



Policy Review

GMR16/034	Councillors' Expenses and Facilities Policy
PSR16/041	Local Orders Policy – Keeping of Animals
PSR16/043	Policy Review - Repeal of Acid Sulfate Soils Policy
IR16/042	Roads Naming Policy
IR16/043	Parks, Playgrounds and Reserves Risk Management Policy
CAR16/013	Aged Care Services Policy

Policy title	Councillors' Expenses and Facilities
Responsible manager(s)	General Manager
Contact officer(s)	Divisional Manager Governance & Information
Directorate	Finance and Business Development
Approval date	TBA
Focus Area	Collaborative
Delivery program link	C1.1.1 Support the councillors in meeting their statutory obligations and roles as community representatives
Operational program Link	C1.1 Conduct the business of Council in an inclusive, responsive and transparent manner

Purpose

The purpose of this policy is for Eurobodalla Shire Council to comply with the provisions of Section 252 of the *Local Government Act 1993*, and adopt policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor and councillors in relation to discharging the functions of civic office.

Policy aims

The policy is designed to ensure:

- Accountability and transparency in the reimbursement of expenses incurred or to be incurred by councillors.
- That the facilities provided to assist councillors to carry out their civic duties are reasonable.
- Compliance with and awareness of legislative requirements under the *Local Government Act 1993* respect to councillor's expenses and facilities.
- Consistency and fairness in the manner in which the council deals with councillor's expenses and facilities.
- That Council's policies and requirements are readily accessible and understandable to the public.

Policy details

Application	This policy applies to the Mayor and councillors of Eurobodalla Shire Council, and to council staff involved in the provision of councillor's expenses and facilities.
1	Introduction
1.1	Relevant Legislation Council complies with NSW State legislative provisions as follows: <i>Local Government Act 1993</i> <i>252 Payment of expenses and provision of facilities</i> 1) <i>Within the first 12 months of each term, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.</i>

	<p>2) <i>The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.</i></p> <p>3) <i>A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.</i></p> <p>4) <i>A council may from time to time amend a policy under this section.</i></p> <p>5) <i>A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.</i></p> <p>Local Government (General) Regulation 2005 403 Payment of expenses and provision of facilities <i>A policy under section 252 of the Act must not include any provision enabling a council:</i></p> <p>a) <i>to pay any councillor an allowance in the nature of a general expense allowance, or</i></p> <p>b) <i>to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.</i></p>
<p>1.2</p>	<p>Other Government Policy Provisions Council complies with Other Government Policy Provisions as follows:</p>
<p>1.2.1</p>	<p>Office of Local Government (OLG) Guidelines for payment of expenses and provision of facilities for Mayors and Councillors for Local Councils in NSW</p> <p>This Guideline can be found on the OLG website at www.olg.gov.au</p> <p>In summary:</p> <ul style="list-style-type: none"> • Councillor expense and facility guidelines are binding and must be considered. • The policy must be acceptable to, and meet expectations of local community. • Consideration should be given to participation, equity and access (special needs). • There may be recognition of local differences compared to other Councils. • All expenses/payments must be either reimbursed after the event or reconciled if an advance payment is made. • Expenses must be reasonable. • The policy must set limits (i.e. should not be open-ended). • May provide to pay a Deputy Mayor part of the Mayor's annual fee (any amount thus paid to be deducted from Mayor's annual fee). • Advance payments may be allowed subject to future reconciliation. • Council should establish suitable rates for private use over and above anything which is minor and incidental. • In certain limited circumstances councils may meet reasonable costs incurred by councillors on behalf of their spouses, partners or accompanying person(s).
<p>1.2.2</p>	<p>Model Code of Conduct for Local Councils in NSW (November 2015, Division of Local Government)</p> <p>The Model Code of Conduct can be found on the OLG website www.olg.gov.au</p> <p>Use of Council Resources</p> <p>7.12 <i>You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes</i></p>

	<p><i>(except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.</i></p> <p>7.13 <i>Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:</i></p> <ul style="list-style-type: none"> <i>a) the representation of members with respect to disciplinary matters</i> <i>b) the representation of employees with respect to grievances and disputes</i> <i>c) functions associated with the role of the local consultative committee.</i> <p>7.14 <i>You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.</i></p> <p>7.15 <i>You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.</i></p> <p>7.16 <i>You must not use council resources, property or facilities for the purpose of assisting your election campaign or the campaign of others unless the resources, property or facilities are otherwise available for the use or hire by the public and publicly advertised fee is paid for use of the resources, property or facility.</i></p> <p>7.17 <i>You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:</i></p> <ul style="list-style-type: none"> <i>a) the purpose of assisting your election campaign or the election campaign of others, or</i> <i>b) for other non-official purposes.</i> <p>7.18 <i>You must not convert any property of the council to your own use unless properly authorised.</i></p> <p>7.19 <i>You must not use council’s computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.</i></p> <p>Councillor access to Council buildings</p> <p>7.20 <i>Councillors are entitled to have access to the council chamber, committee room, Mayor’s office (subject to availability), councillors’ rooms, and public areas of council’s buildings during normal business hours and for meetings. Councillors needing access to these facilities at other times must obtain authority from the general manager.</i></p> <p>7.21 <i>Councillors must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.</i></p> <p>10.21 <i>Councillors must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.</i></p>
<p>1.2.3</p>	<p>Office of Local Government (OLG) Circulars to Councils</p>

	<p>This policy takes into account the OLG Circular 05/80 '<i>Legal Assistance for Councillors and Council Employees</i>', Circular 02/34 '<i>Unauthorised use of Council Resources</i>', and Circular 05/08 '<i>Legal Assistance for Councillors and Council Employees</i>'.</p> <p>These publications are available on the OLG website at www.olg.nsw.gov.au</p>
1.2.4	<p>Independent Commission Against Corruption (ICAC) Publications</p> <p>This policy takes account of the ICAC publication '<i>No Excuse for Misuse, Preventing the Misuse of Council Resources</i>' (Guidelines 2) 19 November 2002.</p> <p>This publication is available on the ICAC website at www.icac.nsw.gov.au</p>
1.3	<p>Approval Arrangements</p> <ul style="list-style-type: none"> • In determining compliance with monthly limits, claims for services (such as landline plus mobile) with the service period ending within a month will be added together. If they cover more than one month the amounts will be calculated pro rata or based on the evidence of timing provided. • Except where specifically permitted by this policy, approvals for travel and functions beyond the Shire and/or costs of spouse/partner attendance are to be by resolution of the Council. In extenuating circumstances the approval may be jointly by the Mayor and General Manager with retrospective advice to Council. • Travel within the Shire may be approved by the General Manager. Travel to and from meetings including workshops and any travel resulting from an appointment as a representative of Council for particular purposes does not require General Manager's approval and can be approved and processed as set out below. • Any concerns are to be referred to the General Manager who may consult with the Mayor before making a decision. • Approved requests will be forwarded to the Accounts Payable for payment by Electronic Funds Transfer (EFT) to the Councillors or as the case may be, the relevant supplier's bank account. • This Policy does not require the payment of requests relating to past financial years that are not received within 30 days of the financial year end, these are deemed to be out of time (appropriate reminder/s and forms are to be provided to Councillors in advance of this deadline). • All requests for reimbursement of expenses must be approved by the General Manager and provided on the prescribed Councillor Expenses Claim Form as attached to this policy. (Appendix 1)
2	<p>Payment of Expenses</p>
2.1	<p>General Provisions</p> <p>The relationship between the annual fees paid to the Mayor and councillors and the level and scope of expenses paid to councillors is a basic issue considered in this policy. The Local Government Remuneration Tribunal has adopted the principle that expenses reasonably incurred by councillors are outside provisions made under the annual fee determinations.</p>

	Fees are not covered within this policy and must be separately adopted by Council subject to the maximum amounts allowed by determination of the remuneration tribunal.
2.2	Payment of Expenses Generally
2.2.1	Allowances and Expenditure Where any costs are already covered from any other source whatsoever they should not be claimed again from the Council.
2.2.2	Reimbursement and Reconciliation of Expenses All reimbursements are to be based on actual and reasonable costs. Therefore requests for reimbursement must provide adequate supporting documentation including suppliers' tax invoices and receipts etc. The Policy does not provide for any non-voucherable subsistence allowance. Councillors must ensure that costs are reasonable.
2.2.3	Payment in Advance Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. However, councillors must fully reconcile all expenses against the cost of the advance when they return within 30 days of the event/ function/ conference and any amounts not properly supported, e.g. by receipts/ tax invoices, may be required to be refunded to Council. All requests for advanced payments must be provided on the <i>Councillors Expense Claim/ Application for Advances Form</i> as attached to this policy. (Appendix 1)
2.2.4	Submitting Claims All requests for reimbursement of travel expenses should be provided to executive Services as soon as possible after the event and expenses reported quarterly. A tax invoice must accompany the expense claim.
2.3	Establishment of Monetary Limits and Standards This policy establishes limits for the specific expenses/facilities within the relevant sections and payments must not exceed these amounts. In the case that Council has paid any amount on behalf of a councillor that exceeds the limits the councillor must accordingly compensate Council for that amount. Except for the Mayor, all councillors will be allocated the sum of \$3,500 annually indexed to the CPI, to specifically provide for their professional development. The registration, travelling and accommodation costs associated with the annual Local Government Association Conference are excluded from this amount. Where a councillor is required to attend conferences (including the annual Local Government Association Conference) and seminars, professional development training programs, elected member courses outside of the Local Government Area (LGA) it will be necessary for the Council to authorise the attendance of councillors at these events to be effected by way of a resolution of an Ordinary Meeting of the Council. Payment for attendance shall be made from the Councillor Professional

	<p>Development Discretionary Vote. The amount of the vote shall be reviewed annually as part of the creation of the budget and Management Plan.</p> <p>Amounts remaining unexpended as at 30 June each year will expire and any unexpended amounts will not be carried over or available for expenditure in successive years.</p>
2.4	<p>Spouse and Partner Payments</p> <p>Meeting the costs of spouses and partners or accompanying person(s) for attendance at officially supported Council functions that are of a formal and ceremonial nature is considered appropriate when accompanying councillors within the Shire.</p> <p>Council may pay limited expenses of spouses, partners or accompanying persons for councillors attending the NSW Local Government Association Conference or any other required out-of-LGA events/functions. These expenses will be limited to the cost of registration and official conference dinner. Any additional travel, accommodation and accompanying person tours are not covered and are a personal responsibility. Any other instances where the Council will pay limited expenses of accompanying persons are subject to resolution of Council.</p>
2.5	Specific Expenses for Mayors and councillors
2.5.1	Attendance at Seminars and Conferences
2.5.1.1	All councillors can attend the NSW Local Government Association and/or Shires Association Conference if they wish. The costs associated with travel, accommodation and registration shall be covered by Council, separate to the Professional Development Vote as outlined in 2.3 above.
2.5.1.2	Attendance at any other conference and seminars is to be determined by resolution of Council.
2.5.1.3	Attendance will normally be limited to two. The principle of having one councillor and an appropriate staff member attend will be considered as “best practice” for attending seminars and conferences. This may be varied from time to time by resolution of Council.
2.5.1.4	Councillors should advise of any inability to attend at the earliest opportunity so as Council can seek a refund of any costs incurred or alternatively seek to transfer the registration.
2.5.1.5	Councillors attending training, seminars and conferences are to provide a detailed report to Council on the outcome and issues. Where there are a number of Councillors attending the same conference a joint report is acceptable. Councillors not meeting these criteria without reasonable explanation may not receive priority or opportunities for future events.
2.5.1.6	Council will reimburse or pay registration fees, accommodation, meals, parking, telephone and travel expenses associated with attendance at training, seminars and conferences, plus any other reasonable and directly related out-of-pocket expenses.

2.5.1.7	Daily costs other than accommodation and travel are not to exceed \$100.00 (i.e. food and out of pocket expenses etc.), unless otherwise approved by the General Manager. This is to be reconciled with appropriate receipts.
2.5.1.8	Councillors are to be provided where possible with a pooled vehicle if this is a cost effective and appropriate means of travel (see 2.5.6).
2.5.1.9	Council will pay or reimburse other forms of transport accepted by the General Manager as a cost effective means of travel and requested by the councillor concerned.
2.5.1.10	Bookings for accommodation and travel are to be arranged via the executive support group.
2.5.2	<p>Training and Educational Expenses</p> <p>Councillors will be encouraged to attend at least one relevant training and development course each year offered by the NSW Local Government Association. Additional courses may be attended subject to approval by the Mayor or General Manager and budgetary constraints.</p>
2.5.3	<p>Local Travel Arrangements and Expenses</p> <p>Travelling and any other actual and reasonable out of pocket costs will be reimbursed in relation to the following:</p> <ul style="list-style-type: none"> • Council meetings • Council committee meetings • Working Group meetings which the Councillor is the nominated delegate; • Section 355 Committee meetings • External Organisations/Committee Meeting, which the Councillor is the nominated Delegate, except where fees are paid to the Councillor by the external organisation • Workshops convened by Council • Meetings convened by Council • Training programs relating to the role of the Council • Inspections within the area of the Council, undertaken according to a resolution of Council, and • To attend a formal function or meeting where a formal invitation to attend arises only as a result of the position as a Councillor.
2.5.4	<p>Travel Outside the Local Government Area ('LGA') including Interstate Travel</p> <p>Travel and expenses beyond the LGA not authorised elsewhere in this policy will not be paid/ reimbursed unless approved in advance by a resolution of the Council or in extenuating circumstances by the Mayor or General Manager.</p>
2.5.5	<p>Travel Overseas</p> <p>Councillors may only undertake overseas travel where the Council has specifically authorised a councillor's itinerary and specifically authorised reimbursement by way of a council resolution made prior to the trip being taken. The resolution must</p>

	specifically name any councillor/s authorised to undertake overseas travel, indicate the reason the travel has been deemed to be necessary and include a determination of any reimbursement of expenses.
2.5.6	<p>Travel – Pool Cars</p> <p>Councillors must take reasonable steps to use the most cost effective means of travel. Councillors should use the Council’s pool car fleet when travelling out of the shire if it is cost effective. Councillors are encouraged to share a vehicle when travelling on behalf of Council.</p> <p>Where councillors choose to take their own vehicles, the reimbursement will be at the lower of:</p> <ul style="list-style-type: none"> • Council’s plant operations account internal hire rates, or • local rental car equivalent, or • return air fares, or • current Australian Taxation Office approved rates.
2.5.7	<p>Telephone & Internet Expenses</p> <p>Council will supply each councillor with an iPhone, iPad (3G & Wi Fi capability) or any comparable technology Council believes suitable at the time. Both the iPhone & iPad have a data allowance of 3GB each and will be connected to Council’s Telecommunication Account. There will be a maximum data usage of 3GB per month per device.</p> <p>Data usage exceeding 3GB per months will be charged back to councillors.</p> <p>Councillors must declare any private benefits that are more substantial than merely ‘incidental’ and these will be charged back to the councillor.</p> <p>Additional costs may be permitted in extenuating circumstances, subject to Mayoral or General Manager’s approval.</p>
2.5.8	<p>Sustenance</p> <p>Meals and refreshments will be provided for councillors’ attendance at Council and Committee meetings where deemed appropriate.</p>
2.5.9	<p>Care and Other Related Expenses</p>
2.5.9.1	In accordance with the principles of participation, access and equity the guidelines strongly encourage Councils to make provision for the reasonable cost of carer arrangements to allow Councillors to undertake their Council business obligations.
2.5.9.2	Council will meet the cost of childcare expenses whilst councillors attend council or committee meetings to a maximum of \$500 per annum.
2.5.9.3	Consideration will be given to any other extenuating carer circumstances that might warrant reimbursement subject to the resolution of Council.
2.5.9.4	Consideration will be given to any special requirements of councillors such as disability and access needs based on particular merits subject to resolution of Council.
2.5.10	<p>Insurance Expenses and Obligations</p>

	<p>Council will provide, at its cost, insurance to protect the interest and welfare of all councillors in carrying out the duties of civic office (and acting in good faith). Council currently provides the following (protection is limited to the terms and exclusions of the relevant policies):</p> <ul style="list-style-type: none"> • <i>Councillors and Officer Liability.</i> Provides indemnity to any person who was, is presently, or in the future becomes an elected Member of Council, or a Committee Member of a legally constituted committee under the <i>Local Government Act 1993</i>, in the event of personal litigation being instigated against them for any action arising whilst that person was exercising their duty. • <i>Public Liability Insurance.</i> Provides cover for a councillor's legal liability to pay compensation for personal injury to another person, damage to property owned or controlled by someone else which is caused by an occurrence in connection with their civic duties as a councillor. • <i>Professional Indemnity.</i> Provides indemnity to an individual against litigation resulting from the exercise of their official professional duties. • <i>Statutory Liability.</i> Provides indemnity for fines and penalties arising out of the conduct of the business of Council. • <i>Personal Accident.</i> Provides for the payment of non-medical expenses and compensation towards the loss of wages resulting from an accident whilst on official business for Council and a capital payment if the accident resulted in death. This cover extends to councillors and their partners whilst on official business of Council.
<p>2.5.11</p>	<p>Legal Expenses and Obligations</p> <p>This section of the policy is in accordance with the Office of Local Government Circular 05/08 '<i>Legal Assistance for Councillors and Council Employees</i>'.</p> <p>Where Council's insurance policies do not cover a Councillor's legal expenses in relation to a matter arising directly as a result of the Councillor's actions in the civic office, Council will determine by resolution if the councillor is to be reimbursed for reasonable solicitor/ client costs, as long as:</p> <ul style="list-style-type: none"> • They relate to conduct arising from the execution of a councillor's civic duties, • The matter is finalised, • Council authorises by specific resolution naming the councillor and determining the amount to be reimbursed in accord with these provisions: <ol style="list-style-type: none"> I. Council will not meet the costs of an action in defamation taken by a councillor or council employee as plaintiff, nor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation. II. The General Manager will report to Council for ratification, any legal advice sought in relation to this policy. III. Councillors can ask the General Manager to obtain legal opinion on any matter that is relevant to business before Council. <p>If the General Manager declines then they must provide reasons to the councillor concerned who may then, through a Notice of Motion, request the support of Council for the obtaining of the legal opinion.</p>

3	Provision of Facilities
3.1	General Provisions
3.1.1	<p>Provision of Facilities Generally</p> <p>Facilities, equipment and services appropriate to support the Mayor and Councillors in undertaking their role as elected members of Council will be provided. Incidental private usage of facilities and equipment is not subject to a compensatory payment by the Councillor. Where more substantial private use has occurred, compensation is required, unless otherwise stated this is to be based on the assessed degree of private usage applied to the actual cost.</p> <p>Councillors are required to declare any private benefits that are more substantial than minor and/or incidental.</p>
3.1.2	<p>Private Use of Equipment and Facilities</p> <p>Councillors must use Council resources ethically, effectively, efficiently and carefully in the course of their official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.</p> <p>Council facilities, equipment and services are not to be used to produce election material or for any other political purpose.</p>
3.2	Provision of Equipment and Facilities for Councillors
3.2.1	<p>Councillors' Room</p> <p>A furnished room will be made available for Councillors to conduct Council related business. The room will be equipped with a printer, desk, library and access to the Internet. Access to the Councillors' Room will be available twenty four hours seven days a week.</p> <p>Whilst hard copies of current consultancy reports, studies, industry management journals, publications and selected readings will be provided, Councillors will be encouraged to use the internet resource for individual research projects for access to such things as the:</p> <ul style="list-style-type: none"> • <i>Local Government Act 1993</i> and related legislation • <i>Environmental Planning and Assessment Act 1979</i> • Council's adopted <i>Code of Conduct</i> • ICAC and Ombudsman Reports • Local Environmental Plans ('LEP') • Council's adopted <i>Code of Meeting Practice</i> and various Policies
3.2.2	<p>Equipment and Other Resources</p> <p>Councillors will be provided with the following equipment and services:</p> <ul style="list-style-type: none"> • Security name tag for access to the council building • Magnetic name tag

	<p>At the beginning of each Council term, upon request, each councillor will be issued with appropriate stationery as follows (such stationery not to be used for election purposes):</p> <ul style="list-style-type: none"> • Business cards (500) • Councillor uniform – Councillors can choose two shirts from the Corporate Uniform collection • Protective clothing e.g. vests or headwear for on-site inspections and the like.
3.3	Provision of Additional Equipment and Facilities for Mayor
3.3.1	<p>Mayoral Car</p> <p>The Mayor will be provided with a motor vehicle (under luxury car tax threshold) to discharge the function of civic office and the performance of council business.</p> <p>In accordance with the Division of Local Government Guidelines, incidental private usage is permitted. The vehicle will be made available to the Mayor for private usage, if required, subject to the payment of \$4,000.00 annually.</p>
3.3.2	<p>Mobile Phone</p> <p>Council will supply and pay for an iPhone for mayoral purposes with an appropriate costs effective usage plan/package (see 2.5.7). Incidental private benefit is permitted. Additional charges resulting from private usage that do not fall within minor incidental must be repaid to Council.</p>
3.3.3	<p>Mayoral Office</p> <p>The Mayor is to be provided with appropriate separate office facilities and administrative support.</p>
3.3.4	<p>Credit Card</p> <p>Council will supply the Mayor with a credit card to be used in accordance with the provisions of this policy. The provision of a card is also subject to the Mayor agreeing to, signing and adhering to the current code of conduct for use of credit cards.</p>
4	Other Matters
4.1	Acquisition and Returning of Facilities and Equipment by Councillors
4.1.1	<p>Purchase of Equipment/Cessation of Duties</p> <p>Councillors will be provided with an opportunity to purchase any equipment or other facilities provided to them personally for use in relation to their councillor duties after the completion of their term of office, or at cessation of their duties. The General Manager may sell such items to councillors at written down/book value or fair/market value. Any items not purchased must be returned as soon as possible.</p>
4.2	Status of the Policy
4.2.1	<p>Public Reporting of Expenditure</p> <p>Expenditure by Mayor and councillors for seminars, conferences, telephone and other facilities will be publicly reported in conjunction with the quarterly financial reviews and annual report.</p>
4.2.2	Taxation Arrangements

	<p>It is each councillor’s responsibility to meet any taxation obligations. If necessary councillors should seek their own taxation advice.</p> <p>Under current arrangements councillors are not defined as employees for taxation purposes, they are not subject to Fringe Benefits Taxation and the ability to enter into effective sacrifice arrangements may be limited. The Australian Taxation Office has issued rulings allowing councillors to enter into effective sacrifice arrangements for at least superannuation. Accordingly council will administer complying arrangements if requested by individual councillors.</p> <p>Councillors may also require funds payable to them to be transferred by EFT to any nominated valid bank account(s) via the Divisional Manager, Finance & Governance.</p>
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Implementation

Implementation steps		Responsibility
1	<p>Public notice re: adoption of the policy</p> <p>In accordance with section 253 of the Local Government Act 1993, Council will give public notice of its intention to adopt or amend this policy and allow at least 28 days for public submissions, even if any proposed amendments are not substantial. Council will consider submissions received and decide on making any appropriate changes to the policy.</p> <p>Council need not give public notice of a proposed amendment to this policy at other times, if Council is of the opinion that the proposed amendments are not substantial (see Definitions). Substantial amendments to this policy that could include large changes to monetary limits and/or major changes to the standard of provision of equipment and facilities, will require public notice of the amendment. Any new category of expenses, facilities and equipment included in the policy will also require public notice.</p> <p>Public notice regarding Council’s intention to adopt or amend this policy will be placed in the local press.</p>	<p>General Manager Councillors</p>
2	<p>Notification to Office of Local Government</p> <p>Within 28 days of adopting this policy, the policy and details of submissions will be forwarded to the office of Local Government.</p> <p>Council must submit its current, adopted policy to the OLG by 30 November of the first year of the new Council term, even if the policy remains unchanged.</p>	<p>General Manager</p>
3	<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>	<p>Council officers</p>

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 Public Officer
5	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the Mayor, councillors, General Manager, the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	General Manager

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 councilor's expenses and facilities.

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

Performance indicator	Data source(s)
Complaints	Council records
Budget is not exceeded	Financial data
Internal Audit/ legal requirements are met	Audit
No Unwarranted Adverse Media Publicity	Local Media

Definitions

Word/Term	Definition
ICAC	Independent Commission Against Corruption
LGA	Local Government Area represented by the council – in this case, the Eurobodalla Shire
OLG	Office of Local Government
Substantial amendment	Substantial amendments could include large changes to monetary limits and/or major changes to the standard of provision of equipment and facilities, any new category of expenses, facilities and equipment to be included in the policy.

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 Policies or Code of Conduct	www.esc.nsw.gov.au/inside-council/council/council-policies
Local Government Act 1993	www.legislation.nsw.gov.au/#/view/act/1993/30
Local Government Regulation (General) 2005	www.legislation.nsw.gov.au/#/view/regulation/2005/487

Related external references

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

Supporting documents

Name	Link
Councillor's Expense Claim Form	Appendix 1: Councillor's expense claim / application for advances

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	7 Jan 2011	Council	11/172	E08.2108	Policy commenced
2	27 Sep 2012	Council	12/219	E08.2108 E13.7095	Updated to new template, updated review date
3	dd mmm 2016	Council	TBA	E08.2108 E16.0297	Reviewed (start of new Council term), minor updates made for currency.

Internal Use Only

Responsible officer		General Manager		Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	E08.2108 E16.0297	Review date	Sep 2020	Pages	15

Appendix 1: Councillor's expense claim / application for advances

Reason/ Conference/ Seminar/ Event: _____

Council endorsement: _____ Minute
 _____ Date

Estimated reasonable minor requirements (not able to be covered by councillor's credit card, fee for conference/ seminar, purchase order, etc.):

	No.	Each	Total Est. incl GST
Taxi/ Travel			
Breakfast(s)			
Lunch(es)			
Dinner(s)			
Other refreshments			
Other (specify)			
TOTAL including GST (10100 ZOCTBS)			

Date/ time required by: _____

Councillor's certification:

1. That I have requested the amount above to be paid to my bank account by EFT.
2. That any monies not supported by actual receipts for reasonable expenditure in accordance with the Councillor's Expenses and Facilities Policy, can be deducted from my future entitlements if not accounted for and repaid by me to Council within 30 days of my return.
3. That I will ensure that any costs are reasonable and that Council gets value for money in accordance with its policies and codes of practice.

Councillor's signature _____

Councillor's name (please print) _____

Authorised by:

Signature _____

Name _____

Date _____

Attach to "Payment Request" and forward to Finance - Creditors.

Policy title	Local Orders – Keeping of Animals
Responsible manager(s)	Divisional Manager, Environmental Services
Contact officer(s)	
Directorate	Planning and Sustainability
Approval date	
Focus area	2. Our community is a great place to live
Delivery Program link	L4.1 Conduct regulatory compliance and enforcement activities
Operational Plan link	L4.1.1 Monitor, inspect, enforce and investigate complaints in relation to public safety

Purpose

The purpose of the Local Orders Policy (LOP) – Keeping of Animals is to supplement provisions of Chapter 7, Part 3 of the *Local Government Act 1993* (the Act) and Clause 100 of the *Local Government (General) Regulation 2005* (the Regulation) by specifying Council’s policy in regard to certain Orders under Section 124 of the Act.

Policy aims:

- Promote an integrated framework for dealing with Order 18 – Keeping of Animals.
- Ensure consistency and fairness in the manner in which Council deals with Order 18.
- Assist Council to fully pursue its charter under Section 8 of the Act.
- Make Council's policies and requirements for the keeping of animals readily accessible and understandable to the public.

Policy details

1	Application This policy applies to all land within the Eurobodalla Local Government Area (LGA).
2	Legislation This policy ensures Eurobodalla Shire Council’s compliance with the <i>Local Government Act 1993</i> and the <i>Local Government (General) Regulation 2005</i> . Additional information is contained in the Local Government (General) Regulations, Schedule 2 Standards enforceable by orders, Part 5 Standards for keeping birds or animals.
3	Procedures for Issuing of Orders Council Officers will ensure that the procedures for the issuing of Orders set out in Chapter 7, Part 2 Division 2 of the Act and Clause 99 of the Regulation are adhered to. Clear reasons will be given as to why the Order is being issued. Orders served in an emergency situation need not be preceded with a notice of intention.
4	Criteria for Consideration There are no restrictions on the number of birds and animals that can be kept on premises in the Eurobodalla Shire in normal circumstances. The standards in this Orders Schedule apply only where a legitimate problem has been identified relating to the numbers and/or

	<p>types of birds or animals kept upon and where an order under the provisions of Section 124 of the Local Government Act is required to rectify the problem.</p> <p>Specific animal criteria are outlined in Appendix 1.</p> <p>The giving of an order is not mandatory and is at the discretion of the Council Authorised Officer whether or not the circumstances meet the applicable criteria for the order.</p>
4.1	<p>Taking of action</p> <p>The issuing of an Order will be considered when birds or animals kept on the premises are:</p> <ul style="list-style-type: none"> • of an inappropriate kind or number or are kept inappropriately, or • in the case of premises— birds or animals (being birds or animals that are suffering from a disease which is communicable to man or to other birds or animals) or pigs

Implementation

Requirements		Responsibility
1	<p>Order 18 Schedule</p> <p>This policy will be implemented by following the Orders Schedule (see Appendix 1) which specifies in detail the matters to be considered in determining whether to issue an Order. Council's Compliance Policy and Compliance Code of Practice specifies in detail the matters for consideration and procedures to be followed.</p>	Council Officers
2	<p>Fees and charges</p> <p>Current fees and charges associated with Orders are available on council's website at www.esc.nsw.gov.au</p>	Council
3	<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
4	<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
5	<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 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 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 keeping of animals.

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

Performance indicator	Data source(s)
Number of enforcement actions warranted	Council records
Delivery Program/ Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Internal or external review	Audit

Definitions

Word/ Acronym/ Phrase	Definition
Orders	A council may order a person to do or to refrain from doing a thing

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
Companion Animals Management Plan	www.esc.nsw.gov.au/living-in/about/for-pet-owners/companion-animal-management-plan
Compliance Policy	www.esc.nsw.gov.au/inside-council/council/council-policies
Local Government Act 1993	www.legislation.nsw.gov.au/#/view/act/1993/30
Local Government (General) Regulation 2005	www.legislation.nsw.gov.au/#/view/regulation/2005/487
Companion Animals Act 1998	www.legislation.nsw.gov.au/#/view/act/1998/87
Protection of the Environment Operations Act 1997	www.legislation.nsw.gov.au/#/view/act/1997/156
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	www.legislation.nsw.gov.au/#/view/EPI/2008/572

Related external references

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

NSW Department of Primary Industries	www.dpi.nsw.gov.au/
NSW Environment Protection Authority	www.epa.nsw.gov.au/
NSW Office of Environment and Heritage	www.environment.nsw.gov.au/

Supporting documents

Name	Link
NSW DPI Factsheet: Beekeeping Code of Practice for NSW	www.dpi.nsw.gov.au/_data/assets/pdf_file/0004/270679/Beekeeping-code-of-practice-for-NSW.pdf

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	Oct 2006	Council		E06.0381	Policy commenced
2	22 Sep 2009	Council	09/291	E06.0381 E09.3418.B	Policy reviewed and retained
3	10 Sep 2013	Council	13/272	E06.0381 E13.7095	Reviewed and updated (start of new Council term)
3	dd mmm 2016	Council	TBA	E06.0381 E16.0297	Reviewed and updated (start of new Council term)

Internal use

Responsible officer		Director, Planning and Sustainability Services		Approved by	Council
Minute No.	TBA	Report No.	TBA	Effective date	TBA
File	E06.0381 E16.0297	Review date	Sep 2020	Pages	7

Appendix 1. Specific animal criteria

Orders Schedule SPECIFIC MATTERS FOR CONSIDERATION SECTION 124
<p>Order 18</p> <p>Not to keep birds or animals on premises, other than of such kinds, in such numbers or in such manner as specified in the order.</p>
<p>1. Poultry, Domestic and Guinea Fowl</p> <p>a. Fowl</p> <ol style="list-style-type: none"> i. Roosters are not permitted to be kept where crowing may cause offensive noise; ii. The maximum number of fowl shall be limited to ten (10) per premises. iii. Must not be kept within 4.5 metres of a dwelling, public hall, school or premises used for the manufacture, storage, preparation, or sale of food. <p>b. Poultry other than fowls including ducks, geese and turkeys:</p> <ol style="list-style-type: none"> i. must not be kept within 30 metres of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food. ii. The maximum number of poultry other than fowls shall be limited to 5 per premises.
<p>2. Swine, Goats, Sheep</p> <ol style="list-style-type: none"> a. Swine, goats or sheep must not be kept (and animal waste products must not be deposited) within 60 metres of a dwelling, shop, office, factory, church, or other place of public worship, school or public place. b. The maximum number of swine, goats or sheep to be kept in urban areas shall be limited to one (1).
<p>3. Birds other than Pigeons, Poultry and Domestic and Guinea Fowls</p> <ol style="list-style-type: none"> a. Aviaries must not be located within 4.5 metres of a dwelling, public hall, school, or premises used for the manufacture, preparation, sale or storage of food. b. Aviaries must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health. c. Aviaries must at all times be kept clean and free from offensive odours. d. The maximum number of birds allowed to be kept in urban areas shall be as appropriate for the species, enclosure size, proximity to neighbours etc.
<p>4. Pigeons</p> <ol style="list-style-type: none"> a. Pigeons must not be kept within 15 metres from a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food. b. Nuisance due to noise and also free flight of pigeons is to be minimised. Lofts must be constructed to Council approval on hard paving of a smooth surface, or with a suspended floor elevated 0.8 metres above the ground. c. Lofts are to be kept clean at all times. Manure is to be cleaned up daily and disposed of correctly. To minimise odours owners must design and manage lofts to prevent manure becoming wet due to rain or cleaning.

- d. Pigeons must be fed within lofts after exercise. All feed must be kept in vermin-proof containers.
- e. Racing pigeon's lofts should have adequate visible landing platforms.
- f. Exercising of birds should not occur between 8.00 am and 3.30 pm.
- g. Birds shall not be allowed to roost on neighbouring buildings. 'Open' lofts are not permitted.

5. Horses and Cattle

- a. Only One (1) horse may be kept on any premises on urban land.
- b. Horses and cattle must be kept no closer than 9 metres from a dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food.
- c. The floors of any stables must be paved with concrete or mineral asphalt or equally impervious material and must be properly graded to drain.
- d. Horse yards and cattle yards must be enclosed to prevent the escape of horses and cattle.
- e. Yards must not be kept under such condition as to create a nuisance or to be dangerous or injurious to health.
- f. Yards must at all times be kept clean and free from offensive odours.

6. Dogs

- a. The maximum number of dogs shall be limited to two (2) adults and one (1) litter of pups up to six (6) months old per premise in urban areas.
- b. The maximum number of dogs other than greyhounds shall be limited to four (4) adults and one (1) litter of pups up to six (6) months old per premise in rural areas.
- c. The maximum number of greyhounds shall be limited to four (4) adults and one (1) litter of pups up to thirteen (13) months old in rural areas.
- d. A premises used for the keeping of a dog or dogs must not be kept under such conditions so as to create a nuisance or to be dangerous or injurious to health.
- e. A premises used for the keeping of dog/s must at all times be kept clean and free from offensive odours.
- f. A premises used for the keeping of dog/s should be appropriately fenced to secure the dog/s within the premises in accordance with the requirements of the Companion Animal Act 1998

7. Cats

- a. The maximum number of cats shall be limited to two (2) per premise.
- b. A premises used for the keeping of a cat or cats must not be kept under such conditions so as to create a nuisance or to be dangerous or injurious to health.
- c. A premises used for the keeping of a cat or cats must at all times be kept clean and free from offensive odours.

8. Rabbits

- a. The maximum number of rabbits shall be limited to one (1) per premise.
- b. A premises used for the keeping of a rabbit must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.
- c. A premises used for the keeping of a rabbit must at all times be kept clean and free from offensive odours.

9. Bees

- a. The keeping of bees in urban areas shall be in accordance with the NSW Department of Primary Industry factsheet [Beekeeping Code of Practice for NSW](#)
- b. An adequate supply of water is to be provided within the premises where the bees are kept.
- c. Hives are to be located so that flight paths do not interfere with surrounding residents.
- d. All hives must be registered with the NSW Department of Primary Industries.
- e. Bee hives must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.

10. Ferrets

- a. The maximum number of ferrets shall be limited to two (2) per premise.
- b. Ferrets must not be kept within 4.5 metres of a dwelling, public hall, school or premises used for the manufacture, storage, preparation, or sale of food.
- c. A premises used for the keeping of a ferret must at all times be kept clean and free from offensive odours.

11. Miscellaneous

- a. The maximum number of bird(s) or animal(s) permitted to be kept, where the type of bird or animal, or the maximum number has not been specifically noted above, is at the discretion of the investigating Officer, taking into consideration the number and type of bird(s) or animal(s) being kept, the conditions under which they are kept and the impact they are causing.
- b. Such animals would be required to be kept under such conditions as to prevent the creation of a nuisance or not to be dangerous or injurious to health.
- c. The area proposed for the keeping of such animals must at all times be kept clean and free from offensive odours.
- d. Where the keeping of birds or animals on premise is capable of being regulated by the NSW Environment Protection Authority, Council is excluded from making an Order No. 18.

11. Criteria and/or Matters that will not be considered:

- a. Damage caused by wild or native birds or animals;
- b. The trapping of any wild or native birds or animals;
- c. The control of or treatment of termites on private or public land;
- d. The control of or treatment of rabbits, foxes or other feral pests on private or public land.

POLICY

Policy name	Acid Sulfate Soils
Responsible manager(s)	Divisional Manager, Strategic Services
Contact officer(s)	Divisional Manager, Strategic Services
Directorate	Planning and Sustainability Services
Approval date	23 April 2013

Purpose

The term acid sulfate soils refers to soils that contain iron sulfides which, when exposed to oxygen, generate sulfuric acid. Any lowering of the water table or physical disturbance of the soil will result in the exposure of the iron sulfate sediments to oxygen and oxidation to create acid sulfate soils. These soils and water runoff have a detrimental effect on natural ecosystems.

This policy is designed to prevent and minimise the environmental consequences caused by the exposure of potentially acid sulfate soils. The policy aims:

- To promote an integrated framework for dealing with acid sulfate soils.
- To ensure consistency and fairness in the manner in which the Council deals with acid sulfate soils.
- To ensure compliance with legislative requirements under the *Environmental Planning and Assessment Act 1979*.
- To take such steps as are appropriate to ensure that the environmental consequences caused by the exposure of potentially acid sulfate soils are minimised.
- To make Council's policies and requirements for acid sulfate soils readily accessible and understandable to the public.

Policy statement

1	Application This policy applies to all land within the Eurobodalla Shire Council Local Government Area ('LGA') not subject to the <i>Eurobodalla Local Environmental Plan 2012</i> and classified as Class 1 to Class 5 on the maps marked "Acid Sulfate Soil Planning Map" which are deposited in Council's office (and shown in Table 1 below).
2	Legislation Eurobodalla Shire Council will comply with the <i>Environmental Planning and Assessment Act 1979</i> .
3	Development consent must not be granted under this policy for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.
	Despite section 3, development consent is not required under this section for the carrying out of works if: <ol style="list-style-type: none"> a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is

	not required for the works, and b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
	Despite section 3, development consent is not required under this section for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power): a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety, b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil), c) minor work, being work that costs less than \$20,000 (other than drainage work)
	Despite section 3, development consent is not required under this section to carry out any works if: a) the works involve the disturbance of less than 1 tonne of soil, and b) the works are not likely to lower the watertable.

Table 1

Class of Land	Works to which this policy applies
1	Any works
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Implementation

Implementation step		Responsibility
1	Development Assessment This policy will be implemented through the assessment of development applications involving works that may expose acid sulfate soils.	Council officers
2	Complaints and Requests Complaints and requests received regarding acid sulfate soils will be	Council officers

	recorded on council's customer service request ('CSR') system and handled in accordance with council's Complaints Policy. The CSR database will be used as a tool to analyse the history of complaints and to help determine follow up actions.	
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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 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 that council manages acid sulfate soils. This policy will be automatically repealed when the whole of the land to which it applies is included in a LEP that contains standards applying to acid sulfate soils.

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

Performance indicator	Data source(s)
Complaints	Council records
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
<i>Eurobodalla Local Environmental Plan 2012</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+333+2012+cd+0+N
<i>Environmental Planning and Assessment Act 1979</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N

Related external references

Name	Link
NSW Department of Planning & Infrastructure	http://www.planning.nsw.gov.au/

Supporting documents

Name	Link
ESC Website page	http://www.esc.nsw.gov.au/environment/acid-sulfate-soils/

Definitions

Word/Term	Definition
acid sulfate soils	Naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).
Acid Sulfate Soils Manual	The manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.
Acid Sulphate Soil Planning Map	The series of maps marked "Acid Sulphate Soil Planning Map" kept in the office of Council.
works	Any landform alteration, that may result in the disturbance of soil (such as occurs in carrying out agriculture (if development consent is required), building, the construction or maintenance of drains and roads, extractive industries, dredging, the construction of artificial water bodies (including canals, dams, detention basins) or foundations, flood mitigation works); or any other works which may alter groundwater levels.

Change history

Version	Adoption date	Approved by	Minute No	File No	Change
1	22/09/2009	Council	09/291	E09.3418	Policy Commenced
2	23/04/2013	Council	13/112	E13.7095	Updated to new Policy Template, updated review date, updated to be consistent with <i>Eurobodalla Local Environmental Plan 2012</i> .

Internal use

Responsible officer:	Divisional Manager, Strategic Services			Approved by	Council
File:	E13.7095	Council report:	O13/67	Effective date	23/04/13
Minute:	13/112	Review date:	Sep 2016	Pages	4

Policy title	Roads Naming
Responsible manager(s)	Director Infrastructure Services
Contact officer(s)	Engineering Administration Coordinator
Directorate	Infrastructure Services
Approval date	TBA
Focus area	Productive Communities
Delivery Program link	P3.2 Develop, renew and maintain the road network
Operational Plan link	P.3.2.1 Deliver capital and renewal works program

Purpose

As the Roads Authority, Council is empowered to name public roads under Section 162 of the *Roads Act 1993*. Council is also required to maintain a register that identifies roads by a given name and number.

The Roads Naming policy provides guidance for developers, the community and Council when allocating new road names or re-naming existing roads.

The policy ensures that appropriate naming and renaming of roads for which Council is the Roads Authority is undertaken in compliance with the Geographical Names Board of NSW (GNB).

Policy aims

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

Policy details

1	Application This policy applies to developers, the community and Council when allocating new road names or renaming existing roads.
2	Legislation This policy ensures Eurobodalla Shire Council's compliance with the <i>Roads Act 1993 - Section 162 – Naming of Public Roads</i>

Implementation

Requirements		Responsibility
1	Implementation requirement <i>New Roads and Street Naming</i> The Geographical Names Board (GNB) has prepared guidelines for the naming of roads. A copy of the guidelines is available from the GNB	Council officers Developers

	<p>(www.gnb.nsw.gov.au) and is given to developers to assist them when proposing names of roads within their developments.</p> <p>For roads created in new subdivisions the developer will propose a name for the road as well as two alternatives.</p>	
2	<p>Implementation requirement</p> <p><i>Existing Unnamed Roads and Renaming of Existing Roads</i></p> <p>For roads which are not currently named or for roads which are currently named and are proposed to be renamed for any reason, for example to avoid duplication of a road name which is already in use to prevent confusion, the procedure will be in accordance with Council's Roads Naming Policy.</p> <p>Proposed road names are advertised. If no objections are received following the advertising period, the Director Infrastructure Services and/or the Divisional Manager Technical Services can approve the proposed name.</p> <p>Where objections are received, the matter shall be determined by Council.</p>	Council officers
3	<p>Legal</p> <p>In accordance with the <i>Roads Act 1993</i>, Council, as the Roads Authority, may not name a public road or alter a name of a public road unless it has given the Geographical Names Board (GNB) at least one month's notice of the proposed name.</p>	Council officers
4	<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
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. Where the renaming of an existing road is being considered, affected property owners, Chambers of Commerce, Aboriginal Land Councils and Emergency Services shall be contacted inviting suggestions. Public submissions regarding this policy are invited for consideration during the exhibition period.</p>	Stakeholders

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.

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
Local Government Act 1993	http://www.legislation.nsw.gov.au/#/view/act/1993/30
Roads Act 1993 – Section 162	http://www.legislation.nsw.gov.au/#/view/act/1993/33

Related external references

Name	Link
Office of Local Government NSW	www.olg.nsw.gov.au
Geographical Names Board of NSW	www.gnb.nsw.gov.au

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sep 2009	Council	09/291	E09.3418	Last reviewed 22/9/09. Report G09/99
2	27 Aug 2013	Council	13/246	E13.7095	Updated Template, review date, references and links. Report O13/131
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	E16.0297 E06.0375	Review date	Sep 2020	Pages	3

Policy title	Parks, Playgrounds and Reserves Risk Management
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 1.3: Provide the right places, spaces and activities Objective 2.2: Shared responsibility for community safety
Delivery Program link	<i>Liveable Communities</i> L5.1 Implement Council’s recreation and open space strategy, priority plans of management and master plans L5.2 Manage and maintain a safe, sustainable and accessible range of community spaces <i>Support Services</i> SS3.4 Plan for the sustainable management of Council assets
Operational Plan link	<i>Community Spaces</i> L5.1.1 Deliver capital and renewal works program L5.2.1 Undertake maintenance program <i>Support Services</i> SS3.4.2 Undertake condition assessments

Purpose

This Policy provides for the management of Eurobodalla Shire Council’s parks and reserves facilities, including playgrounds. Council has a duty of care to take reasonable measures within budget limitations to manage the risks arising from defects on Council’s parks and reserves facilities. Pathways within reserves are covered by the *Pathways Risk Management Policy*. Signs as remote supervision are covered by the *Signs as Remote Supervision Policy*.

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 of its parks and reserves facilities.

Policy aims

- Promote an integrated framework for dealing with the appropriate management of Council’s parks and reserves facilities 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 defects on Council’s parks and reserves facilities.
- Ensure compliance with legislative requirements under the *Local Government Act 1993* and the *Civil Liability Act 2002*.
- Promote awareness of the requirements of the *Civil Liability Act 2002*, with respect to acceptance by the community and the Court, of the shared duty of care for parks and

reserves users to take reasonable care for their own safety when using these facilities. Council promotes awareness as set out in the *Signs as Remote Supervision* Policy and Code of Practice.

- Make Council's policies and requirements for Parks and Reserves Facilities Risk Management readily accessible and understandable to the public.

Policy details

1	<p>Application</p> <p>This Policy applies to all parks and reserves facilities, including playgrounds, under the care and control of Eurobodalla Shire Council.</p>
2	<p>Legislation</p> <p>Eurobodalla Shire Council will comply with the <i>Local Government Act 1993</i> and the <i>Civil Liability Act 2002</i>.</p>
3	<p>Duty of Care</p> <p>It is accepted that the removal of all risk is not practically achievable. The systems implemented by Council will be based on prioritising works within the limited budgets available to Council.</p> <p>The implementation of a systematic approach to managing the risk arising from defects on Council controlled parks and reserve facilities provides for better management of reserve assets, 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.</p>
4	<p>Financial and Other Resources</p> <p>Council will establish an annual budget for the maintenance and renewal of its parks and reserves facilities, taking account of the changing extent and type of assets provided.</p>

Implementation

Requirements	Responsibility
<p>1 Risk Identification and Management</p> <p>In relation to Council's formed parks and reserves facilities, including playgrounds, Council will develop appropriate systems to:</p> <ul style="list-style-type: none"> a) record all built parks and reserves facilities under Council's control; b) identify hazards through formal inspection of its parks and reserves facilities; c) rate the identified hazard(s); d) prioritise the work based on the hazard rating and the efficiency of undertaking works; e) keep appropriate records of actions taken; 	<p>Council officers</p>

	<ul style="list-style-type: none"> f) manage customer inquiries relating to parks and reserves facilities; g) undertake condition assessment of assets; h) replace parks and reserves facilities at the end of their useful life in accord with the available budget. 	
2	<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 relevant training to do so.</p>	Council officers
3	<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
4	<p>Consultation</p> <p>Staff and Council's Regional Risk Manager have been consulted in the development of this Policy. 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, current legislation, and public comment.</p>	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 risk management of parks and reserves facilities.

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

Performance indicator	Data source(s)
Customer Concerns	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's <i>Risk Management Policy</i>	http://www.esc.nsw.gov.au/inside-council/council/council-policies/
Eurobodalla Shire Council's <i>Signs as Remote Supervision Policy</i>	http://www.esc.nsw.gov.au/inside-council/council/council-policies/
Eurobodalla Shire Council's <i>Signs as Remote Supervision Code of Practice</i>	http://www.esc.nsw.gov.au/inside-council/council/council-policies/
<i>Local Government Act 1993</i>	http://www.legislation.nsw.gov.au/#/view/act/1993/30
<i>Civil Liability Act 2002</i>	http://www.legislation.nsw.gov.au/#/view/act/2002/22

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 Oct 2011	Council	09/291	E09.3418 E06.0375	Policy reviewed and adopted G09/99.
2	27 Aug 2013	Council	13/246	E13.7095 E06.0375	Updated Template, review date, references and links. Report O13/131.
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	E16.0297 E06.0375	Review date	Sep 2020	Pages	4

Policy title	Aged Care Services
Responsible manager(s)	Manager Community Care
Contact officer(s)	Manager Community Care
Directorate	Community, Arts and Recreation
Approval date	TBA
Focus area	Liveable Communities
Delivery Program link	Provide access and social participation opportunities
Operational Plan link	Provide social support and recreation activities

Purpose

This policy is designed to outline the relationships and parameters of Aged Care service delivery by Council and key areas of responsibility under legislation and funding agreements.

Policy aims

Make Council's policies and requirements for Aged Care services readily accessible and understandable to the public.

Policy details

1	Application This policy applies to Council's Community Care programs and services.
2	Legislation Eurobodalla Shire Council must comply with the Home Care Common Standards when delivering Australian government funded aged care services. The three Standards are linked to eighteen expected outcomes. The Standards are: <ol style="list-style-type: none"> 1. Effective management – with eight expected outcomes to meet. 2. Appropriate access and service delivery – with five expected outcomes to meet. 3. Service user's rights and responsibilities – with five expected outcomes to meet.
3	Council is responsible for delivering Aged Care services consistently, in line with Home Care Common Standards and funding requirements, as prescribed by the Australian Government Department of Health.
4	Program Policies Details of the acceptance and management of aged care clients against the Home Care Common Standards are provided in the Community Care Program Policies and Program Operation Manuals, which outlines all aspects of service delivery and reporting, in line with Home Care Standards and funding guidelines.
5	Concerns Concerns received regarding the provision of Community Care aged care services will be entered into Council's Records 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 Complaints Policy and Home Care Common Standards (Expected Outcome 3.3).

Implementation

Implementation steps		Responsibility
1	Operational guidelines This policy will be implemented according to Council's Community Care Policies and Program Operation Manuals, which specify in detail how the programs will be managed, in line with Council, the Home Care Common Standards and funding guidelines.	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 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 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 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 Aged Care Services.

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

Performance indicator	Data source(s)
Quality Review against the Home Care Common Standards and Community Options Australia (for ComPack) Service Review	Community Care records
Complaints	Council Records
Funding Requirements	Output 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
Home Care Common Standards Guidelines	www.aacqa.gov.au/for-providers/home-care/processes-and-resources/resources-specifically-for-home-care/fact-sheets/homecarecommonstandardsv14_0.pdf

Related external references

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

Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	24 Nov 2009	Council	09/369	E06.0378 E09.3418	Policy adopted – report G09/145
2	23 Jul 2013	Council	13/172	E06.0378 E13.7095	Updated Template, updated review date, links, policy statement and implementation steps –report O13/112
3	TBA 2016	Council	TBA	E06.0378 E16.0297	Updated review date, links, standards, government funding agencies

Internal use

Responsible officer	Director, Community, Arts and Recreation			Approved by	Council
Min no.	TBA	Report no.	TBA	Effective date	TBA
File no.	E06.0378 E16.0297	Review date	Sept 2020	Pages	3