provides such as: <ul style="list-style-type: none"> • Supplying a service, product, or commodity; • Giving information; • Providing a service in relation to council's regulatory functions; or • Allowing admission to a building or other council owned venue. Fees and charges made under Section 608 of the Act will be classified according to the following pricing methodology: <ul style="list-style-type: none"> • Full Cost Recovery - Recovery of costs including direct, indirect, allocated overheads and opportunity cost of capital associated with providing a service. In some cases, provision may be made for future expenditure (such as pricing in the 'marginal cost' of next upgrade or proposal to increase service levels). • Partial Cost Pricing - Subsidised operations which are of benefit to the community as a whole, particularly keeping low-income users in mind.

	<ul style="list-style-type: none"> Statutory Fees - Price of the service is determined by Legislation. These fees will only be varied by changes to the legislation concerned. Market Pricing - The price of the service is determined by examining alternative prices of surrounding service providers. Council will not use subsidies to compete unfairly or price others out of the market where services are of the same quality. <p>In determining which pricing methodology is appropriate for each type of service, Councils are guided by principles of 'fair imposition' and 'user pays'. It may also be appropriate to conduct a benefit cost analysis if it is considered likely a net cost will result. Councils may raise funds for local purposes by fair imposition of rates, charges and fees, by income earned from investments, and when appropriate by borrowings and grants. User pays is attached to those council services that are made available to the public but not necessarily provided collectively and generically to all ratepayers. Hence payment is sought from the user or direct beneficiary of the service rather than imposing that cost on all ratepayers.</p> <p>On an annual basis, fees and charges (not including statutory fees) will be increased generally by the higher of September to September Consumer Price Index and IPART's Local Government Cost Index and are subject to a rounding policy. Further detailed information, including the rounding policy, is contained in Council's Fees and Charges document that is reviewed, publically exhibited and adopted annually.</p>
--	--

Implementation

Requirements		Responsibility
1	Code of Practice This policy will be implemented by following Council's <i>Pricing</i> Code of Practice, which specifies in detail the procedures and matters to be considered.	Relevant Council officers
2	Staff Under supervision, applicable council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Council officers
3	Concerns and requests Concerns and requests received regarding this policy will be recorded on Council's records data base and handled in accordance with Council's Customer Service or complaints Policy. These records will be used to analyse the history of concerns and to help determine follow up actions.	Council officers
4	Consultation Development of this policy forms part of Council Operational Planning processes and refers to relevant legislation. Changes to this policy will be placed on public exhibition for the required notice period with public submissions encouraged.	Council officers Community

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner. **Note:** *Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.*

This policy may also be reviewed and updated as necessary when legislation requires it; or council's functions, structure or activities change; or when technological advances or new systems change the way that council manages Interest Free Advances.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Concerns	Council records
Customer Feedback Survey Responses	Surveys
Internal or external review	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Operational Plan	Revenue Policy – Fees and Charges
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
Policy Statement on the Application of Competitive Neutrality	www.treasury.nsw.gov.au/sites/default/files/pdf/TPP02-1_Policy_Statement_on_the_Application_of_Competitive_Neutrality_Policy_and_Guidelines_Paper.pdf
Guidelines for Pricing of User Charges	www.treasury.nsw.gov.au/sites/default/files/pdf/TPP01-2_Guidelines_for_Pricing_of_User_Charges.pdf

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au/

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	24 Nov 2009	Council	09/369	E09.3418	Policy adopted Report G09/99.
2	27 Aug 2013	Council	13/246	E13.7095	Updated to Template, review date, references and links. Report O13/131.
3	TBA	Council		E160297	Minor referencing updated

Internal use

Responsible officer		CFO	Approved by		Council
Min No		Report no		Effective date	
File no		Review date		Pages	3

POLICY

Policy name	Privacy and Information Protection
Responsible manager(s)	General Manager
Contact officer(s)	Privacy Contact Officer
Directorate	Finance and Business Development
Approval date	
Strategic Focus Area	Collaborative
Delivery Plan Link	C1.2 Manage the organisation to effectively and efficiently meet our statutory obligations
Operational Plan Link	C1.2.1 Respond to legislative and policy requirements set by the Department of Local Government

Purpose

Eurobodalla Shire Council respects the privacy of its residents and ratepayers, workers, and all that do business with council. Council is also committed to encouraging transparency and accountability in managing the information that it collects and holds. Council as a NSW public sector agency is bound by the *Privacy Code of Practice for Local Government (2000)*, *Privacy and Personal Information Protection Act 1998* (PPIP Act), and the *Health Records and Information Privacy Act 2002* (HRIP Act).

This policy ensures that council meets its obligations under legislation in an efficient and timely manner, and assures community confidence that any personal or health information collected and held by council is dealt with strictly in accordance to that legislation.

The policy aims to:

- Promote an integrated framework for dealing with privacy and information protection.
- Ensure consistency and fairness in the manner in which the council deals with privacy and information protection.
- Ensure compliance with and promote public awareness of legislative requirements regarding privacy and information protection.
- Make the council's policies and requirements privacy and information protection readily accessible and understandable to the public.

Policy statement

1	Application This Policy applies to that part of the information collected or held by Council that is Personal or Health Information. This Policy applies to Councillors, employees, customers, and business associates of Council, and members of the public.
2	Legislation By virtue of s.32 of the PPIP Act, council must comply with the <i>Privacy Code of Practice for Local Government (2000)</i> , made under Part 3 Division 1 of the PPIP Act or Part 5 of the HRIP Act.

3	<p>Privacy Management Plan</p> <p>In accordance with the PPIP Act, council must prepare and implement a privacy management plan. The plan is based on the model provided by the NSW Privacy Commissioner, and explains:</p> <ul style="list-style-type: none"> • Council's policies and practices for complying with the <i>Privacy Code of Practice for Local Government (200)</i>, PPIP Act and the HRIP Act • how council will make its workers aware of these policies and practices • procedures for dealing with privacy internal reviews under Part 5 of the PPIP Act • other relevant matters relating to the protection of the personal and health information that council holds (section 33 of the PPIP Act).
4	<p>Privacy Contact Officer</p> <p>Council will appoint a Privacy Contact Officer (PCO) who will act as an internal privacy expert, deal with privacy-related enquiries, internal reviews and complaints, assist council with advice or assistance in relation to any of council's functions or projects that have privacy implications, and ensure that all reasonable measures are taken to provide security for personal and health information in council's public area.</p> <p>Questions or written communications concerning the application of this policy or Council's Privacy Management Plan should be addressed to Council's PCO.</p>

Implementation

Requirements		Responsibility
1	<p>Privacy Management Plan</p> <p>Council's Privacy Management Plan sets out the procedures for the implementation of this policy, and serves as council's Code of Practice for privacy and information protection.</p>	Privacy Contact Officer
2	<p>Staff</p> <p>Under supervision, applicable council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.</p>	Council officers
3	<p>Concerns</p> <p>Concerns received regarding privacy and information protection will be recorded on council's records system and handled in accordance with council's Privacy Management Plan. They will be used to analyse the history of concerns and to help determine follow up actions.</p>	Council officers
4	<p>Consultation</p> <p>This policy and the Privacy Management Plan have been developed using reference materials provided by the NSW Privacy Commissioner and through consultation with relevant staff. This policy will be placed on exhibition for public submission as required by legislation.</p>	Council officers

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages its Privacy Policy.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Concerns	Council records
Breaches	Audit
Customer Feedback Survey responses	Surveys
Internal review	Audit
Administrative Decisions Tribunal review	PCO

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Privacy Management Plan	
Privacy Code of Practice for Local Government 2002	www.olg.nsw.gov.au/OLG/Documents/Circulars/00-44.pdf
PPIP Act 1998	www.legislation.nsw.gov.au/maintop/view/inforce/act+133+1998+cd+0+N
HRIP Act 2002	www.legislation.nsw.gov.au/maintop/view/inforce/act+71+2002+cd+0+N
Privacy Act 1988 (Cth)	www.comlaw.gov.au/Series/C2004A03712

Related external references

Name	Link
Division of Local Government	www.olg.nsw.gov.au/
Privacy Commissioner	www.privacy.nsw.gov.au
Administrative Decisions Tribunal	www.adt.lawlink.nsw.gov.au

Supporting documents

Name	Link
Fact Sheet: Information Protection Principles	www.privacy.nsw.gov.au

Definitions

Word/Term	Definition
Personal Information	Personal information is any information or opinion about an identifiable person.
Health Information	Health information includes personal information that is information or an opinion about the physical or mental health or a disability of an individual.
information	for the purposes of this policy, a reference to both health information and personal information.
IPP	Information Protection Principles ("IPPs") means those principles contained in Part 2 Division 1 of the PPIP Act.
HPP	Health Protection Principles ("HPPs") means those principles contained in Part 2 Division 19 of the HRIP Act.
PPIP	Privacy and Personal Information Protection.
HRIP	Health Records and Information Privacy.
PCO	Privacy Contact Officer.

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sep 2009	Council	09/291	E09.3418	Policy Commenced, updated to include HRIP Act.
2	27 Aug 2013	Council	13/246	E13.7095	Revised and updated to reflect legislation. Supersedes previous policy dated 22 September 2009. Report O13/131.
3	dd mmm 2016	Council	TBA	E16.0297 See list	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	General Manager	Approved by	Council
Min No		Report no	Effective date
File no	E16.0297	Review date	Pages 4

POLICY

Policy name	Public Art Policy
Responsible manager(s)	Divisional Manager Community and Recreation Development
Contact officer(s)	Coordinator Creative Arts Development
Directorate	Community, Arts and Recreation Services
Approval date	TBA

Purpose

The purpose of this Policy is to encourage, promote, guide, facilitate and assist with the planning, development, implementation and care of public art in Eurobodalla. The policy aims to:

- Encourage art in public places in Eurobodalla.
- Raise the profile, recognition, understanding and appreciation of public art and its development.
- Ensure that public art complements and enhances the natural and built environments of Eurobodalla and reflects its unique character, history, values and aspirations.
- Guide and facilitate a coordinated and strategically planned approach to the development and management of public art in Eurobodalla.
- Ensure that public art is given due consideration in Council's strategic directions, policies and planning controls.
- Encourage and ensure the production and installation of high quality, innovative public art that is meaningful, relevant, diverse in character and aesthetically pleasing.
- Ensure that public art in Eurobodalla is adequately resourced and effectively managed.
- Ensure that public art in Eurobodalla is appropriately preserved, conserved and where necessary, restored.
- Ensure that public art in Eurobodalla is appropriately acknowledged and recorded, and that a public art register is established and maintained.
- Ensure that public art in Eurobodalla is sustainable in social, cultural, environmental and economic terms.

Policy statement

1	Application This policy applies to the whole Eurobodalla community. For the purpose of this policy, road side memorials, the naming of parks, reserves, sports fields and memorial seats are not included.
2	Public Domain This Policy applies to public art located in the public domain. The public domain refers to public land and waterways, on private land accessible by the general public (such as shopping centre malls or other open areas) and on any other private land where the artwork will be visible from public land (such as in shopfronts or on building facades).
3	Public Art Public art enhances the quality of public domains such as business precincts, parks and community spaces by making them more attractive. Public art also contributes to the

	cultural legacy for the future. The fabrication of site specific public art is the ideal mechanism to increase amenity usage, attractiveness and vitality, animate spaces and provide innovative solutions for functional requirements.
4	Culture and Community Permanent and transitory or ephemeral public art works reinforce and highlight cultural traditions, heritage and reflect the community's temperament and distinctive qualities. Public art has the capacity to engage community members, excite, amuse, challenge; foster public discourse, humour and reinvigorate a community's sense of place, pride, identity and connection.

Implementation

Requirements		Responsibility
1	Strategy A Public Art Strategy will be developed and adopted by Council, which provides the strategic directions and framework for the ongoing development and integration of public art into the public domain.	Coordinator Creative Arts Development
2	Code of Practice This policy will be implemented by following Council's Public Art Policy Code of Practice. This is a document that provides the framework and requirements for the process for the development of public art in the shire.	Coordinator Creative Arts Development
3	Staff Under supervision, applicable council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Council Officers
4	Concerns Concerns received regarding this policy will be recorded on council's Customer Service Request (CSR) or records system and handled in accordance with council's Customer Service Requests Policy. They will be used to analyse the history of concerns and to help determine follow up actions.	Council Officers
5	Complaints Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council's Complaints Policy.	Public Officer
6	Consultation Consultation regarding this policy will occur as relevant and may include legislative bodies, other relevant legislation, industry guidelines, and public comment. (Describe any specific consultation that may occur in relation to this policy and who will be involved.)	As applicable

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner. **Note:** Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary when legislation requires it; or council's functions, structure or activities change; or when technological advances or new systems change the way that council manages public art.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Community Concerns	Council records
Customer Feedback Survey Responses	Surveys
<p>The effectiveness of the policy will be measured by;</p> <ul style="list-style-type: none"> • Level of awareness of and implementation of the policy by community and staff. • Satisfaction in the project implementation of the process. • Evaluation of individual projects. • Public sentiment about public art in the Shire • Internal review by staff. This would include all staff involved in producing public art works 	Public Art Advisory Committee

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/

Related external references

Name	Link
Division of Local Government	www.dlg.nsw.gov.au/

Definitions

Word/Term	Definition
Public Art	For the purpose of this policy, the term public art includes but is not limited by any or the combination of the following public arts practices:
Traditional Arts Practices	Sculpture, painting, billboards, murals, screens, photography, mosaic installations, soundscapes, street art.
Multi-media	Works using digital imagery, film, video, photography and cybernetics.
Landscape design	Interpretations through land art, landscape as earthworks, and designed landscape as installations.

Functional design	Architectural forms, facades, furniture, textiles, carpets, door handles, glass features, paving, pathways, floors, walls, windows, doors, stairways, fencing, bollards and street furniture, exercise equipment and play grounds.
Signage	Works using graphics, lighting design, re –interpreted industrial artefacts and designs
Ephemeral Art	An experience constructed by artists making site-responsive milieus. Transient works captivated in memories of the experience. (kinetic art, performance, fluid works, lighting design, temporary installations, flash mob, chalk art).
Memorials	Something designed to preserve or commemorate the <u>memory</u> of a person, anniversary, etc., as a monument or event.
Monuments	Something erected in memory of a person, event, etc., as a building, pillar, or statue.

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	26 Apr 2006	Council	06/84	96.0152	Policy commenced - Cultural Plan 2006-2010
2	22 Sep 2009	Council	09/291	E09.3418	Policy retained, report G09.99
3	27 Aug 2013	Council	13/246	E13.7095	Updated Policy Template, updated review date. Report O13/131.

Internal use

Responsible officer		Divisional Manager Community, Arts & Recreation services		Approved by	Council
Min no	13/246	Report no	O13/131	Effective date	27 Aug 2013
File no	E13.7095	Review date	Sep 2016	Pages	4

Policy title	Street Activities Policy
Responsible manager(s)	Divisional Manager, Strategic Services
Contact officer(s)	Coordinator, Land Use Planning
Directorate	Planning and Sustainability Services
Approval date	TBA
Focus area	Sustainable Communities
Delivery Program link	S5 Plan for and support sustainable growth and development
Operation Plan link	S5.1 Review and prepare planning strategies, policies and studies

Purpose

This policy recognises the value to community groups and the broader community of the opportunity to use Council footpaths and other public land for fund raising, information provision, entertainment and services.

Policy aims

This policy aims to establish the circumstances under which approvals may be granted for certain activities on public roads (including footpaths) and public car parks within the Shire.

Policy details

1	Application This Policy applies to the use of public roads (including footpaths) and public car parks for the following activities: <ul style="list-style-type: none"> a) Street Stalls b) Mobile Food Businesses c) Mobile Community Services d) Busking
2	Legislation Eurobodalla Shire Council will comply with the Local Government Act 1993 .
3	Policy Objectives <ul style="list-style-type: none"> a) To allow the use of public roads and car parks for appropriate activities. b) To ensure a clear and safe footpath is maintained for pedestrians, including access for persons with a disability. c) To provide guidance on the appropriate location of certain activities on public roads and public car parks. d) To protect the viability of the Shire's commercial centres.
4	Street Stalls
4.1	Council approval is required for a person or organisation to set up a street stall on footpaths in accordance with the Street Activities Code of Practice.
4.2	Approvals will be issued for street stalls at the sites designated in the Street Activities Code of Practice, or at alternative sites adjoining retail or commercial premises in the business or village zones where the safety and amenity of pedestrians will not be compromised. Proponents of street stalls at alternative sites must notify the operator of the adjoining premises prior to submitting an application for approval.
4.3	Street stalls shall preferably be located outside of the footpath walkway zone. However, Council may approve street stalls to be located adjacent to a building (i.e within the

	footpath walkway zone) in locations away from entrances to retail or commercial premises, where a minimum of 2.7m is available between the stall and the kerb line.
4.4	Approvals will not permit spruiking or the use of public address systems or other forms of amplification in association with street stalls.
4.5	Fund raising activities that include the preparation of food for sale (such as a barbeque event) are not appropriate activities on public roads, including on footpaths, or public car parks. Such activities are more appropriately located on public reserves.
4.6	Fund raising activities that include the raffling of large items which are proposed to be on display at the site, such as a wheelbarrow or trailer of goods, a large Christmas stocking, a vehicle or the like, may be approved by Council in appropriate locations where the activity will not obstruct the footpath walkway zone. Large items for display must not be located in any on-street parking space.
5	Mobile Food Businesses
5.1	Council approval is required for a person or business to undertake a mobile food business on public roads and public car parks in accordance with the Street Activities Code of Practice.
5.2	Council will not approve the undertaking of mobile businesses that provide other goods or services on public roads (including footpaths) and public car parks.
5.3	Approvals will be issued for mobile food businesses to park for a temporary period in public car parks and to intermittently stop on roads where the speed limit does not exceed 50kph and not within school zones. For the purposes of this Policy, the terms “temporary” and “intermittent” refer to the period of time the operator is engaged in serving a customer or customers.
5.4	Approvals will not be issued for mobile food businesses to operate in locations within 250m of an established shop, stall, sports ground or market/festival selling similar goods when it is open for trading.
6	Mobile Community Services
6.1	Any person or organisation proposing to set up a mobile community service on a public road or public car park, must notify Council in writing, addressing the matters outlined in the Street Activities Code of Practice. The proponent must not set up the mobile community service until Council has provided a letter of agreement to the proposal.
6.2	Council encourages the setting up of mobile community services for a temporary period of time at the designated sites in the Street Activities Code of Practice or at public car parks that meet the following criteria: a) good exposure to passing traffic; b) not a priority parking area (a priority parking area has high demand and high turnover, such as a paid parking area or the parking area in the immediate vicinity of retail premises); c) sufficient available parking for customers; d) close proximity to toilet facilities; and e) close proximity to food premises.
6.3	Council will also consider the parking of mobile community services at other locations, such as on the grounds of existing community facilities where appropriate and where parking for the community facility is not significantly reduced.

7	Busking
7.1	Council approval is required for a person or group to undertake busking on a footpath of a public road in accordance with the Street Activities Code of Practice.
7.2	Busking shall preferably be located outside of the footpath walkway zone. However, Council may approve individual buskers to be located adjacent to a building (i.e. within the footpath walkway zone) in locations away from the entrances to retail or commercial premises, where a minimum of 2.7m is available for pedestrians between the busker and the kerb line.
7.3	Approvals may permit the use of amplified music or public address systems for busking activities on a trial basis. Should complaints be received from the public regarding excessive noise from approved busking activities, Council reserves the right to revoke the approval and/or refuse to grant further approvals.
7.4	Approvals for busking will not permit the use of dangerous materials or animals.
8	Street Vending
8.1	Approvals will not be granted for street vending in the Eurobodalla.
	Note: Roadside stalls (as defined in the <i>Local Environmental Plan 2012</i>) may not be located on the road reserve in front of the property. A Development Application is required for a roadside stall.

Implementation

Requirements		Responsibility
1	Code of Practice This policy will be implemented by following Council's Street Activities Code of Practice, which specifies in detail the plan, procedures and matters to be considered.	Manager, Strategic Services
2	Staff Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Council Officers
3	Concerns Concerns received regarding this policy will be recorded on council's Customer Service Request (CSR) or records system and handled in accordance with Council's Customer Service Requests Policy. They will be used to analyse the history of concerns and to help determine follow up actions.	Council Officers
4	Complaints Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council's Complaints Policy.	Public Officer
5	Consultation Consultation with relevant stakeholders and the community will be undertaken when the policy is due for review.	Manager, Strategic Services

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary if legislation requires it; or when Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages Street Activities.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Community concerns	Council records
Customer Feedback Survey Responses	Surveys
Internal or external audit	Audit

Definitions

Word/Term	Definition
Busking	playing music or performing entertainment on footpaths for tips and gratuities from passing pedestrians
Dangerous materials	materials and implements that pose risk, hazard or uncertain outcomes for people and include flammable materials and chemicals, fire, fireworks, smoke, flairs, heated elements, knives, spears, swords, spikes and other sharp implements.
Footpath walkway zone	that part of the footpath extending from the building line or shop front of premises towards the street kerb for a minimum of 2 metres.
Mobile Community Service	the use of a vehicle parked on a public road or public car park for the purpose of offering a community service, such as the mobile Blood Bank, mobile Department of Health services, mobile library or toy library services
Mobile Food Business	the use of a vehicle parked on a public road or a public car park for a short period of time and/or travelling on public roads making brief intermittent stops for the purpose of selling food
Spruiking	the act of repetitively and loudly advocating the offers and bargains to be found at the street stall, with or without the use of a public address system or other form of amplification, but does not include the act of greeting passers-by to offer raffle tickets for sale or engage in a discussion with regard to the particular charity or services being advocated at the stall.
Street Stall	a small table, stall or stand set up on footpaths for the purpose of not-for-profit organisations, volunteer organisations, community organisations, charities and the like to sell goods, including raffle tickets, for the purpose of raising funds, or to provide information to the community

Street Vending	the setting up or use of any standing vehicle, box, stall, stand or barrow on footpaths for the sale of food or goods not associated with any existing premises in the vicinity, but does not mean a street stall, mobile business or roadside stall
----------------	--

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Code of Practice	www.esc.nsw.gov.au/site/Publications/Strategies/PolicyReg/LivePolicyDocs/2380.pdf
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
Roads Act 1993	www.legislation.nsw.gov.au/maintop/view/inforce/act+33+1993+cd+0+N
Crown lands Act 1989	www.legislation.nsw.gov.au/maintop/view/inforce/act+6+1989+cd+0+N

Related external references

Name	Link
Division of Local Government	www.dlg.nsw.gov.au/
Roads and Maritime Services	www.rms.nsw.gov.au/

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Nov 2011	Council	11/304	E06.0376	Policy commenced (Report O11/244) replacing Street Vending policy
2	27 Aug 2013	Council	13/246	E13.7095	Updated to new Policy Template, updated review date, updated references and links
3	TBA	Council		E16.0297	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Director Planning & Sustainability Services	Approved by	Council
Minute #		Report #	Effective date
File	E16.0297	Review date	Sep 2020
		Pages	5

Policy title	Stormwater Disposal – Urban Land
Responsible manager(s)	Divisional Manager, Technical Services
Contact officer(s)	Design Coordinator
Directorate	Infrastructure Services
Approval date	TBA
Focus area	Productive
Delivery Program link	P3.4 Provide, maintain and renew stormwater and flood management infrastructure
Operational Plan link	P3.4.2 Maintain stormwater and flood mitigation systems

Purpose

This policy establishes Council's position in regard to stormwater disposal on urban land. It provides for orderly disposal and management of stormwater from development and assists in reducing the incidence of inundation of development from uncontrolled stormwater disposal.

Policy aims

- Promote an integrated framework for dealing with stormwater disposal;
- Ensure consistency and fairness in the manner in which the Council deals with developers and landowners;
- Ensure compliance with legislative requirements under the Local Government Act 1993, the Roads Act 1993, the Environmental Planning and Assessment Act 1979 and the Protection of the Environment Operations Act 1979;
- Take such steps as are appropriate to ensure the incidence of inundation of development from uncontrolled stormwater disposal; and
- Make the Council's policies and requirements for stormwater disposal readily accessible and understandable to the public.

Policy details

1	Application This policy applies to all new urban subdivisions, all infill development and existing development.
2	Legislation This policy ensures Eurobodalla Shire Council's compliance with the Local Government Act 1993 and Roads Act 1993

Implementation

Requirements		Responsibility
1	Provision for stormwater controls should be implemented as part of the development consent process to minimise off-site impacts post development.	Council officers

2	<p>New Subdivision Development</p> <p>All new urban subdivisions shall be required to provide inter-allotment drainage to blocks that cannot discharge stormwater by gravity directly to a suitable drainage system.</p>	Council officers
3	<p>For Infill Development</p> <p>For single residential development, dwellings shall be connected to the street and/or to inter-allotment drainage via a gravity line where available. Where this is not achievable, property owners are encouraged to negotiate an inter-allotment stormwater drainage easement through the adjoining lot to allow connection to the street below. Where this is not achievable, single residential properties may connect to a suitably sized rubble drain, subject to the provision of a rainwater tank (4500L minimum) being plumbed into service the toilet and washing machine of the dwelling.</p> <p>For other than single residences, all infill development shall be required to discharge stormwater (over and above that captured for re-use) by way of an approved gravity line to the street and/or inter-allotment drainage line. This may require the creation and piping of an inter-allotment stormwater drainage easement.</p>	Council officers
4	<p>For Existing Development</p> <p>In cases where improved Council property (including roads) is not unusually adding to the stormwater discharge problems, Council decline to become involved in resolving stormwater discharge problems from one or more private blocks to one or more private downstream blocks. Council may give advice on possible solutions that might be adopted by the landowners affected. Landowners may choose to fund inter-allotment drainage schemes and connect to Council's stormwater system subject to approval of Council.</p> <p>An order or notice may be utilised such as under the <i>Environmental Planning and Assessment Act 1979</i> (development control) or <i>Protection of the Environment Operations Act 1979</i> (pollution control) where appropriate. Where damage to property is occurring or is likely to occur Council has discretionary power to issue notices or orders (Order No. 12) under Section 124 of the <i>Local Government Act 1993</i>.</p> <p>In cases where buildings and/or constructed hard surfaces on improved Council property is significantly adding stormwater discharge, Council develop a priority listing of remedial measures that will reduce the problem. These priority works be progressively funded. Such works may include kerb and gutter and piping of stormwater easements.</p>	Council officers
5	<p>Staff</p> <p>Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.</p>	Council officers
6	<p>Concerns</p> <p>Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will</p>	Council officers

	be used to determine any follow-up actions and analyse the history of reported public concerns.	
7	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	As applicable

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages Stormwater Disposal – Urban Land Policy.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Delivery Program/ Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
Internal or external review	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Related Council Policy or Code of Practice	www.esc.nsw.gov.au/inside-council/council/council-policies
Local Government Act 1993	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N
Roads Act 1993	http://www.austlii.edu.au/au/legis/nsw/consol_act/ra199373/
Environmental Planning and Assessment Act 1979	www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389
Protection of the Environment Operations Act 1979 POEO Act	www.austlii.edu.au/au/legis/nsw/consol_act/poteoa1997455

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au

Supporting documents

Name	Link
Stormwater Fact Sheet	www.esc.nsw.gov.au

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	24 Nov 2009	Council	TBA	E09.3418	Policy commenced
2	10 Sep 2013	Council	TBA	E13.7095	Reviewed and updated (start of new Council term)
3	dd mmm 2017	Council	TBA	E16.0297 E16.0375	Reviewed and updated (start of new Council term)

Internal use

Responsible officer		Director Infrastructure Services			Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA	
File	E06.0375 E16.0297	Review date	Sep 2020	Pages	4	

POLICY

Policy title	Tree Risk Management on Council Controlled Land
Responsible manager(s)	Director, Infrastructure Services
Contact officer(s)	Divisional Manager, Works
Directorate	Infrastructure Services
Approval date	TBA
Focus Area	<i>Liveable Communities</i> Objective 2.2: A shared responsibility for community safety
Delivery Program link	<i>Liveable Communities</i> L5.2 Manage and maintain a safe, sustainable and accessible range of community spaces <i>Support Services</i> SS3.1 Provide quality customer service
Operational Plan link	<i>Community Spaces</i> L5.2.1 Undertake maintenance program <i>Support Services</i> SS3.1.2 Customer attendance responded to in an efficient and timely manner

Purpose

Eurobodalla Shire Council has a duty of care to take reasonable measures within budget limitations to manage the risks arising from trees on all land under Council's control.

This Policy provides for the management of risks arising from:

- Tree failure potentially causing injury to people and/or property damage.
- Tree roots causing and/or likely to cause damage to property such as buildings and structures.

This Policy does not address the risks posed by trees or other vegetation in terms of fire mitigation, protection of Council assets or safety on roadways (eg, maintaining sight lines around corners, trees within clear zones). These issues are addressed separately in the *Bush Fire Risk Management* and *Vegetation Clearing – Roadsides & Infrastructure Lines* policies.

Section 42 of the *Civil Liability Act 2002* makes allowance for Council's ability to carry out its duty of care as being limited by the financial and other resources which are reasonably available to exercise its functions. To rely on this defence, Council is required to show evidence of its compliance with the general procedures and applicable standards for the exercise of its functions, such as risk management from trees on public land controlled by Council.

The risk management of trees on public land is often a difficult and emotive issue and one that requires a balance between managing the risks to the community's safety and infrastructure, whilst acknowledging the significant benefit of trees within the landscape to the social, environmental, economic and cultural wellbeing of our community. Council must also manage this issue within its limited financial resources in such a way as to limit Council's, ie, the community's, potential liability and provide equity between people seeking action to address their concerns about trees.

Policy aims

- Promote an integrated framework for dealing with the management of risks from trees on land under the control of Council and take reasonable steps to ensure that Council delivers its required duty of care.
- Ensure consistency and fairness in the manner in which the Council manages the risks arising from trees within public land controlled by Council.
- Ensure compliance with legislative requirements under the *Local Government Act 1993*, *Roads Act 1993*, the *Civil Liability Act 2002* and the *Privacy & Personal Information Protection Act 1998*.
- Take such steps as are appropriate to ensure a balance between managing the risks to the community's safety and infrastructure, whilst acknowledging the significant benefit of trees within the landscape to the social, environmental, economic and cultural wellbeing of our community.
- Make the Council's policies and requirements for Tree Risk Management on Council controlled land readily accessible and understandable to the public.

Policy details

1	Application This Policy applies to all lands under Council's control including road reserves, public reserves, freehold land and Crown reserves under Council's care and control.
2	Legislation Eurobodalla Shire Council will comply with the Local Government Act 1993 , Roads Act 1993 , Civil Liability Act 2002 and Privacy & Personal Information Protection Act 1998
3	Duty of Care It is accepted that the removal of all risk is not practicably achievable. The systems implemented by Council will be based on prioritising works within the limited budgets available to Council. The implementation of a system to manage the risk arising from trees on land under Council's control provides for better management of trees, reduces the risk to the community, minimises the cost of public liability insurance premiums Council pays to protect the community's interest and assists in providing a legal defence where claims are made against Council. It is acknowledged that it is not reasonably practicable for Council to inspect all trees on land under Council's control. Council will use this policy in response to concerns raised by the public.
4	Financial and other Resources Council will establish an annual budget for managing the risk from trees on public lands under Council's control. Council will prioritise work and: <ol style="list-style-type: none"> a) provide sufficient funding to address identified trees with a risk rating as having a high risk under Council's Code of Practice; b) give private landowners the option of funding works on trees on Council controlled land where trees are rated as a moderate risk under Council's Code of Practice; c) aim to protect trees rated as a low risk under Council's Code of Practice.

Implementation

Requirements	Responsibility
1 Code of Practice This Policy will be implemented by following Council's <i>Tree Risk Management on Council Controlled Land Code of Practice</i> , which specifies in detail the matters for consideration and procedures to be followed.	Council officers
2 Risk Management This Policy and the Code of Practice have been developed taking account of the principles of AS/NZ ISO 31000-2009 Risk Management Standard and Statewide Mutual's Best Practice Manual, <i>Trees and Tree Roots Version 7</i> with a view to limiting Council's, ie, the community's, exposure to potential litigation claims. Council resources do not permit inspection and risk rating of trees on a pro-active basis due the number of trees within the Shire. Council will respond to concerns raised by customers in a systematic way in accordance with the Tree Risk Management Code of Practice. The Code of Practice includes: a) The methodology for rating the risk from each tree. b) The methodology for determining if works are required. c) The methodology for determining how works are to be prioritised. d) Details of customer service requirements. e) A system for recording all actions relating to inquiries on tree matters. f) As a general principle, priority to be given to public safety over other factors such as environmental and heritage issues. g) Council will not remove trees solely for the retention or provision of solar access to, or views from, dwellings. h) Council will not be obliged to treat termite infestations in trees within land under Council's control.	Council officers
3 Staff Under supervision, and once appropriate training has been received, relevant Council staff will be responsible for ensuring that this Policy is implemented within their work area.	Council officers
4 Concerns Public concerns communicated to Council in relation to this Policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
5 Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this Policy are invited for consideration during the exhibition period.	As applicable

Review

The Policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW Local Government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by Section 165(4) of the Local Government Act 1993. The next general Local Government election is expected to be held in September 2020.

This Policy may also be reviewed and updated as necessary if legislation requires it; or when Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages tree risk management on Council controlled land.

Reviews of the effectiveness of this Policy could include the following:

Performance indicator	Data source(s)
Customer concerns or customer feedback survey responses	Council records
Claims for damage from trees	Council records
Internal or external audit	Audit

Governance

This Policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Eurobodalla Shire Council <i>Bush Fire Risk Management Policy</i>	ESC Bush Fire Risk Management Policy
Eurobodalla Shire Council <i>Vegetation Clearing – Roadside & Infrastructure Lines Policy</i>	ESC Vegetation Clearing - Roadside & Infrastructure Lines Policy
Eurobodalla Shire Council <i>Tree Preservation Code</i>	ESC Tree Preservation Code
<i>Local Government Act 1993</i>	Local Government Act 1993
<i>Roads Act 1993</i>	Roads Act 1993
<i>Civil Liability Act 2002</i>	Civil Liability Act 2002
<i>Privacy & Personal Information Protection Act 1998</i>	Privacy & Personal Information Protection Act 1998

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au

Supporting documents

Name	Link
AS/NZ ISO 31000-2009 Risk Management Standard	Available for purchase from SAI Global
Statewide Mutual's Best Practice Manual, Trees and Tree Roots Version 7	www.statewide.nsw.gov.au

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	2006	Council	06/136	06.	Policy commenced
2	22 Sep 2009	Council	09/291	E09.3418	Policy reviewed and adopted.
3	10 Sep 2013	Council	13/279	E13.7095	Reviewed and updated.
4	dd mmm 2017	Council	TBA	E16.0297 E06.0375	Reviewed and updated (start of new Council term)

Internal use

Responsible officer		Director, Infrastructure Services		Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	E06.0375 E16.0297	Review date	Sep 2020	Pages	5