

Policy Review (to be placed on exhibition)

- Graffiti Removal from Non-Council Owned Property/Assets
- Grazing Of Stock on Public Roads
- Interest Free Advances to Sporting and Cultural Organisations
- Kerb And Gutter Construction - Contribution by Property Owners
- Library Services
- Liquid Trade Waste Regulation
- Local And Regional Roads Risk Management
- Local Orders (LOP)

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| Policy title | Graffiti Removal from Non-Council-Owned Property/Assets |
| Responsible manager(s) | Director, Infrastructure Services |
| Contact officer(s) | Divisional Manager, Works |
| Directorate | Infrastructure Services |
| Approval date | |
| Outcome area | 9. Innovative and proactive leadership |
| Strategy | 9.1 Provide strong leadership and work in partnership to strategically plan for the future and progress towards the community vision |
| Delivery Program | 9.1.3 Advocate and collaborate to advance the region and address local issues |
| Operational Plan | 9.1.3.3 Develop and maintain strategic partnerships |

Purpose

This Policy aims to ensure that our community is maintained free from unwanted graffiti and that there is no cost to Council for removal of graffiti from non-Council-owned property/assets.

Graffiti is a visual pollution and can be offensive to sections of the community. When the graffiti is visible to the general public, community expectation is that the graffiti should be removed as soon as possible.

Policy aims

This Policy aims to:

- promote an integrated framework for dealing with graffiti;
- ensure consistency and fairness in the manner in which the Council deals with the community;
- ensure compliance with legislative requirements under the *Graffiti Control Act 2008*;
- promote awareness of the requirements of the Act with respect to the removal of graffiti from non-Council-owned property/assets;
- take such steps as are appropriate to ensure the removal of graffiti;
- make Council's policy and requirements for Graffiti Removal from Non-Council-Owned Property/Assets readily accessible and understandable to the public.

Policy details

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| 1 | Legislation Eurobodalla Shire Council will comply with the Graffiti Control Act 2008 . |
| 2 | Application Removal of graffiti from non-Council owned property/assets shall be the responsibility of the owner and should be carried out at their cost. Upon receipt of complaints or the identification of graffiti on non-Council-owned property/assets, Council shall contact the landowner requesting cooperation in maintaining the exterior of their property/assets free from graffiti at the owner's cost. |

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| | <p>Council may assist in removing graffiti on the owner's behalf should the work be undertaken as a Private Works Order (PWO), i.e., at the property owner's cost, if the work can be undertaken safely and with minimum risk of damage to the property/asset.</p> <p>The <i>Graffiti Control Act 2008</i> provides a framework whereby Council may remove graffiti from non-Council-owned property/assets with or without the approval of the property owner (working only from "a public place"). Council shall first seek to work cooperatively with owners.</p> <p>Under the Act, if work is carried out without the approval of the property owner, Council must:</p> <ul style="list-style-type: none"> • within a reasonable period give notice that the work has occurred; • bear the cost of the removal of the graffiti; • pay for any damage caused in the removal process; • maintain a graffiti removal register. |
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Implementation

| Requirements | | Responsibility |
|--------------|--|----------------|
| 1 | <p>Should Council determine to undertake graffiti removal on particular non-Council-owned property/assets, with or without approval from the property owner, Council must then keep a register of the graffiti removal work carried out in accordance with the <i>Graffiti Control Act 2008 (Section 13)</i>. The register is to specify in respect of each incidence of graffiti removal work carried out:</p> <ul style="list-style-type: none"> (a) the owner or occupier of the premises on which the graffiti was situated, and (b) the nature of the work carried out, and (c) the actual cost, or an estimate of the cost at current market rates, of carrying out the work, and (d) in the case of graffiti removal work carried out in accordance with the <i>Graffiti Control Act 2008 (Section 11)</i>, the actual amount charged by the local Council for carrying out the work. | Council |
| 2 | <p>Council shall seek full cost recovery from the landowner for any work undertaken on non-council-owned property/assets where Council has obtained approval from the property owner. Should the cost of the work be disputed, then the processes set down under the <i>Local Government Act 1993 – Section 730</i> shall apply:</p> <ul style="list-style-type: none"> (a) A claim for compensation under Section 12 (5) of the <i>Graffiti Control Act 2008</i>, in case of dispute, may by agreement between the Council and the person claiming the compensation be referred to arbitration under the <i>Commercial Arbitration Act 2010</i>. | Council |

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| | <p>(b) Failing agreement within 28 days after notice of the claim is served on the Council, either party may refer the claim to the Land and Environment Court for determination.</p> <p>(c) The Land and Environment Court may hear and determine the matter and make any order with respect to the claim and the costs of the case as having regard to the circumstances of the case and to the public interest the Court thinks just.</p> | |
| 3 | <p>Staff</p> <p>Under supervision, and once appropriate training has been received, relevant Council staff will be responsible for ensuring that this Policy is implemented within their work area.</p> | Council officers |
| 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 applicable |

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages Graffiti Removal from Non-Council-Owned Property/Assets.

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

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

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

Governance

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

Related legislation and policies

| Name | Link |
|--|---|
| Related Eurobodalla Shire Council Policy or Code of Practice | https://www.esc.nsw.gov.au/_data/assets/pdf_file/0010/138583/Graffiti-Removal-from-Non-Council-Owned-Property-or-Assets-Policy.pdf |
| Local Government Act 1993 | www.legislation.nsw.gov.au/#/view/act/1993/30 |
| Graffiti Control Act 2008 | www.legislation.nsw.gov.au/#/view/act/2008/100/part5/sec23 |
| Commercial Arbitration Act 2010 | www.legislation.nsw.gov.au/#/view/act/2010/61/whole |

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 | 28 Aug 2001 | Council | . | . | Policy Adopted - 17.4 Private Works - Graffiti Removal (378 28/08/01) |
| 2 | 29 Jun 2006 | Council | . | 01.5532 | Policy updated |
| 3 | 24 Feb 2009 | Council | 09/69 | E01.5532 E06.0380 | Policy reviewed to reflect Legislative changes and Graffiti Control Act 2008 |
| 4 | 22 Sep 2009 | Council | 09/291 | E09.3418 | Reviewed and adopted, report G09/99 |
| 5 | 23 Jul 2013 | Council | 13/172 | E06.0375 E13.7095 | Updated Policy Template, updated review date, updated references and links – report O13/112 |
| 6 | 09 May 2017 | Council | 17/120 | E16.0297 E06.0375 | Reviewed and updated (start of new Council term) |
| 7 | TBA | Council | TBA | TBA | Reviewed and updated (start of new Council term).Report GMR17/011 |

Internal use

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|---------------------|----------|----------------------------------|----------|----------------|---------|
| Responsible officer | | Director Infrastructure Services | | Approved by | Council |
| Minute | TBA | Report | TBA | Effective date | TBA |
| File | E06.0375 | Review date | May 2022 | Pages | 4 |

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|-------------------------------|--|
| Policy title | Grazing of Stock on Public Roads |
| Responsible manager(s) | Director, Infrastructure Services |
| Contact officer(s) | Divisional Manager, Works |
| Directorate | Infrastructure Services |
| Approval date | |
| Outcome area | 7. Connected and accessible places |
| Strategy | 7.1 Work in partnership to provide an integrated transport network |
| Delivery Program | 7.1.2 Provide a safe efficient and integrated transport network |
| Operational Plan | 7.1.2.1 Build, renew and maintain the road network |

Purpose

This Policy establishes the requirements to minimise the risk arising from the grazing of stock on public roads.

Policy aims

This Policy aims to:

- promote an integrated framework for dealing with grazing stock on public roads;
- ensure consistency and fairness in the manner in which Council deals with farmers and graziers and the travelling public;
- ensure compliance with legislative requirements under the Rural Lands Protection Act 1998;
- promote awareness of the requirements of the Act with respect to stock permits;
- take such steps as are appropriate to ensure Council is indemnified against public liability claims associated with or resulting from the grazing of stock on road reserves; and
- make Council's policies and requirements for grazing of stock on public roads readily accessible and understandable to the public.

Policy details

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| 1 | Application This Policy identifies the need and procedure for Council to be indemnified against public liability claims associated with or resulting from the grazing of stock on road reserves under Council's control. This Policy also specifies the conditions to be imposed to reduce the risk to the travelling public. |
| 2 | Legislation Eurobodalla Shire Council will comply with the Local Land Services Act 2013 |

Implementation

| Requirements | | Responsibility |
|--------------|--|----------------------|
| 1 | Persons wishing to graze stock on a road reserve under Council's control require approval from the South East Livestock Health and Pest Authority (SELHPA). The <i>Local Land Services Act 2013</i> Section 78 (3) requires that a stock permit cannot be issued authorising a person to graze stock (other than travelling stock) on a public road without the concurrence of the local authority in which the road is vested. | Applicant |
| 2 | Council's Public Liability insurance cover does not extend to the liability of farmers and graziers utilising roadside reserves for stock grazing. Council will require the person seeking approval to hold public liability insurance cover for \$20,000,000, including appropriate clauses listing Council as an 'interested party'. | Applicant Council |
| 3 | Council will also require appropriate conditions of consent including acceptable traffic management arrangements. | Applicant Council |
| 4 | Approvals for grazing stock on road reserves will be limited to low volume local roads (typically less than 200 vehicles per day). | Council |
| 5 | Staff Under supervision, and once appropriate training has been received, relevant Council staff will be responsible for ensuring that this Policy is implemented within their work area. | Council officers |
| 6 | 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 |
| 7 | Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this Policy are invited for consideration during the exhibition period. | As applicable |

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages the grazing of stock on public roads.

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

Note: The next general local government election is expected to be held in September 2020.

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

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

Governance

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

Related legislation and policies

| Name | Link |
|---|---|
| Related Council Policy or Code of Practice | www.esc.nsw.gov.au/inside-council/council/council-policies |
| Local Government Act 1993 | www.legislation.nsw.gov.au/#/view/act/1993/30 |
| Local Land Services Act 2013 | https://legislation.nsw.gov.au/view/html/inforce/currrent/act-2013-051 |
| Southeast Local Land Services (formerly South East Livestock Health and Pest Authority) | http://southeast.lls.nsw.gov.au/ |

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 | E02.6988 E09.3418 | Policy reviewed and adopted – report G09/145 |
| 2 | 23 Jul 2013 | Council | 13/172 | E06.0375 E13.7095 | Updated Template, review date, references and links – report O13/112 |
| 3 | 28 Feb 2017 | Council | 17/31 | E06.0375 E16.0297 | Reviewed and updated (start of new Council term) GMR17/006 |
| 4 | TBA | Council | TBA | TBA | Reviewed and updated (start of new Council term) GMR17/006 |

Internal use

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|---------------------|----------|-----------------------------------|----------|----------------|---------|
| Responsible officer | | Director, Infrastructure Services | | Approved by | Council |
| Minute | TBA | Report | TBA | Effective date | TBA |
| File | E06.0375 | Review date | May 2022 | Pages | 4 |

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| Policy title | Interest Free Advances To Sporting And Cultural Organisations |
| Responsible manager(s) | Chief Financial Officer |
| Contact officer(s) | Chief Financial Officer |
| Directorate | General Manager |
| Approval date | |
| Outcome area | 9. Innovative and proactive leadership |
| Strategy | 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations |
| Delivery Program | 9.2.4 Responsibly manage Council's finances and maintain Fit for the Future status |
| Operational Plan | 9.2.4.2 Provide financial management and reporting |

Purpose

Eurobodalla Shire Council recognises the important roles of social, cultural and sporting groups within the community to achieve key strategic objectives. Council will make interest free loans available to these groups subject to criteria and conditions at a reasonable cost to ratepayers.

These loans provide a positive incentive for qualifying organisations to assist their operations and deliver key infrastructure for our community.

Policy aims

This policy covers criteria for eligibility, sources and limits on funding, risk, security, default/recovery and links to a Standard Basic Agreement.

It replaces the previous policy and any other related amending or clarifying policies or codes of practice.

Policy statement

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| 1 | Application This policy applies to all requests for Interest Free Advances to Sporting and Cultural Organisations within the Eurobodalla Local Government Area (LGA). |
| 2 | Legislation Eurobodalla Shire Council will comply with the <i>Local Government Act (NSW) 1993</i> . |
| 3 | Eligibility An eligibility criteria exists for groups seeking an interest free loan, including: Applicant Group: <ul style="list-style-type: none"> a) Loans may be made available to either incorporated societies or unincorporated groups. b) Must not be operated for private or pecuniary profit. c) Membership of the group must be reasonably available to the public. d) The group, its project and the associated benefits must be based within the Eurobodalla LGA boundaries. e) Must be able to prove they can repay debt within terms. Project: |

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| | <p>f) The project that the loan is to fund must provide a tangible public benefit to the Eurobodalla community.</p> <p>g) The group is to provide a minimum of 20% of the capital cost of the project, either in cash or other acceptable assets.</p> <p>Eligibility and applications may be scored or weighted to establish priorities and all applications must be approved by the Council.</p> |
| <p>4</p> | <p>Sources of Funding</p> <p>Funds will be sourced for these loans from either:</p> <p>a) A revolving fund named 'Council Funded Loan Pool' totalling \$200,000, limit may be amended by Council from time to time e.g. could be increased by transferring budget from the restriction within the Draft Operational Plan, at a quarterly budget review or as a result of a separate report to a public meeting of Council.</p> <p>b) A revolving fund named 'Crown Reserves Interest Free Loans Fund' totalling \$150,000 (subject to external legal restrictions), available in relation to benefits for Crown Land administered by Council and activities thereon, e.g., suitable for inclusion in Crown Land works plan or meets requirements for utilisation of Crown Lands funds. (The Council needs to be aware of the basis for dealing with revenues gained from Crown Lands activities and this could affect this aspect of the interest free loans policy. Council should be wary of adding to this fund and the way it is utilised until these matters are clarified.)</p> |
| <p>5</p> | <p>Limits on Interest Free Lending</p> <p>a) Each application is limited to a maximum of \$60,000.</p> <p>b) Applications will also be limited to the amount available within the revolving fund. The Council may approve additional funding through a budget variation application if necessary.</p> <p>c) The maximum term will be five years from the date of uplifting funds.</p> <p>d) Funds must be uplifted within 12 months of the Council approval, it will be necessary to reapply if 12 months is exceeded.</p> <p>e) Uplifting of funds may be subject to evidence demonstrating the appropriate amount of progress has been made with the proposal (may require copies of invoices or other equivalent arrangements).</p> <p>f) Noting in appropriate cases Council may be willing to pay tax invoices made out to it.</p> |
| <p>6</p> | <p>Risk and Security</p> <p>a) All applications are to be considered in relation to Council's strategic objectives and relevant strategies for public service delivery.</p> <p>b) Pursuant to the investment policy such lending is considered to be high risk, but justified on the basis of the abovementioned outcomes.</p> <p>c) Where the applicant occupies privately owned or leased land and is affiliated or financially responsible to a parent body loans shall be conditional on the parent body underwriting repayments to Council.</p> <p>d) For lending above \$25,000 the Council will consider the applicability or otherwise of a mortgage over assets or some other form of security.</p> |

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| | e) Where possible agreements will be with external legal entities rather than other parts of the Council (such as Management Committees) although internal arrangements are permitted. |
| 7 | <p>Repayments and Recovery of Default Advances</p> <p>a) Repayments are to be made quarterly. Council may vary this based on the applicants' particular cash flow situation.</p> <p>b) Agreements may include penalty interest on late payment or default (3% per annum, intended to cover CPI).</p> <p>c) The General Manager is to be notified as soon as practicable, of an actual default (instalment overdue by 30 days) or the possibility of default.</p> <p>d) Council to be briefed by the next quarterly budget review if default occurs.</p> <p>e) Chief Financial Officer to seek sufficient information to assist Council consideration of default/advice. This includes the preparation of an initial report for Council on any default/advice within three months of the event, covering options such as trading out, deferment and as a last resort legal recovery or write off. The same report will also specifically consider whether any unwarranted precedents might be set.</p> <p>f) The Council will not seek personal recovery from individuals or officials that have acted in good faith but reserve the right to take legal action against any persons that may have committed a fraud or some other act of bad faith (which may also require advice to Council's insurers, ICAC and the Police).</p> <p>g) None of the above requirements detract from, or affect any other delegations to the General Manager, nor those from the General Manager to any other staff in respect of debt recovery, financial arrangements and writing off of debts etc, and these may be exercised in addition to the above.</p> |

Implementation

| Requirements | | Responsibility |
|--------------|---|------------------|
| 1 | <p>Applications</p> <p>a) Applications must be in writing addressed to the General Manager.</p> <p>b) Applications should be in the groups 'own words' and include sufficient information to enable the Council to assess the merits and risks. Such information should include; legal nature of the applicant (e.g. whether an incorporated society or an unincorporated group etc); full details of project/s proposed; audited financial accounts for the preceding financial year (as a minimum and if available, otherwise unaudited accounts); an assurance from the Committee or appropriate officials that the entity is currently a 'going concern' and a forward budget for at least one typical year demonstrating capability to repay.</p> <p>c) No Pro-Forma is required to be completed with written applications.</p> | General Manager |
| 2 | <p>Agreement – Pro Forma</p> <p>See Appendix 1 for the Standard Basic Agreement for successful applications.</p> <p>This Standard Basic Agreement may be varied from time to time in accordance with legal advice or to include special clauses to suit each particular application in accordance with a Council resolution.</p> | Council Officers |

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| 3 | Staff Under supervision, applicable council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so. | Council Officers |
| 4 | Concerns Public concerns communicated to Council regarding Interest Free Advances will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. They will be used to analyse the history of concerns and to help determine follow up actions. | Council Officers |
| 5 | Consultation Consultation regarding this policy will occur as relevant and may include legislative bodies, other relevant legislation, industry guidelines, and public comment. Proposed changes to this policy will be placed on public exhibition for the required period with public submissions encouraged. | As applicable |

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary when legislation requires it; or council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages Interest Free Advances to eligible community organisations.

The policy may be 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.

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

| Performance indicator | Data source(s) |
|------------------------------------|-----------------|
| Public concerns | Council Records |
| Customer Feedback Survey Responses | Surveys |
| Internal or external review | Audit |

Governance

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

Related legislation and policies

| Name | Link |
|---------------------------|--|
| Community Strategic Plan | www.esc.nsw.gov.au/services/planning-and-development/ipr/ |
| Investment Policy | www.esc.nsw.gov.au/inside-council/council/council-policies |
| Local Government Act 1993 | www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/ |

Related external references

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

Supporting documents

| Name | Link |
|--------------------------|----------------------------|
| Standard Basic Agreement | Appendix 1 |

Change history

| Version | Approval date | Approved by | Min No | File No | Change |
|---------|---------------|-------------|--------|----------------------|---|
| 1 | 22 Sep 2009 | Council | 09/291 | E09.3418 E05.9513 | Policy commenced G09/99 |
| 2 | 27 Aug 2013 | Council | 13/246 | E13.7095 E05.9513 | Updated template, review date, references and links. O13/131. |
| 3 | 12 Sep 2017 | Council | 17/291 | E16.0297 E05.9513 | Minor reference updates. Reformat of Appendix 1 |
| 4 | TBA | Council | TBA | TBA | Reviewed and updated (start of new Council term) |

Internal use

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|---------------------|----------|-------------------------|----------|----------------|---------|
| Responsible officer | | Chief Financial Officer | | Approved by | Council |
| Minute | TBA | Report | TBA | Effective date | TBA |
| File | E05.9513 | Review date | May 2022 | Pages | 7 |

Appendix 1

STANDARD BASIC AGREEMENT – INTEREST FREE ADVANCES TO SPORTING AND CULTURAL ORGANISATIONS

THIS AGREEMENT made the DAY of MONTH Two thousand YEAR **BETWEEN**

[ORGANISATION_NAME] in the State of New South Wales (hereinafter called 'the Organisation') of the one part and **THE EUROBODALLA SHIRE COUNCIL** of Council Chambers Campbell Street, Moruya (hereinafter called 'the Council') of the other part **WHEREAS** the Council is the body having the care control and management of a certain [FACILITY] known as [FACILITY_NAME] **AND** *(delete if not a S355 committee)* [**WHEREAS** if the Council has appointed the Committee to be a Management Committee under the provisions of Section 355 of the *Local Government Act (1993)* to manage the FACILITY on the said SITE] **AND WHEREAS** the Council has [PROJECT_APPROVAL] **AND WHEREAS** the Organisation has applied to Council for a loan of [PRINCIPAL] to assist in the payment for [PROJECT] **AND WHEREAS** the Council has agreed to the construction of [PROJECT] and has agreed to advance the said sum of [PRINCIPAL] to the Organisation for such purposes **AND WHEREAS** the Organisation has agreed to repay the said sum to the Council.

NOW THIS AGREEMENT WITNESSETH as follows:

1. The Council agrees with the Organisation for the [PROJECT_APPROVAL] on [SITE] under the control and management of the Organisation.
2. In consideration of the Organisation agreeing with the Council to repay the sum of [PRINCIPAL] within a term of [TERM] years from the date of the advance of such money the Council agrees to advance to the Organisation the said sum for the [PROJECT_APPROVAL].
3. The Organisation undertakes and agrees to repay to the Council the said sum of [PRINCIPAL] by way of [INSTALMENT_NO] equal and consecutive instalments of [INSTALMENT] each.
4. The Organisation undertakes that the said sum of [PRINCIPAL] shall be used for [PROJECT_APPROVAL].

IN WITNESS WHEREOF the parties hereto have set their hands and affixed their seals on the day and year first abovementioned.

**THE SEAL OF THE COUNCIL
OF EUROBODALLA WAS HERETO
AFFIXED ON SEAL_DATE
PURSUANT TO RESOLUTION OF
COUNCIL DATED MINUTE_DATE**

SIGNED for and on behalf of

.....

[Name of Organisation]

.....
Mayor

.....
General Manager

.....
President/(Equivalent)

.....
Secretary/(Equivalent)

| | |
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| Policy title | Kerb and Gutter Construction – Contribution by Property Owners |
| Responsible manager(s) | Director, Infrastructure Services |
| Contact officer(s) | Divisional Manager, Works |
| Directorate | Infrastructure Services |
| Approval date | |
| Outcome area | 7. Connected and accessible places |
| Strategy | 7.1 Work in partnership to provide an integrated transport network |
| Delivery Program link | 7.1.2 Provide a safe efficient and integrated transport network |
| Operational Plan link | 7.1.2.1 Build, renew and maintain the road network |

Purpose

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

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

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

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

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

Policy aims

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

Policy details

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

Implementation

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

| | | |
|----------|---|------------------------------------|
| 6 | Staff Under supervision, and once appropriate training has been received, relevant Council staff will be responsible for ensuring that this Policy is implemented within their work area. | Council officers |
| 7 | Concerns Public concerns communicated to Council in relation to this Policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns. | Council officers Public officer |
| 8 | Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this Policy are invited for consideration during the exhibition period. | As applicable |

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages Kerb and Gutter Construction Contribution by Property Owners.

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

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

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

Governance

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

Related legislation and policies

| Name | Link |
|--|---|
| Eurobodalla Shire Council <i>Kerb and Gutter Construction – Contribution by Property Owners</i> Code of Practice | Internal Document for staff use only |
| Related Eurobodalla Shire Council Policy or Code of Practice | Policy Register |
| <i>Local Government Act 1993</i> | Local Government Act 1993 |
| <i>Roads Act 1993</i> | Roads Act 1993 |

Related external references

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

Change history

| Version | Approval date | Approved by | Min No | File No | Change |
|---------|---------------|-------------|--------|----------------------|---|
| 1 | 22 Sept 09 | Council | 09/291 | E09.3418 | Policy reviewed and retained (G09-99) |
| 2 | 10 Sep 2013 | Council | 13/272 | E13.7095 | Reviewed and updated. |
| 3 | 13 Jun 2017 | Council | 17/181 | E16.0297 E06.0375 | Reviewed and updated at start of new Council term. |
| 4 | TBA | Council | TBA | TBA | Reviewed and updated (start of new Council term) GMR17/006 |

Internal use

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|---------------------|------------------------------------|-----------------------------------|----------|----------------|--------------|
| Responsible officer | | Director, Infrastructure Services | | Approved by | Council |
| Minute | TBA | Report | TBA | Effective date | 13 June 2017 |
| File | E06.0375 E16.0297 | Review date | May 2022 | Pages | 5 |

| | |
|-------------------------------|---|
| Policy title | Library Services |
| Responsible manager(s) | Divisional Manager Community Development and Participation |
| Contact officer(s) | Divisional Manager Community Development and Participation |
| Directorate | Community, Arts and Recreation Services |
| Approval date | |
| Outcome area | 2. Celebrated creativity, culture and learning |
| Strategy | 2.2 Improve local access to higher education and lifelong learning opportunities, facilities and services |
| Delivery program | 2.2.2 Provide quality library services, programs and resources |
| Operational plan | 2.2.2.3 Maintain and improve library buildings and collections |

Purpose

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

Policy aims

The policy aims to:

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

Policy statement

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

Implementation

| Requirements | | Responsibility |
|--------------|---|------------------|
| 1 | Code of Practice This policy will be implemented according to the Code of Practice for the Library Service. Key components include: | Council Officers |

| | | |
|---|---|------------------------------------|
| | <ul style="list-style-type: none"> Selection and provision of library materials and resources Service ethos Membership and lending policy Standards of behaviour Community use of library facilities Internet and technology use in the library | |
| 2 | Staff Under supervision, applicable council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so. | Council Officers |
| 3 | Concerns Concerns received by 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 follow up actions and analyse the history of concerns. | Council officers Public Officer |
| 4 | Consultation Consultation regarding this policy will occur as relevant and may include legislative bodies, other relevant legislation, industry guidelines, and public comment. | As applicable |

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages library services.

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

Note: The next general local government election is expected to be held in September 2024.

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

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

Governance

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

Related legislation and policies

| Name | Link |
|---------------------------|---|
| Code of Practice | https://www.esc.nsw.gov.au/data/assets/pdf_file/0008/138734/Library-services.pdf |
| NSW Library Act 1939 | www.austlii.edu.au/au/legis/nsw/consol_act/la193999/ |
| Local Government Act 1993 | www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/ |

Related external references

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

Change history

| Version | Approval date | Approved by | Min No | File No | Change |
|---------|---------------|-------------|--------|----------|--|
| 1 | 24 Nov 2009 | Council | 09/369 | E09.3418 | Previous version of policy adopted G09/99 |
| 2 | 27 Aug 2013 | Council | 13/246 | E13.7095 | Updated Template, review date, references and links. Report O13/131. |
| 3 | 13 Jun 2017 | Council | 17/181 | E16.0297 | Reviewed and readopted, report GMR17/015 |
| 4 | TBA | Council | TBA | TBA | Reviewed and readopted, report |

Internal use

| | | | | | |
|---------------------|----------|---|----------|----------------|---------|
| Responsible officer | | Divisional Manager Community and Recreation Development | | Approved by | Council |
| Min no | TBA | Report no | TBA | Effective date | TBA |
| File No | E16.0297 | Review date | May 2022 | Pages | 3 |

| | |
|-------------------------------|--|
| Policy title | Liquid Trade Waste Regulation |
| Responsible manager(s) | Director, Planning and Sustainability Services |
| Contact officer(s) | Divisional Manager, Environmental Services |
| Directorate | Planning and Sustainability Services |
| Approval date | |
| Outcome area | 4. Sustainable living |
| Strategy | 4.1 Maximise the efficient use and reuse of our water resources |
| Delivery program | 4.1.1 Provide a safe, reliable and sustainable town water supply and sewerage services |
| Operational plan | 4.1.1.3 Undertake liquid trade waste inspections |

Purpose

Council is responsible for approving liquid trade waste discharges to its sewerage systems in accordance with Section 68 of the *Local Government Act 1993* (LG Act). Further, Section 90(1) of the LG Act and Clause 28 of the *Local Government (General) Regulation 2021* requires that Council obtain concurrence from the Secretary, NSW Department of Planning, Industry and Environment (DPIE) or the Secretary's nominee.

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

Policy aims

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

Policy statement

| | |
|----------|---|
| 1 | Application This policy applies to the acceptance of liquid trade waste discharges from any premises to Council's sewerage system. |
| 2 | Legislation Under s68 of the <i>Local Government Act 1993</i> a person wishing to discharge liquid trade waste to the sewerage system must obtain prior Council approval. |
| 3 | Code of practice The process of approval is set out in the Liquid Trade Waste Discharge to the Sewerage System Code of Practice. |

Implementation

| Requirements | | Responsibility |
|--------------|--|-------------------------------------|
| 1 | Compliance process This policy will be implemented by following Council's Liquid Trade Waste Discharge to the Sewerage System Code of Practice. | Council officers |
| 3 | Enforcement The Public and Environmental Health Team will enforce the policy and determine follow-up actions. | Council officers |
| 4 | Staff Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so. | Council managers and officers |
| 5 | Concerns Concerns received by 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 follow-up actions and analyse the history of concerns. | Council officers and public officer |
| 6 | Consultation Consultation regarding this policy will occur as relevant and may involve DPIE other relevant legislation, and public comment. Substantive changes to this policy will be placed on public exhibition for 28 days for community comment and submissions. | Council officers |

Review

This policy will be reviewed every four years. It may also be reviewed and updated as necessary if:

- legislation requires it
- or
- when Council's related policies, functions, structure, or activities change
- or
- when technological advances or new systems change the way that Council manages liquid trade waste regulation.

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

Note: The next general local government election is expected to be held in September 2024.

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

| Performance indicator | Data source(s) |
|----------------------------|-----------------|
| Complaints | Council records |
| Number of applications | Council records |
| Internal or external audit | Audit |

Governance

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

Related legislation, policies and code of practice

| Name | Link |
|--|---|
| Compliance Policy | https://www.esc.nsw.gov.au/council/governance/council-policies |
| Liquid Trade Waste Discharge to the Sewerage System Code of Practice | https://www.esc.nsw.gov.au/council/governance/council-policies |
| Local Government Act 1993 (LG Act) | https://legislation.nsw.gov.au/view/html/2022-01-01/act-1993-030 |
| Local Government (General) Regulation 2021 | https://legislation.nsw.gov.au/view/whole/html/inforce/current/sl-2021-0460 |
| Protection of the Environment Operations Act 1997 (PoEO Act) | https://legislation.nsw.gov.au/view/html/inforce/current/act-1997-156 |
| Environmental Planning and Assessment Act 1979 (EPA Act) | https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203 |
| NSW Department of Planning, Industry and Environment - Liquid Trade Waste Management Guidelines. | https://www.industry.nsw.gov.au/water/water-utilities/regulatory-assessments/liquid-trade-waste |

Related external references

| Name | Link |
|--|---|
| The Office of Local Government | www.olg.nsw.gov.au |
| NSW Department of Planning, Industry and Environment | https://www.dpie.nsw.gov.au/ |

Change history

| Version | Approval date | Approved by | Min no. | File no. | Change |
|---------|---------------|-------------|---------|----------------------|---|
| 1 | 22 Sep 2009 | Council | 09/291 | E06.0381 09.3418 | Policy reviewed and adopted G09/99. |
| 2 | 10 Sep 2013 | Council | 13/272 | E06.0381 E13.7095 | Updated template, review date, references, and links, combined previous policy 'Acceptance of Septic and Pan Waste' into this. O13/131. |
| 3 | 13 June 2017 | Council | 17/181 | E06.0381 E16.0297 | Reviewed and updated references. |
| 4 | TBA | Council | NA | NA | Reviewed and updated. |

Internal use

| | | | | | | |
|---------------------|----------|---|----------|----------------|-------------|---------|
| Responsible officer | | Director Planning and Sustainability Services | | | Approved by | Council |
| Min no | TBC | Report no | TBC | Effective date | TBC | |
| File No | E06.0381 | Review date | May 2022 | Pages | 4 | |

DRAFT

| | |
|-------------------------------|--|
| Policy title | Local and Regional Roads Risk Management |
| Responsible manager(s) | Director, Infrastructure Services |
| Contact officer(s) | Divisional Manager, Works |
| Directorate | Infrastructure Services |
| Approval date | |
| Outcome area | 7. Connected and accessible places |
| Strategy | 7.1 Work in partnership to provide an integrated transport network |
| Delivery Program link | 7.1.2 Provide a safe efficient and integrated transport network |
| Operational Plan link | 7.1.2.1 Build, renew and maintain the road network |

Purpose

The purpose of this Policy is to provide a framework for the risk management of Council's road network in order to demonstrate an appropriate duty of care to road users and to reduce the exposure to potential public liability claims relating to the condition of roads.

Eurobodalla Shire Council, as a roads authority under the *Roads Act 1993*, must take reasonable steps to protect the public from any foreseeable dangers on its road network via construction, erection, installation, maintenance, inspection, repair, removal and/or replacement of roads and to take action as resources allow, to adequately address risks of which it is aware.

The *Civil Liability Act 2002 (the Act)* provides special nonfeasance protection for roads authorities such as Council. Section 45 of *the Act* stipulates that a roads authority is not liable for harm arising from a failure to act in respect of maintenance of its roads, unless at the time of the alleged failure the authority had actual knowledge of the particular risk which resulted in the harm. The importance of this defence is that a roads authority, such as Council, can in some circumstances avoid liability for injuries or damage related to the state of repair or maintenance of its roads.

Section 42 of *the Act* also 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 road network.

Policy aims

- ensure that the effective management of Council's road network utilises a systematic approach for inspection, prioritisation and response to risk;
- promote an integrated framework for dealing with Local and Regional Roads Risk Management and take reasonable steps to ensure that Council delivers its required duty of care;
- ensure consistency and compliance with legislative requirements in the manner in which Council deals with Local and Regional Roads Risk Management;
- promote awareness of legislative requirements with respect to acceptance by the community and the Court, of the shared duty of care for road users to take reasonable care for their own safety when using the road network;
- make Council's policies and requirements for Local and Regional Roads Risk Management readily accessible and understandable to the public;
- align with Council's Strategic objectives as identified in the current Delivery Program and/or Operational Plan.

Policy details

| | |
|---|--|
| 1 | <p>Application</p> <p>This Policy applies to all local and regional roads under the care and control of Eurobodalla Shire Council. This Policy does not address formed pathways (refer <i>Pathways and Shared Pathways Risk Management Policy</i>).</p> |
| 2 | <p>Legislation</p> <p>Eurobodalla Shire Council will act reasonably in its endeavour to comply with relevant legislation including the <i>Roads Act 1993</i> and the <i>Civil Liability Act 2002</i>.</p> |
| 3 | <p>Duty of Care</p> <p>Council will act reasonably in its endeavour to minimise injury and damage occurring as a consequence of Council's responsibilities as a roads authority.</p> <p>This concept requires acceptance by the community and the Court, of the shared duty of care for road users to take reasonable care when using the road network.</p> |
| 4 | <p>Risk Identification and Management</p> <p>Council has developed and implemented a risk management system for local and regional roads that proactively identifies and manages the risks associated with its roads.</p> <p>To assist in achieving this outcome, Council has developed a system that:</p> <ul style="list-style-type: none"> a) identifies types of hazards; b) evaluates the severity of the hazard; c) assigns a risk rating for prioritising; d) plans and executes the work efficiently and effectively within the resources available to Council. <p>Details of this system are implemented under Council's <i>Local and Regional Roads Risk Management Code of Practice</i>.</p> <p>It is essential to note that the Local and Regional Roads Risk Management System does not intend to, nor is it reasonable to expect that it will, result in removal of all potential risks to road users from the road network. Rather, it provides a basis for identifying and managing risks within the limited resources available to the Council and a mechanism to prioritise and action those risks.</p> |
| 5 | <p>Outcomes</p> <p>The desired outcomes are to provide:</p> <ul style="list-style-type: none"> a) an approach that facilitates safer local and regional roads; b) a proactive system, taking account of the limited financial and other resources reasonably available to Council, to better manage the risks inherent in services provided by Council as a roads authority; c) a reduced potential for public liability claims against Council and the community it represents. |
| 6 | <p>Financial and Other Resources</p> <p>Funding for the maintenance and renewal of Council's local and regional roads is budgeted annually and details of this budget are contained within the Council's current Operational Plan. This Plan is advertised for public comment prior to being considered and adopted by Council as part of the Operational Plan. Major variations to the plan are recorded via the Quarterly Review and/or Annual Report.</p> <p>Council has limited resources and has arranged these resources to undertake the work efficiently, based on geographic constraints. Council utilises a sector maintenance approach to achieve this outcome for routine maintenance issues.</p> |

Implementation

| Requirements | | Responsibility |
|--------------|---|---------------------------|
| 1 | Code of Practice This Policy will be implemented by following Council's <i>Local and Regional Roads Risk Management</i> Code of Practice, which specifies in detail the matters for consideration and procedures to be followed. | Divisional Manager, Works |
| 2 | Implementation requirement Council will: <ul style="list-style-type: none"> record local and regional road assets under Council's control; identify defects through formal inspection of its local and regional road network; rate the hazard associated with the identified defect; prioritise the work based on the hazard rating, the efficiency of undertaking works and available budget; keep appropriate records of actions taken; manage customer inquiries relating to local and regional roads; establish an annual budget for the maintenance and renewal of the local and regional road network. | Divisional Manager, Works |
| 3 | Staff Under supervision, and once appropriate training has been received, relevant Council staff will be responsible for ensuring that this Policy is implemented within their work area. | Council officers |
| 4 | Concerns Public concerns communicated to Council in relation to this Policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns. | Council officers |
| 5 | Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this Policy are invited for consideration during the exhibition period. | As applicable |

Review

This Policy may 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 roads risk management.

The policy may be 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.

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 |
| Number of public liability claims | Council records |
| Delivery Program/Operational Plan outcomes achieved | Council reporting |

Governance

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

Related legislation and policies

| Name | Link |
|---|---|
| Eurobodalla Shire Council <i>Gathering Information for Risk Management Policy</i> | https://www.esc.nsw.gov.au/council/governance/council-policies |
| Eurobodalla Shire Council <i>Risk Management Policy</i> | https://www.esc.nsw.gov.au/council/governance/council-policies |
| Related Eurobodalla Shire Council Policy or Code of Practice | https://www.esc.nsw.gov.au/council/governance/council-policies |
| <i>Local Government Act 1993</i> | Local Government Act 1993 |
| <i>Civil Liability Act 2002</i> | Civil Liability Act 2002 |
| <i>Roads Act 1993</i> | Roads Act 1993 |

Related external references

| Name | Link |
|--|---|
| Office of Local Government | www.olg.nsw.gov.au |
| Australian Standard AS ISO 31000:2018 Risk Management – Guidelines | AS ISO 31000:2018 Risk Management Guidelines SAI Global |
| Transport for NSW | Home - Roads and Waterways – Transport for NSW |

Definitions

| Word/Term | Definition |
|----------------------------|--|
| <i>roads authority</i> | A person or body that is, by or under the <i>Roads Act 1993</i> , declared to be a roads authority and, in relation to a particular public road, means the roads authority for that road. |
| <i>road work</i> | Any kind of work, building or structure (such as a roadway, footway, bridge, tunnel, road-ferry, rest area, transit way station or service centre or rail infrastructure) that is constructed, installed or relocated on or in the vicinity of a road for the purpose of facilitating the use of the road as a road, the regulation of traffic on the road or the carriage of utility services across the road, but does not include a traffic control facility. |
| <i>carry out road work</i> | Any activity in connection with the construction, erection, installation, maintenance, inspection, repair, removal or replacement of a road work. |

Change history

| Version | Approval date | Approved by | Min No | File No | Change |
|---------|---------------|-------------|--------|----------------------|---|
| 1 | 27 May 2003 | Council | | | Council adopted its first policy in this regard at its meeting of 27 May 2003 |
| 2 | 22 Sep 2009 | Council | 09/291 | E06.0375 E09.3418 | Reviewed, updated and adopted G09/99 |
| 3 | 27 Aug 2013 | Council | 13/246 | E06.0375 E13.7095 | Updated template, references and links |
| 4 | 25 Jul 2017 | Council | 17/237 | E06.0375 E16.0297 | Reviewed and updated (start of new Council term) |
| 5 | TBA | Council | TBA | TBA | Reviewed and readopted, report |

Internal use

| | | | | | |
|---------------------|----------------------|-----------------------------------|----------|----------------|---------|
| Responsible officer | | Director, Infrastructure Services | | Approved by | Council |
| Minute | TBA | Report | TBA | Effective date | TBA |
| File | E06.0375 E16.0297 | Review date | May 2022 | Pages | 5 |

| | |
|-------------------------------|---|
| Policy title | Local Orders Policy – Keeping of Animals |
| Responsible manager(s) | Director, Planning and Sustainable Services |
| Contact officer(s) | Divisional Manager, Environmental Services |
| Directorate | Planning and Sustainability Services |
| Approval date | |
| Outcome area | 1. Strong communities, desirable lifestyle |
| Strategy | 1.1 Work in partnership to ensure safety at home and within the community |
| Delivery Program | 1.1.2 Deliver legislated health protection and regulatory programs |
| Operational Plan | 1.1.2.2 Provide companion animal management services |

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 99 of the *Local Government (General) Regulation 2021* (the Regulation) by specifying Council's policy in regard to certain Orders under Section 124 of the Act.

1. To provide guidelines for residents on what is usually considered an appropriate number and kind of animals which may be kept.
2. To ensure the keeping of animals does not result in unhealthy or unsafe conditions or cause a nuisance to others.
3. To outline criteria Council will take into consideration when determining whether to issue an order in relation to the keeping of animals.

Policy aims

- Promote an integrated framework for dealing with Order 18 – Keeping of Animals.
- Ensure consistency and fairness in the way Council deals with Order 18.
- To do or refrain from doing such things as are specified in Order 21 to ensure that land is, or premises are, placed or kept in a safe or healthy condition.
- 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> (the Act) and the <i>Local Government (General) Regulation 2021</i> (the Regulation). Additional information is contained in the Regulation, Schedule 2 - Standards Enforceable by Orders, Part 5 - Standards for Keeping Birds or Animals. |

| | |
|------------|---|
| 3 | <p>Procedures for issuing of Orders</p> <p>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.</p> <p>Orders served in an emergency situation need not be preceded with a notice of intention.</p> |
| 4 | <p>Criteria for consideration</p> <p>There are no restrictions on the number of birds and animals that can be kept on premises in the Eurobodalla Shire in normal circumstances.</p> <p>The standards in this Orders Schedule apply only where a legitimate problem has been identified relating to the numbers and/or 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</p> | Council officers |

| | | |
|----------|---|-------------|
| | be used to determine any follow-up actions and analyse the history of reported public concerns. | |
| 5 | Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period. | As 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 this 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 2024.

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 | https://www.esc.nsw.gov.au/residents/pets/barking-dogs |
| Compliance Policy | https://www.esc.nsw.gov.au/council/governance/council-policies |

| | |
|---|---|
| Local Government Act 1993 | www.legislation.nsw.gov.au/#/view/act/1993/30 |
| Local Government (General) Regulation 2021 | https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460 |
| 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 |
|--------------------------------------|--|
| The 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/ |
| Office of Environment and Heritage | www.environment.nsw.gov.au/ |

Supporting documents

| Name | Link |
|--------------------------------|---|
| NSW DPI – ‘Honeybees’ web page | https://www.dpi.nsw.gov.au/animals-and-livestock/bees |

Change history

| Version | Approval date | Approved by | Minute | File | 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) |
| 4 | 28 Feb 2017 | Council | 17/34 | E06.0381 E16.0297 | Reviewed (start of new Council term). Policy refined to focus on circumstances where an Order may be issued under s.124 of the Act for keeping of animals. This includes the number and conditions of animals permitted to be kept at a premises. See report PSR17/005. |

Internal use

| | | | | | |
|---------------------|----------|--|----------|----------------|-------------|
| Responsible officer | | Director, Planning and Sustainability Services | | Approved by | Council |
| Minute no. | TBC | Report no. | TBC | Effective date | 28 Feb 2017 |
| File | E06.0381 | Review date | May 2022 | Pages | 9 |

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Appendix 1. Specific animal criteria

| Orders Schedule SPECIFIC MATTERS FOR CONSIDERATION SECTION 124 | |
|--|--|
| Order 18 | 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. |
| 1. Poultry, Domestic and Guinea Fowl <ul style="list-style-type: none"> a. Fowl <ul 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. b. Poultry other than fowls including ducks, geese and turkeys: <ul 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><i>Please note:</i> <i>Clause 2.42 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides development standards for fowl and poultry houses.</i> <i>Some houses may require development approval.</i> <i>Please check first with Council.</i></p> | |
| 2. Swine, Goats, Sheep <ul 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 two (2). | |
| 3. Birds other than Pigeons, Poultry and Domestic and Guinea Fowls <ul 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. | |
| 4. Pigeons | |

- 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.

Please note:

Pigeon structures may require development approval. Please check first with Council.

5. Horses and Cattle

- a. Only two (2) horses 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

Please note:

Some dog kennel structures may require development approval. Please check first with Council.

Declared dangerous or restricted dog enclosures require development approval.

Commercial dog breeding and/or boarding kennels are subject to Council approval.

Owners of dogs are encouraged to de-sex their dog and registration fees are cheaper for desexed animals.

Also refer to tenancy tribunal or rental property agreements for villas and townhouses in relation to the conditions about keeping dogs.

7. Cats

- a. The maximum number of cats shall be limited to four (4) 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.

Please note:

Owners of cats are encouraged to desex their cat; registration fees are cheaper for desexed animals.

Also refer to tenancy tribunal or rental property agreements for villas and townhouses in relation to the conditions about keeping cats.

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.

Please note:

Rabbits should be desexed before 5 months of age.

9. Bees

- a. To keep one or more beehives in NSW, you are required to register as a beekeeper with the Department of Primary Industries.
- b. Under the *Biosecurity Act 2015*, you must be registered to keep bees, you must mark all hives with a hive identification number and may include the number of hives on the property.
- c. An adequate supply of water is to be provided within the premises where the bees are kept.
- d. Hives are to be located so that flight paths do not interfere with surrounding residents.
- e. All hives must be registered with the NSW Department of Primary Industries.
- f. Beehives must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.
- g. Beekeepers should familiarise themselves with [The Australian Honey Bee Industry Biosecurity Code of Practice](#).

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.

Please note:

Owners of ferrets are encouraged to have them desexed.

Do not release ferrets into the environment.

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.