

Policies to be adopted

- Community Gardens
- Property – Use by Community Organisations
- Water Usage Charging

POLICY

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

Purpose

Community gardens are places for actively building community through shared activities, and for learning and sharing sustainable living practices. They play a role in improving access to fresh locally grown food for their members, as well as providing a valuable recreational activity, social interaction and educational benefits for the local community.

Council values the utilisation of appropriate public open space for community gardening for its contribution to the health and wellbeing of the wider community and for the creation of a sustainable living environment.

The purpose of this policy is to outline Council's position on the concept of community gardens and to clarify the roles of Council and community groups who apply for community gardens on Council owned or managed land within the Eurobodalla Shire.

Policy statement

1	<p>Application</p> <p>This policy applies to Council owned community land as classified under the <i>Local Government Act 1993</i> (the Act) and Crown land where Council is the Trust Manager. All Council owned Community Land is required to be covered by Plans of Management under the Act. Where this policy differs from the Plan of Management for the site, the Plan of Management shall be the governing document.</p> <p>The preferred land type for community gardens is Council owned Community Land, which must be categorised as either Park or General Community Use under the Act. Council may consider applications for the use of Crown land where Council is the Trust Manager and appropriate community land is not available.</p>
2	<p>Legislation</p> <p>This policy is established under the <i>Local Government Act 1993</i>.</p>
2.1	<p>Land Use Planning</p> <p>Development consent is not required for community gardens on community land. Community garden groups with a licence for the use of Council owned or managed land are acting by or on behalf of Council in accordance with the Act and as such minor development as outlined in the <i>State Environmental Planning Policy (Infrastructure) 2007</i>, would be exempt. This would include but is not limited to, pergolas, rain water tanks, sheds of a certain size and fencing. The size, location and number of these structures are required to be shown on the site plan and will form part of the licence conditions.</p>

3	Objectives of Community Gardens Community gardens on Council owned or managed land should aim to: <ul style="list-style-type: none"> • strengthen sense of community by increasing opportunities for participation in community gardening; • promote access to fresh organic and locally produced fruit and vegetables; • encourage more sustainable resource and energy use in the community; • encourage education and training opportunities in the sustainable production of food; and • provide recreation opportunities to enhance Council's public open space network.
3.1	Council's Role Eurobodalla Shire Council is committed to supporting community groups to establish community gardens on Council owned or managed land within the Eurobodalla Shire. Council's primary role is as a landowner or land manager. Council will act as an enabler and supporter where possible within its financial and operational capacity. Council's authorities under the policy are specified in the Community Gardens Code of Practice. The supporting Community Gardens Guidelines outlines possible ways in which different sections of Council may be able to assist in the establishment or ongoing management of Community Gardens.
3.2	Community Groups Role The community garden must be managed and operated in a way that it does not have a negative impact on the amenity, health or safety of the surrounding community or the natural environment.
3.3	Licence for Use A licence agreement must be established between the Council and the eligible community group for the purpose of establishing and operating a community garden on Council owned or managed land.
3.4	Funding The community group will be responsible for appropriate income generation to support the establishment and ongoing operation of the garden. In part, this will be through the establishment of appropriate membership fees, fund raising, partnerships and through application for grants and funding from Council and external grant providers. This Policy does not commit Council to providing initial or ongoing funding or donations to Community Garden Groups. The process of obtaining donations or funding from Council is outlined in Council's Financial Assistance – Donations and Grants Policy.

Implementation

Requirements		Responsibility
1	Code of Practice This policy will be implemented by following Council's Community Gardens Code of Practice, which specifies in detail the plan, procedures and matters to be considered.	Director Community, Arts and Recreation Services

2	Staff Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Divisional Manager, Community and Recreation Development
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.	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 that may occur in relation to this policy will involve key stakeholders, community garden groups, Council's Parks Coordinator and the community.	Divisional Manager Community and Recreation Development, Parks Coordinator

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 community gardens.

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

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

Governance

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

Related legislation and policies

Name	Link
Local Government Act 1993	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N

Associations Incorporation Act 2009	www.legislation.nsw.gov.au/maintop/view/inforce/act+7+2009+cd+0+N
State Environmental Planning Policy (Infrastructure) 2007	www.legislation.nsw.gov.au/maintop/view/inforce/epi+641+2007+cd+0+N
Financial Assistance – Donations and Grants Policy	www.esc.nsw.gov.au/

Related external references

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

Supporting documents

Name	Link
Code of Practice	Internal Document
Community Gardens Guidelines	http://www.esc.nsw.gov.au/living-in/facilities-parks-gardens/community-gardens
Plan of Management	Plan of Management applying to the relevant site. See Council staff.

Definitions

Word/Term	Definition
community garden	A shared garden managed by a not for a profit community organisation and valued for its social, recreational, educational and community building benefits. The garden may contain shared plots, allotments or a mix of both.
shared plot	A garden that is cultivated by the members of a group working as a group. The work and produce is shared between its members.
allotment garden	A garden that is divided into separate sections for the sole use of individual parties. The user of each allotment takes responsibility for that area.

Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	28 June 2011	Council	11/186	E11.5098	Policy adopted –report O11/126
2	23 Jul 2013	Council	13/173	E13.7095	Updated to new Policy Template, updated review date, updated references and links

Internal use

Responsible manager	Director Community, Arts and Recreation Services			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	Property - Use by Community Organisations
Responsible manager(s)	Director Community, Arts and Recreation Services
Contact officer(s)	Divisional Manager Community and Recreation Development
Directorate	Community, Arts and Recreation Services
Approval date	

Purpose

Many community organisations rely on the use of public land (either Council-owned or Crown land under Council's care, control and management) to conduct their activities or to develop infrastructure and improvements to achieve their objectives.

This policy aims to establish a consistent and fair framework to deal with requests for the use of public land by a diverse range of community organisations.

The policy aims to:

- promote an integrated framework for dealing with requests by community organisations for the use, or allocation, of public land;
- ensure consistency and fairness in the manner in which Council deals with such requests;
- ensure compliance with legislative requirements under the Local Government Act 1993 and the Crown Lands Act 1989;
- promote awareness of the requirements of these Acts with respect to the use of public land by community organisations;
- make Council's policies and requirements for such use readily accessible and understandable to the public;
- ensure that the proposed use is appropriate to the land identified and to its environmental and other values.

Policy statement

1	Application This policy applies to all requests by community organisations for the use and or allocation of public land owned or managed by Eurobodalla Shire Council.
2	Legislation Eurobodalla Shire Council will comply with the Local Government Act 1993 and the Crown Lands Act 1989 and any regulations made thereunder.
3	Considerations Council will take the following matters into consideration when it receives a request from a community organisation for the use or allocation of public land. Generally these steps will be undertaken in the order set out below.

3.1	Community organisation profile and background The community organisation is to provide Council with the necessary documentation to identify and demonstrate its official status, membership, organisational objectives and financial capacity to undertake the effective management of the property.
3.2	Land assessment An assessment will then be made as to the appropriate use of the subject land having regard to existing and likely future zoning and the provisions of any Plan of Management that may apply.
3.3	Revenue earning potential of the land An assessment is to be made of both the short and long term revenue earning potential of the land.
3.4	Alternative sites Possible alternative sites will be identified and evaluated for their suitability for the proposed use.
3.5	Council Approval Council approval is required for all uses of community land by community organisations. Fees will apply.

Implementation

Requirements		Responsibility
1	Code of Practice There is currently no Code of Practice applying to the 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 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 use of public land under this policy.

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

Performance indicator	Data source(s)
Concerns 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	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
Crown Lands Act 1989	www.austlii.edu.au/au/legis/nsw/consol_act/cla1989134/
Policy – Fees for Licences Granted to Not for Profit Groups and Organisations	www.esc.nsw.gov.au
Policy – Land Investment	www.esc.nsw.gov.au

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au/
Division of Crown Lands	www.crownland.nsw.gov.au/
Crown Reserve policies, guidelines and publications	www.lpma.nsw.gov.au/crown_land/crown_reserves

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	17 Dec 1991	Council	.	.	Policy commenced.
2	2006	Council	867	06.0365	Policy reviewed and updated.
3	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated.

Internal use

Responsible manager	Director Community, Arts and Recreation 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 name	Water Usage Charging
Responsible manager(s)	Director Finance and Business Development
Contact officer(s)	Revenue Accountant
Directorate	Finance and Business Development
Approval date	TBA
Community Strategic Plan Objective	Objective 8: We work together to achieve our goals
Delivery Program	Finance and Governance
Operational Plan	6. Levying and collection of rates and charges

Purpose

Council provides a metered water supply service to the community, which is funded by users of the service through annual and usage charges. This policy applies to all owners of properties that are connected to Council's water supply systems, and explains how Council determines water usage accounts. The policy aims to:

- Confirm who is responsible for the payment of water usage charges.
- Explain how water usage accounts are calculated.
- Explain Council's procedure for dealing with disputed water meter readings.
- Provide concessions for public hospitals, home haemodialysis patients and where a concealed leak has resulted in a significant increase in a customer's water use.
- Promote an integrated framework for determining water supply usage accounts.
- Ensure consistency and fairness in the way Council deals with water supply customers.
- Comply with legislative requirements under the *Local Government Act 1993*.
- Ensure Council's policies and requirements for water supply and usage charging are readily accessible and understandable to the public.

Policy statement

1	Application This policy applies to metered water usage by all properties connected to Eurobodalla Shire Council's water supply systems.
2	Legislation Eurobodalla Shire Council complies with the <i>Local Government Act 1993</i> and the <i>Local Government (General) Regulation 2005</i> .
3	Responsibility for water usage The owner of a property is responsible for all water usage that is recorded on the water meter/s servicing that property.
4	Meter readings Water meter readings are accepted as final and conclusive as measurement for water, subject to the meter not being defective (see 6. Disputed meter readings).
5	Water usage accounts Water usage charges payable are determined by multiplying the measured quantity of water used, less any approved concessions, by the water usage charge listed in Council's Fees and Charges (published annually as part of the Operational Plan). Usage accounts are issued on a quarterly basis. A minimum charge of \$10 per usage account shall be applied.

	No allowance will be made where customers use water from the metered water supply servicing their property for the maintenance of adjacent public land.
6	<p>Disputed meter readings</p> <p>Council will arrange for a water meter to be inspected and tested at the request of the owner or occupier of premises and on the payment of a meter test fee.</p> <p>The meter test fee is published annually in Council's Fees and Charges, as part of the Operational Plan.</p> <p>A water meter is taken to correctly measure the quantity of water passing through it when a meter test registers below 4 per cent variance from the correct quantity (i.e. the reading may be up to 4 per cent less or more than the actual quantity).</p> <p>If an inspection and test reveals a water meter is incorrectly measuring the quantity of water passing through it, Council may charge for the supply of water as follows:</p> <ol style="list-style-type: none"> where the meter is reading <i>in favour of Council</i>: on the basis of a daily consumption equal to the average daily consumption during the corresponding meter reading period of the previous year, in which case Council will refund the meter testing fee; or where the meter is reading <i>in favour of the customer</i>: on the basis of a daily consumption equal to the average daily consumption during the corresponding meter reading period of the previous year, in which case Council will refund the meter testing fee; or where the meter is reading <i>in favour of the customer</i>: the water consumption recorded for the period, in which case Council will not refund the meter testing fee. <p>Defective meters shall be replaced at Council's expense.</p>
7	<p>Undetected leaks concession</p> <p>Whilst the property owner is responsible for all water usage at their property, Council may apply a concession where a concealed leak has resulted in a significant increase in water use, subject to the following conditions:</p> <ol style="list-style-type: none"> An application is to be made on the appropriate form. The application must be received by Council within 60 days of the water usage account being issued. The applicant must be the owner or agent of the premises for which the application applies. The leak must have been concealed - the occupant could not reasonably have known that a leak existed (e.g. below ground leaks, or leaks under buildings). The leak must have been repaired and the internal plumbing system tested at a minimum test pressure of 1500KPa. A copy of the licenced plumber's invoice or account should accompany the application. The invoice should state the location of the leak, the repairs that were necessary and a statement that the internal plumbing system has been tested and that the entire system is in good condition. The leak must have been significant. A leak is determined to be significant if the water usage for the period is greater than 50 kilolitres and is at least 1.5 times greater than the average water usage of the corresponding meter reading period for the previous three years. The maximum reduction shall be 1,000 kilolitres. A reduction will not be granted if relief has been granted in the previous 3 years.

8	Haemodialysis concession Residents undergoing haemodialysis at home shall receive 20 kilolitres of water per billing period without charge. Applicants must provide a medical certificate from the Southern NSW Local Health District confirming the patient's address and that they are undergoing haemodialysis.
9	Commercial concession Eligible businesses shall receive 50% of water in excess of 10 kilolitres per day average water consumption without charge. Eligible businesses include those businesses that can demonstrate: <ul style="list-style-type: none"> that they compete in external markets, ie it is difficult to pass on high input costs, and that they have already taken steps to improve their water efficiency. Eligibility for the commercial concession will be determined by following Council's Commercial Water Supply Concessions Code of Practice.
10	Public Hospital concession A public hospital shall be supplied free of charge with 300 litres per day for each person resident in the hospital.

Implementation

Requirements		Responsibility
1	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
2	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 issues and help determine follow up actions.	Council Officers
3	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 2020.*

This policy may also be reviewed and updated as necessary if legislation requires it; or when council's functions, structure or activities change the way Council manages Water Usage charging.

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

Performance indicator	Data source(s)
Customer Concerns, Customer Feedback Survey Responses	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
Other related Council policy	www.esc.nsw.gov.au
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
Local Government (General) Regulation 2005	www.dlg.nsw.gov.au/dlg/dlghome/Documents/information/Draft%20Local%20Government%20(General)%20Regulation%202005.pdf

Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	2006	Council	06/26		'Water supply and charging' Policy Commenced policy.
2	22 Sep 2009	Council	09/291	E09.3418	Policy reviewed and adopted.
3	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated. Policy Name changed.
4	10 Feb 2015	Council	15/17	E05.9513	Reviewed, reformatted. Updated meter variance allowance to 4% as per change in regulation.
5	TBA	Council		E16.0297	Reviewed. Pressure test KPa increase from 800 to 1500 as per AS3500

Internal use

Responsible officer		Director Finance and Business Development		Approved by	Council
Min no	15/17	Report no	FBD15/011	Effective date	10 Feb 2015
File no	E05.9513	Review date	Sep 2016	Pages	4