

Policies for adoption

- Children's Services
- Library Services
- Liquid Trade Waste Regulation
- Recycled Water
- Water and Sewer Construction by Private Contractor
- Kerb and Gutter Construction – Contribution by Property Owner
- Pathways Construction – Contribution by Property Owners
- Road and Pathway Opening
- Vegetation Clearing – Roadside and Infrastructure Lines
- Investments
- Arts and Culture

POLICY

Policy name	Children's Services
Responsible manager(s)	Divisional Manager Community and Recreation Development
Contact officer(s)	Divisional Manager Community and Recreation Development
Directorate	Community, Arts and Recreation Services
Approval date	

Purpose

This policy is designed to ensure that Council continues to meet the needs of children, families and their educators via effective service provision in the Eurobodalla Shire. The policy aims to:

- Promote an integrated framework for dealing with Children's Services.
- Ensure consistency and fairness in the manner in which the Council deals with children families, educators and staff.
- Ensure compliance with legislative requirements under the *Children (Education and Care Services National Law Application) Act 2010*.
- Promote awareness of the requirements of the Act with respect to *The Education and Care Services National Regulations*.
- Take such steps as are appropriate to ensure education and care provided to children is safe and appropriate to the needs of children and their families.
- Make the council's policies and requirements for Children's Services readily accessible and understandable to the public.

Policy statement

1	Application This policy applies to Council's Children's Services including Family Day Care and After School and Vacation Care Services.
2	Legislation Eurobodalla Shire Council will comply with the <i>Children (Education and Care Services National Law Application) Act 2010</i> and <i>The Education and Care Services National Regulations</i> . http://www.legislation.nsw.gov.au/~pdf/view/act/2010/104a/whole http://www.legislation.nsw.gov.au/#/view/regulation/2011/653/whole
3	Standards Eurobodalla Shire Council Children's Services will be assessed and rated against the National Quality Standards For Education And Care Services that consist of 7 quality areas, 18 standards and 58 elements. The 7 quality areas are: <ol style="list-style-type: none"> 1. Educational program and practice 2. Children's health and safety 3. Physical environment 4. Staffing arrangements 5. Relationships with children 6. Collaborative partnerships with families and communities 7. Leadership and service management.

3.1	<p>Eurobodalla Shire Council's Policy Framework acknowledges that:</p> <ul style="list-style-type: none"> • Children's best interests are the primary consideration in the provision of services; • Children have the right to care and education for individual development and participation in society; • High quality children's services and education is an investment which develops and enhances the social, spiritual and economic wellbeing of the entire community; • Community participation in decisions about services for families and children is essential for the development of responsive services that meet local needs. • Eurobodalla Shire Council is committed to ensuring the availability of a range of responsive and quality children's services to the community by provision of land, buildings and office space, employment of staff, application of government funds, the provision of financial advice and participating in the management of individual services.
4	<p>Code of Practice</p> <p>Details of the acceptance and management of Children's Services against <i>The Education and Care Services National Regulations</i> are provided in the Children's Services Policies and Procedures and Guidelines, which outlines all aspects of service delivery and reporting, in line with The Education and Care Services National Regulations and Federal Department of Education and Training funding agreement.</p>
5	<p>Complaints</p> <p>Complaints received regarding the provision of Children's Services will be entered into Council's Privacy Management System and will remain Confidential, in accordance with Council's Privacy Management Plan and funding requirements. Complaints will be dealt with in accordance with Council's Complaint Policy and <i>The Education and Care Services National Regulations</i>.</p>

Implementation

Requirements		Responsibility
1	<p>Code of Practice</p> <p>This policy will be implemented by following Council's Children's Services Policies and Procedures and Guidelines, which specifies in detail the plan, procedures and matters to be considered.</p>	Council officers
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>	Children's services staff and Family Day Care educators
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 Request Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.</p>	Council Officers
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	Consultation Consultation regarding this policy may occur as relevant and may involve other agencies, relevant legislation, and public comment.	As relevant
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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 children's services.

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
Assessment and Rating against National Quality Standards For Education And Care Services	Children's Services records

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/media/272479/policies_and_procedures_2012-2014_draft.pdf
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
Children (Education and Care Services National Law Application) Act 2010	http://www.legislation.nsw.gov.au/~pdf/view/act/2010/104a/whole
The Education and Care Services National Regulations.	http://www.legislation.nsw.gov.au/#/view/regulation/2011/653/whole

Related external references

Name	Link
Division of Local Government	www.dlg.nsw.gov.au/
Department of Education Employment and Workplace Relations	https://www.education.gov.au/
Department of Education and Communities	www.dec.nsw.gov.au/what-we-offer/regulation-and-accreditation/early-childhood-education-care
Australian Children's Education and Care Quality Authority	http://acecqa.gov.au /

Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	24 Nov 2009	Council	09/369	E09.3418	Policy reviewed and adopted – report G09/145
2	23 Jul 2013	Council	13/172	E13.7095	Updated to new Policy Template, updated review date, updated references and links – report O13/112

Internal use

Responsible officer	Director, Community & Corporate Outcomes			Approved by	Council
Min no:	13/172	Report no:	O13/112	Effective date:	23 July 2013
File No:	E13.7095	Review date:	Sept 2016	Pages:	4

POLICY

Policy name	Library Services
Responsible manager(s)	Divisional Manager Community and Recreation Development
Contact officer(s)	Divisional Manager Community and Recreation Development
Directorate	Community, Arts and Recreation Services
Approval date	

Purpose

This policy is designed to ensure that Council continues to provide effective Library services that meet community needs, with branches in Batemans Bay, Moruya and Narooma. The policy aims to:

- Promote accessible, quality Library Services that meet community information and recreational needs.
- Ensure compliance with legislative requirements under the *NSW Library Act 1939*.
- Make the council's policies and code of practice requirements for Library Services readily accessible and understandable to the public.

Policy statement

1	Application This policy applies to Eurobodalla Shire Council's Library services.
2	Legislation Eurobodalla Shire Council must comply with the <i>NSW Library Act 1939</i> when delivering services. Part 3, Section 10 of the Act describes 'The requirements as to services to be provided by local libraries'. Key requirements include free membership of the library for residents and ratepayers and free access to a core lending library for information and recreational needs, as well as in-library access to reference resources.
3	Resources and Materials Council's Library service provides the community with equitable access to information through a variety of resources and appropriate technology. This is achieved through the provision of educational and recreational material, reflecting a variety of viewpoints, in a range of subjects and formats.
4	Code of Practice Details of the management and parameters of the Library Service are outlined in the Code of Practice.

Implementation

Requirements		Responsibility
1	Code of Practice This policy will be implemented according to the Code of Practice for the Library Service. Key components include: <ul style="list-style-type: none"> • Selection and provision of library materials and resources • Service ethos • Membership and lending policy 	Council Officers

	<ul style="list-style-type: none"> Standards of behaviour Community use of library facilities Internet and technology use in the library 	
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 regarding this policy will occur as relevant and may include legislative bodies, other relevant legislation, industry guidelines, and public comment.	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 library services.

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

Performance indicator	Data source(s)
Quality Review against State benchmarks and comparative data	Statistical data
Funding requirements	State Library
Concerns	Council Records

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/ViewCodes.aspx
NSW Library Act 1939	www.austlii.edu.au/au/legis/nsw/consol_act/la193999/
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/

Related external references

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

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	24 Nov 2009	Council	09/369	E09.3418	Previous version of policy adopted G09/99
2	27 Aug 2013	Council	13/246	E13.7095	Updated Template, review date, references and links. Report O13/131.

Internal use

Responsible officer	Divisional Manager Community and Recreation Development			Approved by	Council
Min no	13/246	Report no	O13/131	Effective date	TBA
File No	E13.7095	Review date	Sep 2016	Pages	3

POLICY

Policy name	Liquid Trade Waste Regulation
Responsible manager(s)	Director, Planning & Sustainability Services
Contact officer(s)	Divisional Manager, Environmental Services
Directorate	Planning & Sustainability Services
Approval date	TBC

Purpose

Council is responsible for approving liquid trade waste discharges to its sewerage systems through Section 68 of the Local Government Act 1993. However, Section 90(1) of the Local Government Act and Clause 28 of the Local Government (General) Regulation 2005 require that Council obtains concurrence from the Director General of the NSW Office of Water.

Council can assume concurrence for approval of *low risk* liquid waste discharges as defined in the NSW Government's Liquid Trade Waste Regulation Guidelines. Council can also apply for authorisation to assume concurrence to approve *medium risk* liquid trade waste discharges subject to meeting minimum requirements, including having a current Liquid Trade Waste Regulation Policy consented to by the NSW Office of Water.

Assumed concurrence for low *and* medium risk liquid trade waste discharges provides a benefit to the Eurobodalla community through reduced liquid trade waste application processing times, and is therefore desirable. Required for assumed concurrence, this Policy sets out how Council will regulate liquid trade waste discharges to its sewerage systems in accordance with the NSW Liquid Trade Waste Management Guidelines.

Policy statement

1	Application This policy applies to the acceptance of liquid trade waste discharges from any premises to Council's sewerage system.
2	Legislation A person wishing to discharge liquid trade waste to the sewerage system must, under section 68 of the Local Government Act 1993 ("the Act") obtain prior approval from Council.
3	Code of Practice The process of approval is set out in the Liquid Trade Waste Discharge to the Sewerage System Code of Practice.

Implementation

Requirements		Responsibility
1	Compliance Process This policy will be implemented by following council's Liquid Trade Waste Discharge to the Sewerage System Code of Practice.	Council officers

3	Enforcement The Public and Environmental Health Team will enforce the policy and determine follow up actions.	Council officers
4	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 managers and officers
5	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 Policy. They will be used to analyse the history of concerns and to help determine follow up actions.	Council Officers
6	Complaints Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council's Complaints Policy.	Public Officer
7	Consultation Consultation regarding this policy will occur as relevant and may involve NSW Office of Water other relevant legislation, and public comment.	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 2016.*

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 liquid trade waste regulation.

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

Performance indicator	Data source(s)
Complaints	Council records
Number of Applications	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, policies and code of practice

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

<i>Protection of the Environment Operations Act 1997</i>	www.austlii.edu.au/au/legis/nsw/consol_act/poteoa1997455/
<i>Environmental Planning and Assessment Act 1979</i>	www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/

Related external references

Name	Link
Division of Local Government	www.dlg.nsw.gov.au/
NSW Office of Water	www.water.nsw.gov.au/

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sep 2009	Council	09/291	09.3418	Policy reviewed and adopted G09/99.
2	10 Sep 2013	Council	13/272	E13.7095	Updated Template, review date, references and links, combined previous policy 'Acceptance of Septic and Pan Waste' into this. O13/131.

Internal use

Responsible officer	Director Planning & Sustainability Services			Approved by	Council
Min no	13/272	Report no	O13/56	Effective date	10 Sep 2013
File No	E13.7095	Review date	Sep 2016	Pages	3

POLICY

Policy name	Recycled Water
Responsible manager(s)	Director, Infrastructure Services
Contact officer(s)	Divisional Manager, Water and Sewer
Directorate	Infrastructure Services
Approval date	TBC

Purpose

Council operates five sewage treatment plants, each of which provides recycled water for on-site operations, dust suppression and/or irrigation of recreation facilities.

Given the risks to public health when not treated or recycled properly, it is of paramount importance that preventative risk management systems are developed and implemented to ensure the protection of human and environmental health.

This policy details the requirements for managing Council's recycled water systems.

Policy statement

1	Application This policy details the requirements for managing Council's recycled water systems. This policy only relates to systems that are using recycled water from Council Sewage Treatment Facilities and that require a Section 60 approval from the NSW Office of Water.
2	Legislation Eurobodalla Shire Council will comply with the <i>Local Government Act 1993</i> Section 60

Implementation

Requirements		Responsibility
1	Commitment Council supports the responsible use of recycled water and is committed to developing and implementing preventive risk management systems to ensure the protection of human and environmental health.	Council
2	Measures: To achieve this Council will: <ul style="list-style-type: none"> a) Ensure that protection of public and environmental health is recognised as being of paramount importance. b) Maintain communication and partnerships with all relevant agencies involved in the management of water resources, including NSW Health, the NSW office of Water and the NSW Office of Environment and Heritage. 	Divisional Manager Water and Sewer

	<p>Measures (cont'd):</p> <ul style="list-style-type: none"> c) Engage users of recycled water to ensure that responsibilities are identified and understood. d) Develop and implement recycled water management plans that address the key elements of the Australian Guidelines for Water Recycling. e) Ensure that Council's sewage treatment plant operators are appropriately trained and experienced and that they are conversant with the requirements of relevant recycled water management plans. f) Manage recycled water quality at all points along the delivery chain from source to the recycled water user. g) Use a risk-based approach in which potential threats to recycled water quality are identified and controlled. h) Establish regular monitoring of control measures and recycled water quality and establish effective reporting mechanisms to provide relevant and timely information and promote confidence in the recycled water supply and its management. i) Develop appropriate contingency planning and incident response capability. j) Continually improve our practices by assessing performance against corporate commitments and stakeholder expectations. 	Divisional Manager Water and Sewer
3	<p>Implementation</p> <p>Eurobodalla Shire Council will implement and maintain recycled water management systems consistent with the <i>Australian Guidelines for Water Recycling</i> to effectively manage the risks to public and environmental health.</p> <p>All staff involved in the supply of recycled water are responsible for understanding, implementing, maintaining and continuously improving the recycled water management system.</p>	Council Officers
4	<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
5	<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 Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.</p>	Council Officers
6	<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
7	<p>Consultation</p> <p>Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other agencies, relevant legislation, industry guidelines, and public comment. Public</p>	As required

submissions regarding this policy are invited for consideration during the policy exhibition period.	
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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 2016.*

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 recycled water.

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

Performance indicator	Data source(s)
Customer Concerns	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
Australian Guidelines for Water Recycling	www.waterforlife.nsw.gov.au

Related external references

Name	Link
Division of Local Government	www.dlg.nsw.gov.au
Office of Water (NOW)	www.water.nsw.gov.au/Urban-water/Country-Towns-Program/Best-practice-management/Regulations-for-water/Water-recycling-schemes/Water-recycling-schemes

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	28 Oct 2008	Council	08/386	E91.2007	Policy adopted.
2	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated.

Internal use

Responsible officer	Director Infrastructure Services	Approved by	Council
Min No	13/272	Report no	O13/56
File No	E13.7095	Review date	Sep 2016
		Pages	3

POLICY

Policy name	Water And Sewer Construction By Private Contractors
Responsible manager(s)	Director Infrastructure Services
Contact officer(s)	Divisional Manager Water and Sewer
Directorate	Infrastructure Services
Approval date	TBC

PURPOSE

To outline the arrangements necessary to guide water and sewer works undertaken by private contractors.

Section 68 of the *Local Government Act 1993* requires that water supply and sewerage work may only be carried out with the prior approval of Council.

Private contractors may undertake water and sewer works other than work on Council's live water and sewer assets in accordance with this and related policies.

To ensure the integrity of Council's water supply and sewerage systems and to control and minimise the impact of construction work on levels of service for customers, approval for construction work on Council's "live" water and sewer assets shall not be granted.

Construction work on Council's "live" water and sewer assets may only be carried out by Council staff or by Contractors directly engaged by Council.

Policy Statement

1	Application This policy applies to construction work on water and sewer assets, including the construction of new assets and the connection of new infrastructure and services to Council's existing water and sewer infrastructure.
2	Legislation Eurobodalla Shire Council will comply with Section 68 of the <i>Local Government Act 1993</i> .

Implementation

Implementation Steps		Responsibility
1	Implementation Private contractors may undertake construction of new water and sewer assets with prior approval of Council subject to compliance with Council's Engineering Design Standards Policy, payment of the appropriate fees and construction being in accordance with Council's Water and Sewerage Design and Construction Specification. Construction work on Council's live water and sewer assets may only be carried out by Council staff or by Contractors directly engaged by Council for that work, except for the following: <ul style="list-style-type: none"> Licensed plumbers may install new sewer service connections where a sewer junction to the sewer main is already provided. Council may undertake works for private parties subject to compliance	Council officer

	with the same standards applying to private contractors and compliance with Council's Private Works Policy.	
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 Policy. They will be used to analyse the history of concerns and requests 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 regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other agencies, relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.	As required

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 2016.*

This policy will also be reviewed and updated as necessary when Council's functions, structure or activities change, or when technological advances or new systems change the way Council manages water and sewer construction by private contractors.

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

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

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
Engineering Design Standards Policy	www.esc.nsw.gov.au

Water and Sewerage Design and Construction Specification	www.esc.nsw.gov.au
Private Works Policy	www.esc.nsw.gov.au

Related external references

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

Definitions

Word/Term	Definition
"Live" asset	An asset operated and managed by Council that is part of or connected to an existing water supply and sewerage system.

Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	28 Oct 2008	Council	08/386	E91.2033	Policy Commenced
2	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated

Internal use

Responsible officer	Director, Infrastructure Services			Approved by	Council
Min no	13/272	Report no	O13/56	Effective date	10 Sep 2013
File No	E09.3418	Review date	Sep 2016	Pages	3

POLICY

Policy title	Kerb and Gutter Construction – Contribution by Property Owners
Responsible manager(s)	Director, Infrastructure Services
Contact officer(s)	Divisional Manager, Works
Directorate	Infrastructure Services
Approval date	
Focus area	<i>Productive Communities</i> Objective 5.1: Plan for and develop the right assets and infrastructure
Delivery Program link	<i>Transport</i> P3.4 Provide, maintain and renew stormwater and flood management infrastructure
Operational Plan link	<i>Transport</i> P3.4.1 Deliver capital and renewal program

Purpose

This Policy establishes Council's position in regard to seeking contributions from property owners toward the construction of kerb and gutter along their property frontage. These contributions fund a proportion of the total cost of the works, with the remainder being funded through rates and other sources.

Eurobodalla Shire has a significant number of streets built in the 1960s, '70s and '80s without kerb and gutter and appropriate drainage. Many of these streets have inadequate pavement width and strength to support current traffic volumes, and lack appropriate off-road pedestrian areas. Council has identified a need to replace these older pavements to minimise ongoing maintenance costs.

Council undertakes a program of capital upgrade works each year to reconstruct urban streets on a priority basis. This is a key element of Council's long-term asset management strategy for roads. These works improve the quality of life and safety for residents and the community, as well as improving aesthetics and property values.

Section 217 of the *Roads Act 1993* provides that Council, as the roads authority, may require the owner of land adjoining a public road to contribute up to half of the cost of providing kerb and guttering along the frontage of their property.

For new subdivisions and developments, the developer is required to provide and/or upgrade infrastructure (including kerb and gutter) to current standards at their full costs. This ensures appropriate infrastructure is provided for the development and these costs are not passed to the ratepayer.

Policy aims

- Promote an integrated framework for dealing with the recovery of part costs from property owners towards the construction of kerb and gutter along their property frontage;
- Ensure consistency and fairness in the manner in which Council deals with property owners;
- Ensure compliance with legislative requirements under the *Roads Act 1993*;
- Promote awareness of the requirements of the *Act* with respect to contributions for construction of kerb and guttering from landowners;
- Take such steps as are appropriate to ensure community consultation is carried out in a fair and equitable manner; and
- Make Council's policies and requirements for Kerb and Gutter - Construction Contributions by Property Owners readily accessible and understandable to the public.

Policy details

1	<p>Application</p> <p>This policy applies to new urban subdivisions and/or developments. Council requires the developer to provide for fully constructed roads including the provision of kerb and guttering and appropriate drainage, as part of the development at their full cost. Many older areas of Council do not have kerb and guttering within their street. This is a result of the standard of infrastructure required at the time of subdivision, typically during the 1960s, 70s and 80s.</p> <p>To address the deficiency in the urban road network, Council has a program of reconstructing urban roads, including the provision of kerb and guttering in existing residential areas, on a priority basis.</p> <p>Section 217 of the <i>Roads Act 1993</i> provides that Council, as the roads authority, may require the owner of land adjoining a public road to contribute up to half of the cost of providing kerb and guttering along the frontage of their property.</p>
2	<p>Legislation</p> <p>Eurobodalla Shire Council will comply with the Roads Act 1993</p>

Implementation

Requirements		Responsibility
1	Landowner contribution Council is entitled to seek a contribution from the landowners of up to half the cost of the work associated with the provision of the kerb and gutter adjacent to their property. For a property with a single frontage, the landowner will be billed for half the costs as per the <i>Roads Act 1933</i> .	Council officers
2	Corner properties For corner properties, if the landowners were charged half the cost for both the front and side boundaries, this can result in a significant financial burden. Council will therefore only seek a contribution equivalent to half the cost for the front (or short) boundary and one quarter the cost for the side (or long) boundary.	Council officers
3	Existing kerb and gutter Council is not entitled to charge a contribution against the adjoining landowner for the replacement of existing kerb and gutter.	Council officers
4	Deferred payments for contributions The General Manager shall have delegated authority to approve an extension of time for the payment of a contribution for the provision of kerb and guttering where genuine hardship exists, subject to receipt of an application in writing from the affected parties.	General Manager
5	Code of Practice This Policy will be implemented by following Council's <i>Kerb and Gutter Construction – Contribution by Property Owners Code of Practice</i> (internal document only), which specifies in detail the matters for consideration and procedures to be followed. This will include a minimum of 28 days' prior notification of Council's intent to charge a contribution.	Council officers
6	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
7	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
8	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 Kerb and Gutter Construction – Contribution by Property Owners.

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 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>Kerb and Gutter Construction – Contribution by Property Owners</i> Code of Practice	Internal Document
Related Eurobodalla Shire Council Policy or Code of Practice	ESC Policies Register
<i>Local Government Act 1993</i>	Local Government Act 1993
<i>Roads Act 1993</i>	Roads Act 1993

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	22 Sept 09	Council	09/291	E09.3418	Policy reviewed and retained (G09-99)
2	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated.
3	dd mmm 2016		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

POLICY

Policy title	Pathway Construction – Contributions by Property Owners
Responsible manager(s)	Director, Infrastructure Services
Contact officer(s)	Divisional Manager, Works
Directorate	Infrastructure Services
Approval date	
Focus area	<i>Liveable Communities</i> Objective 1.3: Provide the right places, spaces and activities
Delivery Program link	<i>Community Spaces</i> L5.3 Provide and develop Council's shared pathway and cycleway network
Operational Plan link	<i>Community Spaces</i> L5.3.1 Deliver capital and renewal works program

Purpose

Eurobodalla Shire Council's policy was developed to establish Council's position in regard to seeking contributions from property owners toward the construction of public pathways along their property frontage.

Eurobodalla Shire has a large number of urban streets without formed pathways, ie, either a footpath or shared pathway (for pedestrians, scooters and cyclists). Less than one in five urban roads has a pathway on at least one side. This is a result of the lower standard of infrastructure provided by developers in the 1960s, '70s and '80s.

This deficiency within the urban road network has been identified as a significant issue for our community, from an accessibility, transport and road safety perspective. This is particularly the case with our ageing population. To provide pathways to all urban streets is well beyond the funding capacity of Council and the local community. To address this network deficiency, Council has developed a Pathways Strategy. This strategy identifies key pathway linkages and provides a mechanism for assisting to determine priorities.

Council has a strong record of working with communities and pursuing grant funding, as well as self-funding a program of works each year. Nevertheless, the funding is insufficient to deliver on the pathway network identified within the Strategy without assistance from land owners benefitting from the pathway works.

Section 217 of the *Roads Act 1993* provides that Council, as the roads authority, may require the owner of land adjoining a public road to contribute up to half of the cost of providing a footway along the frontage of their property. The *Roads Act 1993* defines a footway as including facilities that also provide for cyclists.

For new subdivisions and/or developments above a single residence, the developer is required to provide appropriate pathways along their frontage at their full cost, as well as a Section 94 developer contribution (where a nexus is established).

Policy aims

- Promote an integrated framework for dealing with the recovery of part costs from property owners towards the construction of public pathways along their property frontage;
- Ensure consistency and fairness in the manner in which Council deals with property owners;
- Ensure compliance with legislative requirements under the *Roads Act 1993*;
- Promote awareness of the requirements of the *Roads Act 1993* with respect to contributions from property owners; and
- Make Council's policies and requirements for Pathway Construction – Contributions by Property Owners readily accessible and understandable to the public.

Policy details

1	<p>Application</p> <p>Many older areas of Council do not have constructed pathways within their streets. This is a result of the lower standard of infrastructure required at the time of subdivision in decades past. Council has developed the Pathways Strategy 2010 to assist in identifying and prioritising pathways to be built by Council. This is focussed at high priority areas and linkages in areas of high use, with an emphasis on pathways within villages.</p> <p>Section 217 of the <i>Roads Act 1993</i> provides that Council, as the roads authority, may require the owner of land adjoining a public road to contribute up to half of the cost of providing a footway along the frontage of their property. This includes pathway works to provide a footpath or shared pathway.</p> <p>This Policy outlines when this contribution will be sought from land owners.</p> <p>In new subdivisions, Council requires the developer to provide for public pathways (either footpath or shared pathway, usually in reinforced concrete) as part of the development at their full cost.</p> <p>Similarly, where developers seek to develop land zoned <i>R3 – Medium Density Housing, B1 – Neighbourhood Centre, B2 – Local Centre, B4 – Mixed Use, B5 – Business Development and IN1 – General Industrial development</i>, the developer will be required to provide a concrete pathway at their full cost in conjunction with their development under the provisions of the planning legislation.</p> <p>Where a nexus exists, Council may also require developers to provide links and/or Section 94 developer contributions towards pathways.</p>
2	<p>Legislation</p> <p>Eurobodalla Shire Council will comply with Roads Act 1993</p>

Implementation

	Requirements	Responsibility
1	<p>Code of Practice</p> <p>This Policy will be implemented by following Council's <i>Pathway Construction – Contributions by Property Owners</i> Code of Practice, which specifies in detail the matters for consideration and procedures to be followed.</p>	Council officers

2	<p>Land owner contribution</p> <p>Where Council is constructing a public pathway as part of its annual works program, Council will adopt the following position in regard to seeking contributions from property owners:</p> <p>1. <u>Land Zoned R2 - Low Density Residential Areas</u></p> <p>Council will not seek contributions toward the construction of new pathways in land zoned R2 - Low Density Residential areas.</p> <p>2. <u>Land Zoned R3 – Medium Density Housing; B1 - Neighbourhood Centres; B2 – Local Centres; B4 – Mixed Use; B5 – Business Development; IN1 – General Industrial</u></p> <p>Where Council proposes to construct a public pathway adjoining land zoned <i>R3 – Medium Density Housing, B1 - Neighbourhood Centres, B2 – Local Centres, B4 – Mixed Use, B5 – Business Development and IN1 – General Industrial</i>, Council will charge a contribution under Section 217 of the <i>Roads Act 1993</i> being not more than half of the cost of the work. This amount will be set at a flat rate (\$77 in 2016/17 FY per metre GST exempt) and be subject to annual review.</p> <p>The rate from 2017/18 will be adjusted and advertised with Council's Current Fees & Charges.</p> <p><u>For side boundaries on corner lots</u>, Council will charge a flat rate of half the rate set for front boundaries (ie, half the rates as outlined above).</p>	Council and developers
3	<p>Deferred payments for contributions</p> <p>The General Manager shall have delegated authority to approve an extension of time for the payment of contributions. Prior to commencement of works, Council will write to land owners and offer the option for residents to pay the due amount over a period up to a maximum of two years, subject to receipt of a written request. Subject to strict compliance with an approved arrangement, interest charges that have accrued will be adjusted (written off) on receipt of the final payment.</p>	General Manager
4	<p>Staff</p> <p>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.</p>	Council officers
5	<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 be used to determine any follow-up actions and analyse the history of reported public concerns.</p>	Council officers
6	<p>Consultation</p> <p>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.</p>	As applicable

Review

This Policy will be reviewed annually.

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 Pathway Construction – Contributions by Property Owners.

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 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>Pathway Construction – Contribution by Property Owners</i> Code of Practice	Internal Document for staff only
Related Eurobodalla Shire Council Policy or Code of Practice	ESC Policies Register
<i>Local Government Act 1993</i>	Local Government Act 1993
<i>Roads Act 1993</i>	Roads Act 1993

Related external references

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

Supporting documents

Name	Link
Council's Pathways Strategy	www.esc.nsw.gov.au

Change history

Version	Approval date	Approved by	Minute	File No	Change
1	22 Sep 2009	Council	09/291	E09.3418	'Footpath Construction - Contributions By Property Owners' policy adopted
2	10 Sep 2013	Council	13/278	E13.7095	Reviewed and updated. Name of policy changed from 'Footpath' to 'Pathway'.
3	dd mmm 2016	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

POLICY

Policy title	Road and Pathway Opening
Responsible manager(s)	Director, Infrastructure Services
Contact officer(s)	Divisional Manager, Works
Directorate	Infrastructure Services
Approval date	
Focus area	<i>Liveable Communities</i> Objective 1.3: Provide the right places, spaces and activities
Delivery Program link	<i>Community Spaces</i> L5.3 Provide and develop Council's shared pathway and cycleway network
Operational Plan link	<i>Community Spaces</i> L5.3.1 Deliver capital and renewal works program

Purpose

This Policy provides a standard procedure for the management of any works and activities undertaken under the *Roads Act 1993* affecting Council's road reserves. These works or activities must provide construction to suitable standards, minimise Council's risk exposure and limit damage to Council's assets, including minimising the risk of reducing the life of those assets.

This Policy is designed to specifically address the process of controlling works and activities on Council road reserves and to provide a system for ensuring that Council's and the community's interests are protected as far as possible.

Policy aims

- Promote an integrated framework for dealing with works and activities affecting the road reserve;
- Ensure consistency and fairness in the manner in which Council deals with works and activities affecting the road reserve;
- Ensure compliance with legislative requirements under the *Roads Act 1993*;
- Promote awareness of the requirements of the *Roads Act 1993* with respect to works and activities affecting the road reserve; and
- Make Council's policies and requirements for works and activities affecting the road reserve readily accessible and understandable to the public.

Policy details

1	Application Council has a responsibility to the community to ensure that it provides and maintains roads and pathways to an appropriate standard within the limits of the available budget. Council also has a responsibility to ensure that when third parties wish to carry out works or activities, these works or activities do not detract from the condition of Council's assets, reduce the life of the asset or create additional risks for Council and the community.
2	Legislation Eurobodalla Shire Council will comply with the Roads Act 1993 .

Implementation

Requirements		Responsibility
1	Implementation requirement Works and activities to be carried out include, but are not limited to, Civil works, water, sewer, stormwater, power, telecommunications, driveway crossings, building construction and maintenance, footpath works, landscaping, tree management, road furniture, signage, road marking, work zones, hoardings and surveying.	Council officers Contractors
2	Implementation requirement Trenchless methods shall be used to lay underground services within road reserves under Council's control unless otherwise shown to be impracticable or unreasonable as determined by Council's delegated officer. Open trenches are only to be used as a method of installing services when other methods are clearly not feasible and only when approved by Council's delegated officer.	Council officers
3	Implementation requirement Council shall hold a bond from persons or organisations required to undertake works, where it is considered works may damage Council's assets, become a risk or not conform to Council's standards. A bond as per Council's adopted Fees and Charges will ensure that restoration can be undertaken if works are not carried out satisfactorily by such persons or organisations.	Council officers Contractors
4	Implementation requirement The only persons permitted to obtain a permit for works, activities or road openings are utility providers, licensed tradespeople, builders or civil contractors. Appropriate conditions of consent shall be included on the permit to protect Council's interest, eg, public liability insurances, traffic management plans, safety management systems, public consultation and restoration plans.	Council officers Contractors
5	Leasing of road reserve Leasing of work zones will be considered; generally only in CBD areas where it is demonstrated to the satisfaction of Council that no alternative would be available. Fees for the leasing of work zones are to be in accordance with Council's Fees and Charges.	Council officers Contractors
6	Staff	Council officers

	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.	
7	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
8	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 road and pathway openings.

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 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	Local Government Act 1993
Roads Act 1993	Roads Act 1993
Council's Fees and Charges	www.esc.nsw.gov.au
Eurobodalla Shire Council <i>Local and Regional Roads Risk Management Policy</i>	ESC Local & Regional Roads Risk Management Policy

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
2	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated
3	dd mmm 2016	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	4

POLICY

Policy name	Vegetation Clearing – Roadsides and Infrastructure Lines
Responsible manager(s)	Divisional Manager, Works
Contact officer(s)	Maintenance Coordinator, Environmental Officer
Directorate	Infrastructure Services
Approval date	
Focus area	<i>Productive Communities:</i> Objective 5.1: Plan for and develop the right assets and infrastructure
Delivery Program link	<i>Transport</i> P3.2 Develop, renew and maintain the road network
Operational Plan link	<i>Transport</i> P3.2.1 Deliver capital and renewal works program

Purpose

Eurobodalla Shire Council's policy was developed to clarify the responsibilities of Council when undertaking clearing in road reserves for other infrastructure (eg, underground services), whether on public land or within private property, for maintenance or construction purposes. The management of risk from trees on private property is covered separately under the *Tree Risk Management on Council Controlled Land Policy*.

Council, as the roads authority under the *Roads Act 1993*, provides and maintains roads to support the social and economic wellbeing of the community. Council has a duty of care to manage the risks within its road reserves that may have an impact on infrastructure, people and/or the property/buildings. Section 88 of the *Roads Act 1993* stipulates that:

"A roads authority may, despite any other Act or law to the contrary, remove or lop any tree or other vegetation that is on or overhanging a public road if, in its opinion, it is necessary to do so for the purpose of carrying out road work or removing a traffic hazard."

Vegetation adjacent to public infrastructure, such as underground services within private lands, may also pose a risk to the infrastructure, requiring removal of the vegetation; for instance, tree roots causing damage to underground services.

Where Council is aware of trees on private property that pose a significant risk to the public, eg, a tree near a public boundary at high risk of failure, Council may request the landowner to take appropriate action to ameliorate that risk. Council may also undertake tree/vegetation work to remove unwanted species (eg, non-endemic species), or to renew trees (eg, tree replacement in commercial business districts as part of the ongoing management of streetscapes).

When building new infrastructure and/or undertaking major clearing works, Council will prepare a Review of Environmental Factors (REF) in accordance with Part V of the *Environmental Planning & Assessment Act 1979* and/or the *State Environmental Planning Policy (Infrastructure) 2007*, to determine if the work may proceed, with or without measures to ameliorate any impacts of the clearing.

Customer requests seeking the removal or management of vegetation for safety reasons, to protect infrastructure from damage, to ensure infrastructure is performing its proper function, or in regard to removal of vegetation shall be tracked in Council's customer service request system.

Policy aims

- Promote an integrated framework for dealing with vegetation clearing;
- Ensure consistency and fairness in the manner in which Council deals with vegetation clearing including trees on private property impacting Council's infrastructure;
- Ensure compliance with legislative requirements under the *Roads Act 1993*;
- Promote awareness of the requirements of the *Roads Act 1993* and *State Environmental Planning Policy (Infrastructure) 2007* with respect to vegetation clearing;
- Take such steps as are appropriate to ensure a duty of care to manage the risk that vegetation may have on infrastructure, people and/or property/buildings; and
- Make Council's policies and requirements for vegetation clearing readily accessible and understandable to the public.

Policy details

1	Application This Policy applies to the responsibilities of Council to undertake clearing in the road reserves and/or on private property to protect infrastructure <u>and/or public safety</u> , for maintenance or construction purposes.
2	Legislation Eurobodalla Shire Council will comply with the <i>Roads Act 1993</i> , the <i>State Environmental Planning Policy (Infrastructure) 2007</i> , the <i>Native Vegetation Act 2003</i> and the <i>Local Government Act 1993</i> .

Implementation

Requirements		Responsibility
1	Outcomes The desired outcomes are to: <ul style="list-style-type: none"> a) protect public infrastructure; b) manage the risks to the public; c) provide clarity in customer contacts; d) reduce the potential for public liability claims against Council and the community it represents; e) manage the impact of Council's works on the environment. 	Council officers
2	Implementation requirement A vital component of maintenance activities on roads, bridges, drains and for stormwater, water and sewer lines includes the removal, thinning or lopping of trees and vegetation to: <ul style="list-style-type: none"> a) maintain adequate sight distance; b) protect infrastructure and buildings from damage; c) ensure infrastructure, eg, stormwater culverts and sewer lines, performs the intended function and remains accessible for maintenance; 	Council officers

	<p>d) mitigate the risk to the public, eg, from risk of falling trees, by provision of adequate clear zones from roads, for bushfire purposes;</p> <p>e) mitigate the risk to private infrastructure, eg, damage to driveways or dwellings from tree roots;</p> <p>f) mitigate the risk to the environment, eg, scour to batters from ineffective catch drains or stormwater culvert capacity.</p> <p>Priority will be given to the safety of people and property, including community infrastructure, when planning and undertaking vegetation removal and/or tree lopping.</p> <p>Council may clear Endangered Ecological Community or vegetation housing threatened species to protect underground services and within road reserves if it is impacting, or likely to impact, the functionality of the structure or road.</p> <p>Council will endeavour to limit clearing of vegetation to that required for the purposes outlined above.</p>	
3	<p>Implementation requirement</p> <p>For construction activities, consideration shall be given to the consequences of any vegetation clearing via a formal documented Review of Environmental Factors (REF).</p> <p>Council prefers native vegetation species within its road reserves, especially in rural and semi-rural areas. In some instances it may be appropriate to remove unwanted species of trees and/or vegetation to restore or enhance the natural biodiversity of the landscape, eg, removal of lantana.</p> <p>Council also provides trees and other plantings in commercial business districts and similar urban areas. It is accepted that these trees and plants may be removed and/or replaced from time to time as part of the management of the built urban environment.</p>	Council officers
4	<p>Implementation requirement</p> <p>Prior engagement with the community may be required for certain works including major works, eg, rural road realignment, new underground service lines, tree removal and/or replacement works in commercial business districts or for significant trees in public reserves.</p>	Council officers Community
5	<p>Implementation requirement</p> <p>Except in emergency situations, Council will consult with private landholders and seek their concurrence prior to undertaking any works within private property. In emergency situations, Council will make appropriate endeavours to contact the landholder prior to undertaking any works within private property. Council will comply with the legislative requirements for power of entry under the <i>Roads Act 1993</i> and the <i>Local Government Act 1993</i>.</p>	Council officers
6	<p>Staff</p> <p>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.</p>	Council officers

7	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
8	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 Vegetation Clearing – Roadsides and Infrastructure Lines.

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 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
Related Eurobodalla Shire Council Policy or Code of Practice	ESC Policies Register
<i>Local Government Act 1993</i>	Local Government Act 1993
<i>Roads Act 1993</i>	Roads Act 1993
<i>Threatened Species Conservation Act 1995</i>	Threatened Species Conservation Act 1995
<i>Native Vegetation Act 2003</i>	Native Vegetation Act 2003
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	State Environmental Planning Policy (Infrastructure) 2007
Eurobodalla Shire Council <i>Tree Risk Management on Council Controlled Land</i> Policy	ESC Tree Risk Management on Council Controlled Land

Related external references

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

Definitions

Word/Term	Definition
<i>Emergency situation</i>	A situation where the threat to the public, property or the environment is obvious and imminent, and the probability of failure is considered high by the staff member in charge of the site if no action is taken.

Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	22 Sep 2009	Council	09/291	E09.3418	Policy adopted.
2	10 Sep 2013	Council	13/281	E13.7095	Reviewed and updated
3	dd mmm 2016	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

Policy name	Investment Policy
Responsible manager(s)	Director Finance and Business Development
Contact officer(s)	Anthony O'Reilly
Directorate	Finance and Business Development
Approval date	
Strategic objective	Support Services
Delivery program link	SS1.1 Manage Council's financial assets and obligations
Operational plan link	SS1.1.1 Provide integrated corporate accounting and financial management systems and procedures

Purpose

Eurobodalla Shire Council's policy is designed to ensure that Council's investments reflect the preference to reduce risk and comply with current NSW Local Government investing policy guidelines, 'best practice' and the current Ministerial Order.

This policy is a requirement of the *Local Government Code of Accounting Practice and Financial Reporting* issued by the Office of Local Government (OLG) pursuant to section 412 of the *Local Government Act 1993 (NSW)* as set out below:

"Council must maintain an investment policy that complies with the Act and ensures it or its representatives exercise care, diligence and skill that a prudent person would exercise in investing council funds."

The *Trustee Amendment (Discretionary Investments) Act 1997 (NSW)* section 14A(2) provides further guidance on a "prudent person": *"A prudent person is expected to act with considerable duty of care, not as an average person would act, but as a wise, cautious and judicious person would."*

The Accounting Code defines "investments" as: *"money that is not, for the time being, required by the council for any other purpose"*.

Both the policy and investing practices of the Council must comply with Section 625 of the *Local Government Act 1993* as set out below:

"625 How may councils invest?"

- 1) *A council may invest money that is not, for the time being, required by the council for any other purpose.*
- 2) *Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.*
- 3) *An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.*
- 4) *The acquisition, in accordance with section 358, of a controlling interest in a corporation is not an investment for the purposes of this section."*

The Ministerial Investment Order as at 12 January 2011 was current at the date of adopting this policy and is included in this document (see [Appendix 1](#))

In formulating this policy the Council has also considered the 'Investment Policy Guidelines' issued by the OLG in May 2010. While it is the belief of the Council that these guidelines are not binding, it is also the Council's belief that they represent best practice and should be incorporated within the adopted investment policy.

This policy aims:

- To ensure the Council has appropriate working capital funds available to carry out its strategic plans as outlined in its delivery program and operational plan (or management plan). Long term core investments are limited or avoided in favour of a focus on working capital investments so that funds are readily available if required.
- To ensure that a reasonable level of funds are immediately accessible in the event of a disaster or unexpected failure of infrastructure.
- To ensure that the Council is able to meet its liability commitments as they fall due.
- To ensure that legally restricted funds are appropriately accounted for and invested so as to earn reasonable income towards their purposes. Legally restricted funds include trusts, developer contributions, unexpended grants, crown reserves etc.
- To ensure that all statutory requirements are met.

Policy statement

1	Application This policy applies to the investment of Eurobodalla Shire Council's surplus funds.
2	Legislation Eurobodalla Shire Council will comply with Section 625 of the <i>Local Government Act (NSW) 1993</i> ; <i>The Trustee Amendment (Discretionary Investments) Act 1997 (NSW)</i> section 14A(2); <i>Local Government Code of Accounting Practice and Financial Reporting and Investment Policy Guidelines</i> dated May 2010 (issued by the OLG).
3	Australian Currency All investments must be denominated in Australian Dollars and comply with the Minister's determination.
4	Order of Priorities The order of priorities is firstly the preservation of capital, and second, the maintenance of liquidity. In this context 'liquidity' refers to the speed and ease with which an asset can be converted to cash.
5	Acceptable Risk Criteria For Financial Instruments Credit risk refers to the risk of ultimately not being able to redeem the funds. The average credit risk of the portfolio should reflect the conservative approach that a 'prudent person' would take to investing. This approach should be reinforced by investing in term deposits and remote risk investments.
5.1	Remote risk Up to 100% of all invested funds may be invested in deposits issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory. Investments held in the State and Territories must be diversified. <ul style="list-style-type: none"> • Low liquidity risk 0% - 100% • Medium liquidity risk 0% - 70% • High liquidity risk 0% - 50%

5.2

Near risk-free

Up to 100% of all invested funds.

Investments in this category must be issued by Australian authorised banks with a Standard and Poor's (S&P) rating equal to “A-1” or “A-2” short term and in the “A” category long term (A- to AA) or with an equivalent Moody’s or Fitch rating equivalents. Noting that “senior debt” and like investments with banks meeting the above criteria is permitted within this risk category.

•

Low liquidity risk

0% - 80%

•

Medium liquidity risk

0% - 50%

•

High liquidity risk

0% - 30%

5.3

Some limited risk

Up to 20% of all invested funds.

•

Low liquidity risk

0% - 30%

•

Medium liquidity risk

0% - 20%

•

High liquidity risk

0% - 10%

Authorised banks with an S&P rating equal or better than “A-3” short term or “BBB” category long term or with an equivalent Moody’s or Fitch Rating equivalents. Other authorised banks, building societies and credit unions are restricted to those with total assets in excess of \$1 billion including the Illawarra Mutual Building Society (IMB).

5.4

Investment Parameters

The maximum holding in each rating category for Council’s portfolio shall be:

S&P Long Term Category	S&P Short Term Category	Maximum %	Risk Rating
AAA (incl. government guaranteed deposits)	A-1+	100%	Remote Risk
AA	A-1	100%	Near Risk Free
A	A-1 to A-2	60%	Near Risk Free
BBB	A-3	20%	Some Limited Risk
ADI/Unrated *		10%	Some Limited Risk

The percentage per institution will restrict amount invested in one Bank, Building Society or Credit Union as shown below.

S&P Long Term Category	S&P Short Term Category	Maximum % per Institution	Risk Rating
AAA (incl. government guaranteed deposits)	A-1+	40%	Remote Risk

	AA	A-1	30%	Near Risk Free
	A	A-1 to A-2	20%	Near Risk Free
	BBB	A-3	15%	Some Limited Risk
	ADI/Unrated		5%	Some Limited Risk
<p>*This category is restricted to banks, building societies and credit unions with total assets in excess of \$1 billion.</p>				
6	Unacceptable investments Any investment that falls outside the Minister's order or not included in this policy.			
7	Safe custody arrangements It will not be acceptable for title to Council's investments to be held by other organisations unless the following criteria are met: <ul style="list-style-type: none"> • There is adequate documentation confirming the existence of the investments • The institution recording and holding the assets is "ASX Limited", or "ANZ Nominees", or has an S&P rating equal or better than "A-1" short term and "A" long term ("strong") or with an equivalent Moody's rating of "P1" short term and "A2" long term or Fitch Rating equivalents. <i>(Where Council's assets are held in safe custody by an institution, Council may be exposed to the creditworthiness of that institution.)</i>			
8	Other Forms of Investment Internal loans are acceptable subject to any legal requirements noting that Ministerial approval is, at the time of adopting this policy, required for internal investing/borrowing arrangements to or from externally restricted funds, however such arrangements must not compromise liquidity or compliance with industry standards for financial ratios. Interest-free loans to community organisations and the like are covered by separate Council policies.			

Implementation

Requirements		Responsibility
1	Staff Under supervision of the Responsible Accounting Officer council staff will be responsible for ensuring that policies are implemented appropriately within their work area.	Divisional Manager Finance/ Asset Accountant/ Asset Officer
2	Complaints and requests Complaints and requests received regarding the Investment Policy or investments will be recorded on Council's Records Database and handled in accordance with the Customer Service or Complaints Policy.	Divisional Manager Governance and Information

3	Consultation At least every three years, arrange a full comprehensive review of Council's policy and investing activities by an appropriately qualified (e.g. ASIC) adviser with the costs to be met by interest earnings and seek appropriate advice on other occasions as required. The Audit, Risk and Improvement committee should meet quarterly to review the investing environment and strategy.	Director Finance and Business Development Audit, Risk and Improvement Committee
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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 Investment.

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
Interest exceeds the Average Bank Bill Swap Rate by 25 Basis Points	Report

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
Trustee Amendment (Discretionary Investments) Act 1997	www.legislation.nsw.gov.au/sessionalview/sessional/act/1997-102.pdf
Ministerial Investment Order 12 January 2011 Appendix A	www.olg.nsw.gov.au/sites/default/files/OLG%20-%20Code%20Update%2025%20-%20Appendices.pdf
OLG Local Government Code of Accounting Practice and Financial Reporting 2009	www.olg.nsw.gov.au/strengthening-local-government/supporting-and-advising-councils/accounting-practice

OLG Investment Policy Guidelines	www.olg.nsw.gov.au/sites/default/files/Investment-Policy-Guidelines-May-2010.pdf
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Related external references

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

Supporting documents

Name	Link
OLG Circular re: Revised Ministerial Order (17 Feb 2011)	www.olg.nsw.gov.au/sites/default/files/11-01_0.pdf

Definitions

Word/Term	Definition
Prudent Person	A prudent person is expected to act with considerable duty of care, not as an average person would act, but as a wise, cautious and judicious person would.
Credit Risk	The risk of ultimately not being able to redeem the funds.
Investments	Money that is not, for the time being, required by the council for any other purpose

Change history

Version	Approval date	Approved by	Minute	Change
1	22 Sep 2011	Council		Policy commenced
2	10 Sep 2013	Council	13/272	Report O13/56 Updated formatting, review date, references and links
3	12 May 2015	Council	15/31	Report FBD 15/034 - updated to reflect changes in banking
4	TBA 2017			Minor formatting updates

Internal use

Responsible officer		General Manager	Approved by	Council	
File no	E06.0355 E05.9513	Council report	FBD 15/034	Effective date	12 May 2015
Min no	15/31	Review date:	September 2016	Pages	8

APPENDIX 1 – Ministerial Investment Order 12 Jan 2011

Extracted on 25/03/13 from:

www.nsw.gov.au/sites/default/files/Government_Gazette_11_February_0.pdf

NEW SOUTH WALES GOVERNMENT GAZETTE No. 14 pp597-598

OFFICIAL NOTICES 11 February 2011

LOCAL GOVERNMENT ACT 1993

Investment Order

(Relating to Investments by Councils)

I, the Hon. BARBARA PERRY, M.P., Minister for Local Government, in pursuance of section 625 (2) of the Local Government Act 1993 and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- a) any public funds or securities issued by or guaranteed by the Commonwealth, any State of the Commonwealth or a Territory;
- b) any debentures or securities issued by a council (within the meaning of the Local Government Act 1993 (NSW));
- c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit taking institution (as defined in the Banking Act 1959 (Cwth)), but excluding subordinated debt obligations;
- d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- i. Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- ii. Paragraph (i) only applies to these investments made before the date of this Order and does not apply to any restructuring or switching of investments or any reinvestment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.

All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons. When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12th day of January 2011.

The Hon. BARBARA PERRY, M.P.,
Minister for Local Government

Policy title	Creative Arts Services
Responsible manager(s)	Divisional Manager - Community and Recreation Development
Contact officer(s)	Coordinator, Creative Arts Development
Directorate	Community, Arts and Recreation Services
Approval date	
Focus area	Liveable
Delivery Program link	L3.2 Support and deliver enhanced cultural experiences and programs. L3.3 Plan for and collaborate to develop increased opportunities to engage in and develop cultural appreciation
Operational Plan link	L3.2.2 Support the conduct of exhibitions, talks, seminars, workshops and other initiatives L3.3.1 Collaborate with and participate in network partnerships L3.3.2 Support capacity building the creative industry sector L3.3.3 Coordinate the Public Art Advisory Committee L3.3.4 Cultural Plan review

Purpose

This policy is designed to position the role of creative arts as instrumental to engaging communities, cultivating new industries, celebrating, promoting and developing the Eurobodalla's distinctive characteristics, economy and reputation as a strong and vibrant community.

Policy aims

The policy aims to:

- Increase availability for access to and participation in the range of high quality creative art experiences.
- Increase opportunities for individuals/groups to engage in, develop their skills, understanding and appreciation of the range of arts practices and creative industries.
- Cultivate strategic partnerships within the community/business sectors and government agencies to collaborate in the ongoing creative sector's development.
- Work effectively with creative practitioners to build the capacity and capabilities of the creative industries within the Eurobodalla.
- Provide leadership, inspiration and advocacy for the creative industry sector.
- Make the Council's policies and requirements for Creative Arts Services readily accessible and understandable to the public.

Policy details

1	Application This policy applies to the whole Eurobodalla community.
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Implementation (logistics: HOW will the policy be implemented, and by WHOM?)

Requirements		Responsibility
1	This policy will be implemented by following Council's Creative Arts Strategy, which provides the framework and strategic directions for the ongoing development of arts activity and creative industries.	Coordinator Creative Arts Development
2	Staff Under supervision, applicable 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.	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 Request Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.	Coordinator Creative Arts Development
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 will be considered during the policy exhibition period. Any other consultation deemed necessary may occur when and if required.	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 arts and cultural services.

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
User Group feedback	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
Public Art Policy	www.esc.nsw.gov.au

Related external references

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

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	date	Council	TBA	See list	Policy commenced
2	dd mmm 2013	Council	TBA	E13.7095	Reviewed and updated (start of new Council term)
3	dd mmm 2016	Council	TBA	E16.0297	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Director Community, Arts and Recreation Services			Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	E16.0297	Review date	Sep 2020	Pages	3