

Policy Review (to be placed on exhibition)

- Fingerboard Signs – Local Directional Policy
- Graffiti Removal for Non-Council-Owned Assets Policy
- Water and Sewer Connections
- Water and Sewer Truck Mains Connections
- Public Interest Disclosure Internal Reporting Policy
- Development Contributions – Request for refund Policy
- Risk Management Policy

POLICY

| | |
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| Policy title | Fingerboard Signs – Local Directional |
| Responsible manager(s) | Director, Infrastructure Services |
| Contact officer(s) | Engineering Administration Coordinator |
| Directorate | Infrastructure Services |
| Approval date | September 2016 |
| Focus area | <i>Productive Communities</i> Objective 5.3: Promote our community as the place to visit, live, work and invest |
| Delivery Program link | <i>Transport</i> P3.2 Develop, renew and maintain the road network |
| Operational Plan link | <i>Transport</i> P3.2.1 Deliver capital and renewal works program |

Purpose

This Policy recognises the importance of providing directional signage for residents, visitors and emergency services. It provides Council with a mechanism to ensure that fingerboard signs (street signposts) are erected on a priority basis without compromising road safety.

Fingerboard signs at street junctions provide key directional information for residents, visitors and emergency services about the street name and location of key destination points (eg, public facilities).

Supporting businesses and tourism is important to ensure the economic and social wellbeing of our community. Council receives requests from businesses and tourism operators to permit signs directing people to their enterprise.

The number of signs provided at each junction point must be limited to ensure drivers have the ability to safely read, make decisions and turn if required without impacting on road safety.

The Policy does this by applying a priority to the types of signs that can be erected at any one junction, and placing a limit on the number of visible signs per post.

Policy aims

This Policy aims to:

- provide a mechanism for dealing with the erection of directional fingerboard signs which doesn't compromise road safety;
- ensure consistency and fairness in the manner in which the Council deals with requests;
- ensure compliance with legislative requirements under the *Roads Act 1993*;
- assist consumers to find local businesses and recognise the importance of business and tourism to the local economy;
- be readily accessible and understandable to the public.

Policy details

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| 1 | <p>Application</p> <p>This Policy applies to any requests received from the public for the placement of local, directional fingerboard signs.</p> <p>All fingerboard signs are to be provided, maintained and replaced by Council except for tourist and commercial signs and some public information signs that will be at full cost recovery.</p> |
| 2 | <p>Legislation</p> <p>Eurobodalla Shire Council will comply with the <i>Roads Act 1993</i>.</p> |
| 3 | <p>Erection of Signs</p> <ul style="list-style-type: none"> • The erection of fingerboards signs will only be permitted to provide direction to local facilities. • The fingerboard signs shall conform to specified Australian Standards (AS 1742.5) for size, content, lettering, colour and location. • The allocation of space on the signpost shall be prioritised so that the number of signs on any one post is restricted to achieve the following: <ul style="list-style-type: none"> a) road safety is not compromised by motorists being distracted; b) street names are clearly identified; c) “No Through Roads” are clearly identified. • Remaining space on the signpost is allocated for signs that provide direction to local facilities such that the more important facilities receive the highest priority. The order of priority shall be: <ul style="list-style-type: none"> a) emergency facilities (eg, hospital); b) high priority public facilities (eg, sporting precincts, boat ramps); c) tourist facilities; d) lower priority public facilities. |
| 4 | <p>Directory Information Boards</p> <p>Where the demand for fingerboard signs exceeds the available space, such as at the entrance to villages, consideration shall be given to the establishment of Directory Information Boards. These directories and provision of appropriate pull-off bays will be funded by revenue from businesses displaying information on the boards.</p> |

Implementation

| Requirements | | Responsibility |
|--------------|---|----------------------------|
| 1 | Code of Practice This Policy will be implemented by following Council's Code of Practice for Fingerboard Signs – Local Directional, which specifies in detail the plan, procedures and matters to be considered. | Council officers |
| 2 | Requests in Writing Requests regarding fingerboard signs must be in writing with details of the requested sign, location and wording. The applicant is liable for all costs incurred with the sign (including installation). | Public Council officers |
| 3 | Staff Under supervision, and once appropriate training has been received, relevant Council staff will be responsible for ensuring that this Policy is implemented within their work area. | Council officers |
| 4 | Concerns Public concerns communicated to Council in relation to this Policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns. | Council officers |
| 5 | Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this Policy are invited for consideration during the exhibition period. | As applicable |

Review

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

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

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

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

| Performance indicator | Data source(s) |
|-------------------------------------|-----------------|
| Assessed requests | Council records |
| 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>Fingerboard Signs – Local Directional</i> Code of Practice | ESC Fingerboard Signs - Local Directional Code of Practice |
| <i>Local Government Act 1993</i> | Local Government Act 1993 |
| <i>Roads Act 1993</i> | Roads Act 1993 |
| AS 1742.5-1997 <i>Manual of uniform traffic control devices – Street name and community facility name signs</i> | SAI Global Current Publications |

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 Sep 2009 | Council | 09/291 | E09.3418 | Local Directional Fingerboard Signs Policy reviewed & retained (G09/99) |
| 2 | 10 Sep 2013 | Council | 13/272 | E13.7095 | Reviewed and updated, policy name changed. |
| 3 | dd mmm 2016 | Council | TBA | E16.0297 E06.0375 | Reviewed and updated (start of new Council term) |

Internal use

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

POLICY

| | |
|-------------------------------|--|
| Policy title | 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 | September 2016 |
| Focus area | <i>Liveable Communities</i> Objective 1.3: Provide the right places, spaces and activities |
| Delivery Program link | <i>Community Spaces</i> L5.2 Manage and maintain a safe, sustainable and accessible range of community spaces |
| Operational Plan link | <i>Community Spaces</i> L5.2.1 Undertake maintenance program |

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 | <p>Application</p> <p>Removal of graffiti from non-Council owned property/assets shall be the responsibility of the owner and should be carried out at their cost.</p> <p>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.</p> <p>Council may assist in removing graffiti on the owner's behalf should the work be undertaken as a Private Works Order, ie, 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. |
| 2 | <p>Legislation</p> <p>Eurobodalla Shire Council will comply with the <u>Graffiti Control Act 2008</u></p> |

Implementation

| Requirements | Responsibility |
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| <p>1 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 |
| <p>2 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>. (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. (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. | Council |
| <p>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.</p> | Council officers |
| <p>4 Concerns Public concerns communicated to Council in relation to this Policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.</p> | Council officers |
| <p>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.</p> | As applicable |

Review

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

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

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

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

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

Governance

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

Related legislation and policies

| Name | Link |
|--|---|
| Related Eurobodalla Shire Council Policy or Code of Practice | ESC Policies Register |
| Local Government Act 1993 | Local Government Act 1993 |
| Graffiti Control Act 2008 | Graffiti Control Act 2008 |
| Commercial Arbitration Act 2010 | Commercial Arbitration Act 2010 |

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 | dd mmm 2016 | | TBA | E16.0297 See list | Reviewed and updated (start of new Council term) |

Internal use

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

| | |
|-------------------------------|--|
| Policy title | Water and Sewer Connections |
| Responsible manager(s) | Director Infrastructure Services |
| Contact officer(s) | Division Manager Water and Sewer |
| Directorate | Infrastructure Services |
| Approval date | |
| Focus area | Sustainable |
| Delivery Program link | 1.1 Provide and Renew Sewer Infrastructure 2.1 Provide and Renew Water Infrastructure |
| Operational Plan link | 1.1.1 Deliver Capital and Renewal works program 2.1.1 Deliver Capital and Renewal works program |

Purpose

Council provides, manages and operates water supply and sewerage services in accordance with operating licenses and State and Federal legislation. Detailed requirements for the provision of water and sewer connections to Council's water supply and sewerage systems can be found in legislation, standards, industry codes of practice and guidelines.

Policy aims

- Make Council's requirements for water and sewer connections readily accessible and understandable to the public.
- Promote an integrated framework for dealing with applications for water and sewer connections.
- Ensure consistency and fairness in the manner in which the Council deals with water and sewer customers.
- Ensure compliance with legislative requirements under the *Local Government Act 1993*.

Policy details

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| 1 | Application This policy addresses Council's requirements for connections to Council's water supply and gravity sewerage systems. |
| 2 | Legislation Eurobodalla Shire Council will comply with the <u><i>Local Government Act 1993</i></u> |

Implementation

| Requirements | | Responsibility |
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| 1 | General Provisions for Water Connections a) Connections to Council's water supply shall only be permitted where not excluded by Council's <i>Rural and Trunk Mains Connections</i> policy. b) Permissible connections to the existing water supply are subject to the owner(s) of the land agreeing to: | Council officers |

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| | <ul style="list-style-type: none"> • Make full payment of future consumption charges determined in accordance with Council's <i>Water Usage Charges</i> policy; • Safeguard the water service connection from damage; • Make full payment for repair costs associated with any damage to the water meter assembly (accidental or as a consequence of vandalism); and, • Keep the water meter accessible for reading and maintenance purposes. <p>c) All water connections, including new fire services shall be metered.</p> <p>d) All free-standing and multi-unit residential premises must be separately metered.</p> <p>e) Water meters are to be located within 1 metre of the property front boundary or other location approved by the Division Manager Water and Sewer or the Water and Sewer Operations Engineer.</p> <p>f) Connections to Council's water supply shall be carried out by Council following payment of a connection fee as published in Council's Fees and Charges. No work is to commence until the connection fee has been paid in full.</p> <p>g) Council will maintain water service connections from the water main to and including the water meter. All assets including pipes, valves and backflow prevention devices on the property side of the meter are the responsibility of the property owner.</p> | |
| 2 | <p>General Provisions for Sewer Connections</p> <p>a) Where a new sewer junction is required to be cut into an existing main, the work shall be carried out by Council following payment of a connection fee as published in Council's Fees and Charges. No work is to commence until the connection fee has been paid in full.</p> <p>b) Where the sewer service connection is constructed in accordance with Council's Water and Sewer Design and Construction Specification, Council will maintain the service connection from the sewer main to the base of the boundary inspection shaft.</p> <p>c) Where the sewer service connection has not been constructed in accordance with Council's Water and Sewer Design and Construction Specification, and Council's sewer is located within the property being served, Council will maintain to the collar of the branch junction with the main.</p> <p>d) Where the sewer service connection has not been constructed in accordance with Council's Water and Sewer Design and Construction Specification, and Council's sewer is located outside the property being served, Council will maintain to the property boundary.</p> | Council officers |
| 3 | <p>Vacant Land</p> <p>a) Water Connection</p> <ul style="list-style-type: none"> • Water connections servicing vacant land shall be linked to Council's water main by an individual property service pipe. • A 20mm positive displacement meter shall be used for all vacant residential allotments. • A 25mm positive displacement meter shall be used for all vacant commercial and industrial allotments. <p>b) Sewer Connection</p> | Council officers |

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| | <ul style="list-style-type: none"> Sewer connections servicing vacant land shall be linked to Council's sewer main by an individual property service pipe. The property connection point or boundary inspection for sewer connections servicing vacant land shall be terminated at minimum 600mm below ground level and marked using identification tape and hardwood peg or other approved method. | |
| 4 | <p>Single Residential Dwellings</p> <p>a) Water Connection</p> <ul style="list-style-type: none"> New water connections servicing properties with single residential dwellings shall be linked to Council's water main by an individual property service pipe. A 20mm positive displacement meter shall be used for all single residential dwelling water service connections. <p>b) Sewer Connection</p> <ul style="list-style-type: none"> New sewer connections servicing properties with single residential dwellings shall be linked to council's sewer main by an individual property service pipe. | Council officers |
| 5 | <p>Torrens and Community Title Developments</p> <p>a) Water Connections</p> <ul style="list-style-type: none"> New water connections servicing properties with Torrens and Community Title developments shall be serviced by multiple water connections linking each individual lot to Council's water main by individual property service pipes. A 3 metre wide easement shall be created over any water main extension required on private land to service the development. A 20mm positive displacement meter shall be used for each Torrens or Community Title unit water service connection. <p>b) Sewer Connections</p> <ul style="list-style-type: none"> New sewer connections servicing properties with Torrens and Community Title developments shall be serviced by multiple sewer connections linking each individual lot to Council's sewer main by individual property service pipes. A 3 metre wide easement shall be created over any sewer main extension required on private land to service the development. | Council officers |
| 6 | <p>Strata Title Developments</p> <p>a) Water Connection(s)</p> <p>New water connections servicing properties with strata title developments shall be either:</p> <ul style="list-style-type: none"> Linked to Council's water main by an individual property service pipe, with all strata units separately metered by private water meters within the development. The property service meter shall be sized in accordance with the requirements of Australian Standard 3500.1 Plumbing and Drainage – Water Services. Serviced by multiple water connections linking each strata unit to Council's water main by individual service pipes. A 20mm positive displacement meter shall be used for each strata unit water service connection. <p>b) Sewer Connection</p> | Council officer |

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| | <ul style="list-style-type: none"> New sewer connections servicing properties with strata title developments shall be linked to Council's sewer main by a single individual property service pipe where practicable. <p>Applicants for strata title developments shall be advised that water and sewer connections standards for Torrens and Community Title developments are more onerous, and that allowance for future upgrading of water and sewer connections should be considered in the design.</p> | |
| 7 | <p>Dual Occupancy Developments</p> <p>a) Water Connection(s)</p> <p>New water connections servicing properties with dual occupancy developments shall be either:</p> <ul style="list-style-type: none"> Linked to Council's water main by an individual property service pipe, with dwellings separately metered by private water meters within the development. Serviced by multiple water connections linking each dwelling to Council's water main by individual service pipes. A 20mm positive displacement meter shall be used for each water service connection. <p>b) Sewer Connection(s)</p> <p>New dual occupancy developments shall be serviced by either:</p> <ul style="list-style-type: none"> A single connection to Council's sewer main by an individual property service pipe. Multiple sewer connections linking each dwelling to Council's sewer main by individual service pipes. <p>Applicants for dual occupancy developments shall be advised that sewer connections standards for development other than single residential dwellings/dual occupancies are more onerous, and that upgrading sewer connections in the future may be costly or impractical.</p> | Council officers |
| 8 | <p>Commercial and Industrial Developments</p> <p>a) Water Connections</p> <ul style="list-style-type: none"> New water connections servicing properties with commercial or industrial developments shall be linked to Council's water main by a single individual property service pipe where practicable. Water meters shall be sized in accordance with the requirements of Australian Standard 3500.1 Plumbing and Drainage – Water Services. The property owner may be required to install and maintain a testable backflow prevention device in accordance with Council's <i>Water Supply Backflow Prevention and Cross Connection Control</i> policy. <p>b) Sewer Connections</p> <ul style="list-style-type: none"> New sewer connections servicing properties with commercial or industrial developments shall be linked to Council's sewer main by a single individual property service pipe where practicable. | Council officers |

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| | <ul style="list-style-type: none"> The occupant may require an approval to discharge liquid trade waste to Council's sewer and may be required to enter into a Liquid Trade Waste Service Agreement in accordance with Council's <i>Liquid Trade Waste Regulation</i> policy. | |
| 9 | <p>Fire Services</p> <ul style="list-style-type: none"> Water connections dedicated to servicing private hydrants and/or sprinkler systems shall have a double detector check valve with a 25mm diameter bypass fitted. The 25mm meter shall not be fitted with integral check valves. Fire services servicing properties with strata title developments may be used as an internal water main to supply individual strata units. The metered bypass shall be sized in accordance with the requirements of Australian Standard 3500.1 Plumbing and Drainage – Water Services. Water connections required for fire services must not contain an in-line strainer. Owners of Fire Services must lodge an annual "Backflow Prevention Device Inspection, Testing and Maintenance Report in accordance with Council's <i>Water Supply Backflow Prevention and Cross Connection Control Policy</i> for the service to be considered a Fire service. | Council officers |
| 10 | <p>Disconnections and Restrictions</p> <p>Disconnection from Council's water supply or sewerage system may be instigated by the property owner(s) or by Council.</p> <p>a) At request of the property owner(s).</p> <ul style="list-style-type: none"> The property owner(s) may request that a water or sewer service be disconnected from Council's water supply or sewerage system if the property becomes vacant or is to be redeveloped. Disconnections from Council's water supply or sewerage systems shall be carried out by Council following payment of a disconnection fee as published in Council's Fees and Charges. No work is to commence until the disconnection fee has been paid in full. Disconnection from the system may not necessarily result in the property no longer being subject to water and sewer access charges. Owners should confirm if annual access charges will still be payable when seeking to disconnect a service. <p>b) Disconnection by Council</p> <ul style="list-style-type: none"> Failure to comply with Council's water and sewer policies or to pay water and sewer rates or charges may result in Council taking action to restrict the supply of water to a premises or to disconnect the property from its water supply and sewerage systems. Disconnection or restricting the supply of water does not affect the liability of the rateable person to pay the outstanding rates or charges. Restricting the supply of water to a premises or disconnection from Council's water supply or sewerage | |

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| | systems will be undertaken in accordance with the Local Government Act and Regulations. | |
| 11 | 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 |
| 12 | Concerns Concerns received regarding the application of the Water and Sewer Connections policy will be recorded on Council's Customer Service Request (CSR) or records system and handled in accordance with Council's Customer Complaints & Services Request Policy. They will be used to analyse the history of concerns and to help determine follow up actions. | Council officers |
| 13 | Consultation Consultation regarding this policy will occur as relevant and may include legislative bodies, other relevant legislation, industry guidelines, and public comment. | As applicable |

Review

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

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

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

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 |
| Internal or external review | Audit |

Governance

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

Related legislation and policies

| Name | Link |
|--|--|
| Related Council Policy or Code of Practice | esc.nsw.gov.au/inside-council/council/council-policies |
| Local Government Act 1993 | legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N |
| Water and Sewer Rural and Trunk Mains Connections policy | www.esc.nsw.gov.au |
| Water Usage Charges policy | www.esc.nsw.gov.au |

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| Liquid Trade Waste Regulation policy | www.esc.nsw.gov.au |
| Water Supply Backflow Prevention & Cross Connection Control policy | www.esc.nsw.gov.au |

Supporting documents

| Name | Link |
|---|--|
| Water and Sewer Design and Construction Specification | www.esc.nsw.gov.au |

Change history

| Version | Approval date | Approved by | Min No | File No | Change |
|---------|---------------|-------------|------------|----------------------|--|
| 1 | 10 Sep 2013 | Council | 13/27 2 | E13.7095 | Policy commenced. Combines and replaces three previous policies 'Service Connections for Developments other than Single Dwellings', 'Water Meter Sizing' and 'Water Meters on Vacant blocks' |
| 2 | dd mmm 2013 | Council | TBA | E13.7095 | Reviewed and updated (start of new Council term) |
| 3 | dd mmm 2016 | Council | TBA | E16.0297 See list | Reviewed and updated (start of new Council term) |

Internal use

| | | | | | |
|---------------------|----------------------------------|-------------|----------|----------------|---------|
| Responsible officer | Director Infrastructure Services | | | Approved by | Council |
| Minute # | TBA | Report # | TBA | Effective date | TBA |
| File | E06.0113 E06.0374 E16.0297 | Review date | Sep 2020 | Pages | 6 |

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|-------------------------------|--|
| Policy title | Water and Sewer Rural and Trunk Mains Connections policy |
| Responsible manager(s) | Director Infrastructure Services |
| Contact officer(s) | Division Manager Water and Sewer |
| Directorate | Infrastructure Services |
| Approval date | |
| Focus area | Sustainable |
| Delivery Program link | 1.2 Operate and Maintain Councils Sewerage Systems 2.2 Operate and Maintain Councils Water Supply Systems |
| Operational Plan link | 1.2.1 Operate Sewerage Systems 2.2.2 Operate Water System |

Purpose

Council's Strategic Business Plan for Water Supply and Sewerage identifies level of service targets that Council aims to achieve in the delivery of its water supply and sewerage services. Key performance objectives include adequate water quality, maximum and minimum water supply pressures, sewer odour complaints, response times and durations of interruptions.

This policy is to ensure that Council's ability to meet its level of service obligations is not compromised by allowing water and sewer services in low density areas, i.e. rural properties, or from water trunk mains.

Rural Water Connections

Council supplies water that is treated to a standard that meets the Australian Drinking Water Guidelines, including disinfecting the water to destroy any pathogenic (disease causing) organisms that may have been present in the water source. To protect against recontamination in the distribution and reticulation network, Council chlorinates the water to maintain disinfection residual.

Good design, management and integrity of distribution and reticulation systems are essential for maintaining water quality. Stagnation and chlorine decay can occur in poorly designed and operated systems. Unless there is sufficient turnover of water in the network, there is a risk that disinfection capacity will be depleted and reinfection may occur. This is particularly a problem in reticulation systems that contain sections with long detention periods such as long sections of pipe servicing few customers and dead ends.

Due to the low density of rural properties, it is not possible to provide water services from a reticulation system that isn't comprised of long sections of pipe servicing few customers, dead ends and excessive detention periods. Therefore, there is a significant risk that Council will be unable to meet drinking water quality standards for rural customers.

As Council is unable to guarantee level of service obligations, Council does not permit rural properties to be connected to reticulated potable water supply systems.

Trunk Water Main Connections

Trunk water supply pipelines deliver bulk water from one part of the system to another, often aided by pumping. As such, trunk mains are larger in diameter than reticulation mains, are not networked and have fluctuating pressures. Trunk mains are considered part of the distribution system, which is designed to accommodate the peak day demand for catchments within the water supply system. Response and repair times for trunk water main failures can therefore be up to several days depending on the season, which far exceeds Council's level of service obligation.

Council is not able to meet level of service obligations for customers serviced from trunk mains for the following reasons:

- Excessive pressure fluctuations caused by pumps starting and stopping, which lead to level of service complaints.
- Excessive response and repair times due to larger diameter pipes and isolation.
- Long pipelines without networking meaning that service interruptions can disrupt excessive numbers of customers per incident.

As Council is unable to guarantee level of service obligations, Council does not permit properties to be connected to water supply trunk mains.

Rural Sewer Connections

Due to the low density of rural properties, a reticulated sewer system servicing rural properties will contain either:

- Long sections of gravity pipe and transfer pumping stations that service few properties, or
- Long sections of pressure sewer pipelines.

It is not usually possible to provide a viable service to rural customers as operations, maintenance and asset renewal costs will far exceed the income from contributing properties. Long sections of sewer rising main or pressure sewer results in anaerobic sewage conditions which create odour and maintenance issues, and a reduced asset life of the downstream sewerage system.

As Council is not able to provide a viable sewer service or met level of service obligations, Council does not permit rural properties to be connected to Council's sewerage systems.

The policy aims to:

- Ensure that Council's ability to meet service level obligations is not compromised by providing water and sewer services in low density areas or from water trunk mains.
- Ensure consistency and fairness in the manner in which the Council deals with rural property owners.
- Ensure compliance with legislative requirements under the *Local Government Act 1993*.
- Make the Council's policies and requirements for rural and trunk main connections readily accessible and understandable to the public.

Policy details

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| 1 | Application This policy applies to water supply and sewerage systems within the Eurobodalla Local Government Area (LGA). |
| 2 | Legislation Eurobodalla Shire Council will comply with the <u>Local Government Act 1993</u> |

Implementation

| Requirements | | Responsibility |
|--------------|--|------------------|
| 1 | Rural Water and Sewer Connections <ul style="list-style-type: none"> Connections to Council's water supply or sewerage systems of lots within land use zones RU1 Primary Production or RU4 Primary Production Small Lots shall not be permitted except as outlined in point 3. Requests for connection to Council's water supply and/or sewerage systems of lots within land use zone E4 will be considered on merit. | Council officers |
| 2 | Distribution Mains Service connections to trunk water mains will not be permitted. | Council officers |
| 3 | Exceptions Connections to the existing reticulated water supply system of lots within land use zones RU1, RU4 or E4 will be permitted where a reticulated water supply main exists at the property frontage, subject to payment of water connection and water supply head works charges. This exception shall not be applied to sewer services or trunk water main connections. | Council officers |
| 4 | Staff Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so. | Council officers |
| 5 | 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 |
| 6 | Complaints | Public Officer |

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| | Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council's Complaints Policy. | |
| 7 | Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period. | As applicable |

Review

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

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

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

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

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

Governance

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

Related legislation and policies

| Name | Link |
|------------------------------------|--|
| Water and Sewer Connections Policy | www.esc.nsw.gov.au/inside-council/council/council-policies |
| Local Government Act 1993 | www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N |

Related external references

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

Supporting documents

| Name | Link |
|--|--|
| Integrated Water Cycle Management Strategy | www.esc.nsw.gov.au |

Change history

| Version | Approval date | Approved by | Min No | File No | Change |
|---------|---------------|-------------|------------|----------------------------------|--|
| 1 | 16 Dec 2008 | Council | 08/38 6 | E06.0113 | Policy commenced |
| 2 | 10 Dec 2013 | Council | 13/27 2 | E13.7095 | Reviewed and updated (start of new Council term) |
| 3 | dd mmm 2016 | Council | TBA | E16.0297 E06.0113 E06.0374 | Reviewed and updated (start of new Council term) |

Internal use

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|---------------------|----------------------------------|----------------------------------|----------|----------------|---------|
| Responsible officer | | Director Infrastructure Services | | Approved by | Council |
| Minute # | TBA | Report # | TBA | Effective date | TBA |
| File | E16.0297 E06.0113 E06.0374 | Review date | Sep 2020 | Pages | 5 |

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| Policy title | Public Interest Disclosures Internal Reporting |
| Responsible manager(s) | General Manager |
| Contact officer(s) | Divisional Manager Governance and Information |
| Directorate | Finance and Business Development |
| Approval date | |
| Focus area | Support Services |
| Delivery Program link | SS1.2 Maintain a sound governance framework within which Council operates |

Purpose

Under section 6D of the *Public Interest Disclosures Act 1994* (the PID Act), public authorities such as councils are required to have a policy and procedures for receiving, assessing and dealing with public interest disclosure reports about wrongdoing.

The Mayor, General Manager and all managers of Eurobodalla Shire Council are committed to supporting and protecting staff if they report wrongdoing. Such staff who come forward and report wrongdoing are helping to promote integrity, accountability and good management within Council.

This policy is designed to complement normal communication channels between managers and staff. Staff are encouraged to raise matters of concern at any time with their managers, but also have the option of making a report about a public interest issue in accordance with this policy and the Public Interest Disclosures Act 1994.

As well as reflecting Council's values of Integrity, Fairness, Empathy, Excellence and Leadership, this policy is in alignment with:

- Council's Code of Conduct
- The appropriate 'Grievance' provisions of the Local Government (State) Award 2014,
- Council's bullying and harassment policies.

This policy is based on the NSW Ombudsman's *Model Internal Reporting Policy (Local Government)* of June 2014 as issued by the Office of the NSW Ombudsman, which was drafted to ensure compliance with the PID Act.

All associated procedures have also taken into consideration a series of guidelines issued by the Ombudsman.

Policy aims:

- Promote an integrated framework for dealing with Public Interest Disclosures;
- Ensure transparency, consistency, and fairness in the manner in which council deals with disclosures;
- Protect the rights of staff and councillors who report wrongdoing;
- Promote awareness of and ensure compliance with legislative requirements;
- Encourage integrity, accountability and good management within Council;

- Make Council's policies and requirements for disclosures readily accessible and understandable to the public.

Policy statement

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| | <p>Application</p> <p>This policy applies to all Eurobodalla Shire Council staff (see also section 3) and Councillors. Public Interest Disclosure (PID) reports about the five categories of serious wrongdoing (corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention, and local government pecuniary interest contravention) will be dealt with according to this policy.</p> |
| 1 | <p>Legislation</p> <p>Eurobodalla Shire Council will comply with the <i>Local Government Act 1993</i>, the <i>Public Interest Disclosures Act 1994</i> (No 92 current version for 28 November 2014 to date), the <i>Local Government (State) Award 2014</i>, and the Office of the NSW Ombudsman's <i>Model Internal Reporting Policy (Local Government) 2014</i>.</p> <p>Regular reporting to the NSW Ombudsman is required on a six-monthly basis as well as via Council's annual report.</p> |
| 2 | <p>Organisational Commitment</p> <p>Council is committed to:</p> <ul style="list-style-type: none"> (a) building a climate of trust, where staff are comfortable and confident about reporting wrongdoing (b) encouraging staff to come forward if they have witnessed what they consider to be wrongdoing within Council (c) keeping the identity of the staff member disclosing wrongdoing confidential, wherever possible and appropriate (d) protecting staff who make disclosures from any adverse action motivated by their report (e) dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it (f) keeping staff who make reports informed of their progress and the outcome (g) encouraging staff to report wrongdoing within the council, but respecting any decision to disclose wrongdoing outside Council – provided that disclosure outside Council is made in accordance with the provisions of the PID Act (h) ensuring that managers and supervisors at all levels in Council understand the benefits of reporting wrongdoing, are familiar with this policy, and are aware of the needs of those who report wrongdoing (i) providing adequate resources, to: <ul style="list-style-type: none"> • encourage reports of wrongdoing • protect and support those who make them • investigate allegations • properly manage any workplace issues that the allegations identify or create • correct any problem that is identified |

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| | (j) reviewing the policy at least each eighteen (18) months to ensure it is still relevant and effective. |
| 3 | <p>Roles and responsibilities of staff</p> <p>As stated previously this policy applies to all councillors and staff, who include:</p> <ul style="list-style-type: none"> (a) permanent employees, whether full-time or part-time (b) temporary or casual employees (c) trainees, cadets and apprentices (d) consultants (e) individual contractors working for the council (f) volunteers of Council (g) public officers of another Council or Public Authority. <p>Staff and councillors are encouraged to report known and suspected wrongdoing within Council and should also support those who have made disclosures, as well as protect and maintain their confidentiality.</p> <p>They must not victimise or harass anyone who has made a disclosure.</p> |
| 4 | <p>What should be reported?</p> <p>Staff and councillors should report any wrongdoing they see within the Council.</p> <p>Reports about the five categories of serious wrongdoing - corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention, and local government pecuniary interest contravention – will be dealt with under the PID Act as public interest disclosures and according to this policy.</p> |
| 4.1 | <p>Corrupt conduct</p> <p>Corrupt conduct is the dishonest or partial exercise of official functions by a public official. For example, this could include:</p> <ul style="list-style-type: none"> (a) the improper use of knowledge, power or position for personal gain or the advantage of others (b) acting dishonestly or unfairly, or breaching public trust (c) a council official being influenced by a member of the public to use their position in a way that is dishonest, biased or breaches public trust. <p>For more information about corrupt conduct, see the NSW Ombudsman's guideline on what can be reported.</p> |
| 4.2 | <p>Maladministration</p> <p>Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives. For example, this could include:</p> <ul style="list-style-type: none"> (a) making a decision and/or taking action that is unlawful (b) refusing to grant someone a licence for reasons that are not related to the merits of their application. <p>For more information about maladministration, see the NSW Ombudsman's guideline on what can be reported.</p> |

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| 4.3 | <p>Serious and substantial waste in local government</p> <p>Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of Council. For example, this could include:</p> <ul style="list-style-type: none"> (a) poor project management practices leading to projects running over time (b) having poor or no processes in place for a system involving large amounts of public funds. <p>For more information about serious and substantial waste, see the NSW Ombudsman's guideline on what can be reported.</p> |
| 4.4 | <p>Government information contravention</p> <p>A government information contravention is a failure to properly fulfil functions under the <i>Government Information (Public Access) Act 2009</i> (GIPA Act). For example, this could include:</p> <ul style="list-style-type: none"> (a) destroying, concealing or altering records to prevent them from being released (b) knowingly making decisions that are contrary to the legislation (c) directing another person to make a decision that is contrary to the legislation. <p>For more information about government information contravention, see the NSW Ombudsman's guideline on what can be reported.</p> |
| 4.5 | <p>Local Government pecuniary interest contravention</p> <p>A local government pecuniary interest contravention is a failure to fulfil certain functions under the <i>Local Government Act 1993</i> relating to the management of pecuniary interests. These include obligations to lodge disclosure of interest returns, lodge written declarations and disclose pecuniary interests at council and council committee meetings.</p> <p>A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. For example, this could include:</p> <ul style="list-style-type: none"> (a) a senior council staff member recommending a family member for a council contract and not declaring the relationship (b) a General Manager holding an undisclosed shareholding in a company competing for a council contract. <p>For more information about local government pecuniary interest contravention, see the NSW Ombudsman's guideline on what can be reported.</p> |
| 4.6 | <p>Other wrongdoing</p> <p>Although reports about the previous categories of conduct can attract the specific protections of the PID Act, staff and councillors should report all activities or incidents that they believe are wrong. For example, these could include:</p> <ul style="list-style-type: none"> (a) harassment or unlawful discrimination (b) practices that endanger the health or safety of staff or the public. |

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| | <p>These types of issues should be reported to a supervisor, in line with Council's policies. Even if these reports are not dealt with as public interest disclosures, Council will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.</p> |
| 5 | <p>When will a PID report be protected?</p> <p>Council will support any staff who report wrongdoing. For a report to be considered a public interest disclosure, it has to meet all of the requirements under the PID Act. These requirements are:</p> <ul style="list-style-type: none"> (a) The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing (b) The report has to be made to one or more of the following: <ul style="list-style-type: none"> • a position nominated in this policy – see section 9 below • the General Manager • one of the investigating authorities nominated in the PID Act – see section 10 below <p>Reports by staff and councillors are not considered to be public interest disclosures if they:</p> <ul style="list-style-type: none"> (a) mostly question the merits of government policy, including the policy of the governing body of the council (b) are made with the sole or substantial motive of avoiding dismissal or other disciplinary action. |
| 6 | <p>How to make a PID report</p> <p>Staff and councillors can report wrongdoing in writing or verbally. They are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.</p> <p>If a PID report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The staff member should keep a copy of this record.</p> <p>If staff are concerned about being seen making a PID report, they can ask to meet in a discreet location away from the workplace.</p> |
| 7 | <p>Can a PID report be anonymous?</p> <p>There will be some situations where staff or councillors may not want to identify themselves when they make a PID report. Although anonymous reports will still be dealt with by the Council, it is best if they identify themselves. This allows Council to provide any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.</p> <p>It is important to realise that even an anonymous disclosure may not prevent the person from being identified. If we do not know who made the report, it is very difficult for Council to prevent any potential for reprisal action.</p> |
| 8 | <p>Part 8 - Maintaining confidentiality</p> |

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| | <p>Council realises many staff will want their PID report to remain confidential. This can help to prevent any reprisal action being taken against them for reporting wrongdoing.</p> <p>Council is committed to keeping reporting staff identity, and the fact they have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. We will discuss with the reporter whether it is possible to keep their report confidential. If confidentiality cannot be maintained, we will develop a plan to support and protect reporting staff from risks of reprisal. They will be involved in developing this plan and will also be told if their report will be dealt with under the council's code of conduct, as this may mean certain information will have to be tabled at a council meeting if the report involves a Councillor.</p> <p>If staff report wrongdoing, they should only discuss their report with those dealing with it. This will include the PID Coordinator and the General Manager. If they discuss their report more broadly, they may affect the outcome of any investigation.</p> |
| 9 | <p>Part 9 – Who can receive a report within the Eurobodalla Shire Council?</p> <p>Staff are encouraged to report general wrongdoing to their supervisor. However the PID Act requires that – for a report to be a public interest disclosure – it must be made to a public official in accordance with Council's disclosure procedures. For the Eurobodalla Shire Council, this means this policy and any supporting procedures.</p> <p>Any supervisor who receives a report that they believe may be a public interest disclosure must assist the staff member to make the report to one of the positions listed in 9.1-9.3 below.</p> <p><i>If Council staff make a report involving a councillor:</i> they should make it to the General Manager or the Mayor.</p> <p><i>If councillors make a report about another councillor:</i> they should make it to the General Manager or the Mayor.</p> <p>The following positions are the only officers or councillors within the Eurobodalla Shire Council who can receive a public interest disclosure:</p> |
| 9.1 | <p>General Manager</p> <p>Wrongdoing can be reported directly to the General Manager. The General Manager is responsible for:</p> <ul style="list-style-type: none"> (a) deciding if a report is a public interest disclosure (b) determining what needs to be done next, including referring it to other authorities (a) deciding what needs to be done to correct the problem that has been identified. <p>The General Manager must make sure there are systems in place in the Eurobodalla Shire Council to support and protect staff who report wrongdoing and is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption. (ICAC)</p> <p>General Manager – Dr Catherine Dale</p> <p>Ph.: 4474 1308 Fax: 4474 1364 e-mail: gm@eurocoast.nsw.gov.au</p> |
| 9.2 | <p>Mayor</p> |

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| | <p>If making a report about the General Manager, staff and councillors should make their report to the Mayor. The Mayor is responsible for:</p> <ul style="list-style-type: none"> (c) deciding if a report is a public interest disclosure (d) determining what needs to be done next, including referring it to other authorities (e) deciding what needs to be done to correct the problem that has been identified. <p>The Mayor must make sure there are systems in place in the Eurobodalla Shire Council to support and protect staff who report wrongdoing.</p> <p>If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.</p> <p>Mayor - Cllr Liz Innes</p> <p>Ph.: 4474 1301 Fax: 4474 1364 e-mail: mayor@eurocoast.nsw.gov.au</p> |
| 9.3 | <p>PID coordinator</p> <p>The PID coordinator has a central role in dealing with reports made by staff. They receive them, assess them, and refer them to the people within the Eurobodalla Shire Council who can deal with them appropriately. The current PID coordinator is below:</p> <p>Divisional Manager Governance and Information – Jeff Phillips</p> <p>Ph.: 4474 1267 Fax: 4474 7423 e-mail: jeff.phillips@eurocoast.nsw.gov.au</p> <p>If the Public Interest Disclosures co-ordinator is on leave or otherwise absent, please contact the Director Finance and Business Development, or if they are unavailable and you believe the matter to be urgent please contact the Governance and Information officer.</p> |
| 10 | <p>Who can receive a report outside of the Council?</p> <p>While staff and councillors are strongly encouraged to report wrongdoing internally to Council, internal reporting is not their only option. If they follow the guidance below, their report can still be a public interest disclosure.</p> <p>They can choose to make their report to an investigating authority. They can do this first, or at any stage after their initial report to the Council. If their report is about the General Manager or the Mayor, they should consider making it to an investigating authority.</p> <p>They can also choose to make a report to a Member of Parliament or a journalist, but only in limited circumstances.</p> |
| 10.1 | <p>Investigating authorities</p> <p>The PID Act lists a number of investigating authorities in NSW that staff and councillors can report wrongdoing to, and the categories of wrongdoing each authority can deal with.</p> <p>In relation to council, these authorities are:</p> <ul style="list-style-type: none"> (a) for corrupt conduct - the Independent Commission Against Corruption (ICAC) (b) for maladministration - the NSW Ombudsman (c) for disclosures about local government agencies - the Office of Local Government (d) for disclosures about a government information contravention - the Information Commissioner. |

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| | <p>Staff and councillors should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.</p> <p>Staff and councillors should be aware that it is very likely the investigating authority will discuss the case with the council. Eurobodalla Shire Council will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.</p> |
| 10.2 | <p>Members of Parliament or journalists</p> <p>To have the protections of the PID Act, staff or councillors reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:</p> <ul style="list-style-type: none"> (a) the General Manager (b) a person nominated in this policy (c) an investigating authority in accordance with the PID Act. <p>Also, the Council or investigating authority that received the report must have either:</p> <ul style="list-style-type: none"> (a) decided not to investigate the matter (b) decided to investigate the matter, but not completed the investigation within six months of the original report (c) investigated the matter but not recommended any action as a result (d) not told the person who made the report, within six months of the report being made, whether the matter will be investigated. <p>Most importantly – to be protected under the PID Act – if staff or councillors report wrongdoing to an MP or a journalist they will need to be able to prove that they have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.</p> <p>If staff or councillors report wrongdoing to a person or an organisation that is not listed above, they will not be protected under the PID Act. This may mean they will be in breach of legal obligations or Council's code of conduct – by, for example, disclosing confidential information.</p> <p>For more information about reporting wrongdoing outside the Eurobodalla Shire Council, contact the disclosures coordinator (see 9.3 above) or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this statement.</p> |
| 11 | <p>Feedback to staff who report wrongdoing</p> <p>Staff who report wrongdoing will be told what is happening in response to their report.</p> <p>When staff make a PID report, they will be given:</p> <ul style="list-style-type: none"> (a) an acknowledgement that their disclosure has been received; (b) the timeframe for when they will receive further updates (c) the name and contact details of the people who can tell them what is happening. |

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| | <p>The PID Act requires that people making a report are provided with an acknowledgement letter and a copy of this policy within forty five (45) days after they have made their report. However Council will attempt to provide this information within five (5) working days from the date the report is made.</p> <p>After a decision is made about how the report will be dealt with, they will be given:</p> <ul style="list-style-type: none"> (a) information about the action that will be taken in response to their report (b) likely timeframes for any investigation (a) information about the resources available within Council to handle any concerns they may have. <p>This information will be given within ten (10) working days from the date the report is made.</p> <p>During any investigation, they will be given:</p> <ul style="list-style-type: none"> (c) information on the ongoing nature of the investigation (d) information about the progress of the investigation and reasons for any delay (a) advice if their identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this. <p>At the end of any investigation, they will be given:</p> <ul style="list-style-type: none"> (e) enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to their disclosure and any problem that was identified (f) advice about whether they will be involved as a witness in any further matters, such as disciplinary or criminal proceedings. |
| 12 | <p>Protection against reprisals</p> <p>The PID Act provides protection for staff and councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not. The criminal penalties that can be imposed for anyone making reprisals include imprisonment or fines.</p> <p>Detrimental action is also a breach of Council's Code of Conduct which may result in disciplinary action. A person who takes detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.</p> <p>'Detrimental action' means action causing, comprising or involving any of the following:</p> <ul style="list-style-type: none"> • injury, damage or loss • intimidation or harassment • discrimination, disadvantage or adverse treatment in relation to employment • dismissal from, or prejudice in, employment • disciplinary proceedings. |
| 12.1 | <p>Responding to reprisals</p> |

Council will act to protect staff who report wrongdoing from reprisals.

If any staff member believes that detrimental action has been or is being taken against them or someone else who has reported wrongdoing in reprisal for making a report, they should tell their supervisor, the disclosures coordinator or the General Manager immediately.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the disclosures coordinator or the General Manager.

If the disclosures coordinator becomes aware of reprisal action against a person who has made a disclosure, they will:

- (a) ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
- (b) give the results of that investigation to the General Manager for a decision
- (c) give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the General Manager
- (d) if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure
- (e) take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- (f) Refer any breach of Part 8 of Council's Code of Conduct (reprisal action) by a councillor or the general manager to the Office of Local Government
- (g) Refer any evidence of an offence under section 20 of the PID Act to ICAC or NSW Police.

If staff report reprisal action, they will be kept informed of the progress of any investigation and the outcome.

The General Manager may issue specific directions to help protect against reprisals. These may include:

- (a) issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure
- (b) relocating the member of staff who made the disclosure or the subject officer within the current workplace
- (c) transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified
- (d) granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

These directions will only be taken if the member of staff who made the disclosure agrees to it. The disclosures coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

If staff or councillors have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, they should contact the NSW Ombudsman or ICAC – depending on the type of wrongdoing reported.

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| | Contact details for all these investigating authorities are included at the end of this policy. |
| 12.2 | <p>Protection against legal action</p> <p>If staff members make a disclosure in accordance with the PID Act, they will not be subject to any liability, and no action, claim or demand can be taken against them for making the disclosure. They will not have breached any confidentiality or secrecy obligations and will have the defence of absolute privilege in defamation.</p> |
| 13 | <p>Support for those reporting wrongdoing</p> <p>Eurobodalla Shire Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are provided with access to professional support they may need as a result of the reporting process – such as counselling services.</p> <p>All supervisors must notify the disclosures coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.</p> |
| 14 | <p>Sanctions for making false or misleading disclosures</p> <p>It is important that all staff and councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.</p> |
| 15 | <p>Support for the subject of a report</p> <p>Eurobodalla Shire Council is committed to ensuring that any staff or councillors who are the subject of a report of wrongdoing are treated fairly and reasonably.</p> <p>Any person who is the subject of a report will be:</p> <ul style="list-style-type: none"> (a) treated fairly and impartially (b) told their rights and obligations under our policies and procedures (c) kept informed during any investigation (d) given the opportunity to respond to any allegation made against them (e) told the result of any investigation. |
| 16 | <p>External investigating Authorities</p> <p>The contact details for external investigating authorities that staff can make a public interest disclosure to, or seek advice from, are listed below:</p> <p>For disclosures about corrupt conduct:</p> <p>Independent Commission Against Corruption (ICAC)</p> <p>Phone: 02 8281 5999 Toll free: 1800 463 909</p> <p>Tel. typewriter (TTY): 02 8281 5773 Facsimile: 02 9264 5364</p> <p>Email: icac@icac.nsw.gov.au Web: www.icac.nsw.gov.au</p> <p>Address: Level 7, 201 Elizabeth Street, Sydney NSW 2000</p> <p>For disclosures about maladministration:</p> <p>NSW Ombudsman</p> |

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| | <p>Phone: 02 9286 1000 Toll free (outside Sydney metro): 1800 451 524</p> <p>Tel. typewriter (TTY): 02 9264 8050 Facsimile: 02 9283 2911</p> <p>Email: nswombo@ombo.nsw.gov.au Web: www.ombo.nsw.gov.au</p> <p>Address: Level 24, 580 George Street, Sydney NSW 2000</p> <p>For disclosures about serious and substantial waste:</p> <p>Auditor-General of the NSW Audit Office</p> <p>Phone: 02 9275 7100 Facsimile: 02 9275 7200</p> <p>Email: mail@audit.nsw.gov.au Web: www.audit.nsw.gov.au</p> <p>Address: Level 15, 1 Margaret Street, Sydney NSW 2000</p> <p>For disclosures about breaches of the GIPA Act:</p> <p>Information Commissioner</p> <p>Toll free: 1800 472 679 Facsimile: 02 8114 3756</p> <p>Email: ipcinfo@ipc.nsw.gov.au Web: www.ipc.nsw.gov.au</p> <p>Address: Level 11, 1 Castlereagh Street, Sydney NSW 2000</p> <p>For disclosures about local government agencies:</p> <p>Office of Local Government</p> <p>Phone: 02 4428 4100</p> <p>Tel. typewriter (TTY): 02 4428 4209 Facsimile: 02 4428 4199</p> <p>Email: olg@dlg.nsw.gov.au Web: www.olg.nsw.gov.au</p> <p>Address: 5 O'Keefe Avenue, Nowra, NSW 2541</p> |
| 17 | <p>Part 17 – More information</p> <p>Staff and councillors can also access advice and guidance from the Eurobodalla Shire Council disclosures coordinator and the NSW Ombudsman's website at: www.ombo.nsw.gov.au</p> |

Implementation

| Requirements | | Responsibility |
|--------------|---|---------------------|
| 1 | Procedures | Divisional Managers |
| | This policy will be implemented by the relevant Divisional Manager(s) following the procedures outlined in the Policy Statement, above. | |
| 2 | Staff | Council Officers |
| | 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. | |

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| 3 | Complaints Complaints regarding Public Interest Disclosures will be handled according to the procedures outlined in the Policy Statement, above. | PID Officer, Public Officer General Manager |
| 2 | Consultation This policy has been developed based on guidelines issued by the NSW Ombudsman and relevant legislation. The previous version of this policy was approved by Executive Leadership Team, Consultative Committee, placed on public exhibition, and approved by Council. | NSW Ombudsman Council staff Council Community |

Review

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

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

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

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

| Performance indicator | Data source(s) |
|------------------------------------|-----------------|
| Number of PID disclosure reports | Council Records |
| Concerns reported | Council Records |
| Customer Feedback Survey Responses | Surveys |
| Internal or external review | Audit |

Governance

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

Related legislation and policies

| Name | Link |
|--------------------------------------|--|
| Code of Conduct | www.esc.nsw.gov.au |
| Bullying and Harassment Policy | Internal Policy (HR) |
| Local Government Act 1993 | www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/ |
| Public Interest Disclosures Act 1994 | www.austlii.edu.au/au/legis/nsw/consol_act/pida1994313/ |
| Local Government State Award 2010 | www.maitland.nsw.gov.au/UserFiles/File/LocalGovernmentStateAward2010.pdf |

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|---|---|
| Office of the NSW Ombudsman <i>Model Internal Reporting Policy (Local Government) 2011</i> | http://www.ombo.nsw.gov.au/news-and-publications/publications/guidelines/public-interest-disclosures/model-internal-reporting-policy-local-government-public-interest-disclosures |
|---|---|

Related external references

| Name | Link |
|--|--|
| Office of Local Government (OLG) | www.olg.nsw.gov.au/ |
| Independent Commission Against Corruption (ICAC) | www.icac.nsw.gov.au |
| Information Commissioner | www.oic.nsw.gov.au |
| NSW Audit Office | www.audit.nsw.gov.au |
| NSW Ombudsman | www.ombo.nsw.gov.au |

Change history

| Version | Approval date | Approved by | Min No | File No | Change |
|---------|---------------|-------------|--------|----------------------|--|
| 1 | 26 Jun 2012 | Council | 12/166 | E90.0008 | Updated version of Policy approved (report O12/129) |
| 2 | 27 Aug 2013 | Council | 13/246 | E90.0008 E13.7095 | Updated to new Policy Template (formatting, contacts, and minor reference changes only). Report O13/131. |
| 3 | DD MM 2017 | Council | 17/TBA | E90.0008 E16.0297 | Reviewed Policy (formatting, contacts, and minor reference changes only) |

Internal use

| | | | | | |
|---------------------|----------------------|-------------|-------------------------------|----------------|-----|
| Responsible officer | General Manager | | Approved by | Council | |
| Min No | TBA | Report No | TBA | Effective date | TBA |
| File No | E90.0008 E16.0297 | Review Date | Every 18 months from approval | Pages | 14 |

POLICY

| | |
|-------------------------------|---|
| Policy name | Development Contributions – Requests for Refunds |
| Responsible manager(s) | Divisional Manager Finance |
| Contact officer(s) | Development Contribution Administration Officer |
| Directorate | Finance and Business Development |
| Approval date | TBA |
| Focus area | Finance |
| Delivery Program | SS1.1 Manage Council's financial assets and obligations |

Purpose

Development Contributions, typically paid in association with a development consent, are a Restricted Asset of Council.

This policy is intended to provide:

- consistency in the processing of requests for refunds of Development Contributions
- compliance with legislative requirements under the Environmental Planning and Assessment Act 1979 and the Recovery of Imposts Act 1963
- conformity to relevant case law
- a readily accessible and understandable context for consideration of a request to refund Development Contributions.

Policy statement

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|----------|---|
| 1 | Application This policy applies to requests for refunds of Development Contributions that have been paid. |
| 2 | Legislation Eurobodalla Shire Council will comply with Environmental Planning and Assessment Act 1979 and the Recovery of Imposts Act 1963. |

Implementation

| Requirements | | Responsibility |
|--------------|---|------------------|
| 1 | Code of Practice This policy will be implemented by following Council's Development Contributions – Refunds Code of Practice, which specifies in detail the procedures and matters to be considered. | Council officers |
| 2 | Staff Under supervision, applicable council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so. | Council Officers |

| | | |
|----------|---|------------------|
| 3 | Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns. | Council Officers |
| 5 | Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period. | As applicable |

Review

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

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

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

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

| Performance indicator | Data source(s) |
|---|------------------------------------|
| Concerns | Council records |
| Compliance with relevant legislation, case law & practice notes | Development Contributions Register |

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 |
|---|--|
| Development Contributions – Requests for Refunds Code of Practice | www.esc.nsw.gov.au/inside-council/council/council-policies |
| Local Government Act 1993 | www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/ |
| Environmental Planning and Assessment Act 1979 | www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/ |
| Recovery of Imposts Act 1963 | www.austlii.edu.au/au/legis/nsw/consol_act/roia1963247/ |

Related external references

| Name | Link |
|---|--|
| Office of Local Government | www.olg.nsw.gov.au/ |
| Department of Planning and Infrastructure | www.planning.nsw.gov.au/~media/Files/DPE/Practice-notes/development-contributions-practice-notes-2005-07.ashx |
| Case law – NSW Court of Appeal | Frevcourt Pty Limited & Anor v Wingecarribee Shire Council [2005] |
| Case law – NSW Land and Environment Court | Denham Pty Limited v. Manly Council [1995] |
| Case law – NSW Court of Appeal | Baulkham Hills Shire Council v Wrights Road Pty Limited [2007] |

Definitions

| Word/Term | Definition |
|--------------------------|---|
| Development Contribution | A contribution paid towards the provision of public infrastructure in accordance with s93F, s94 or s94A of the Environmental Planning & Assessment Act 1979, or s64 of the Local Government Act 1993. |
| Restricted Asset | Funds held by Council that are restricted by legislation in their utilisation. |

Change history

| Version | Approval date | Approved by | Min No | File No | Change |
|---------|---------------|-------------|--------|----------|--|
| 1 | 28 Aug 2007 | Council | 07/244 | 06.0381 | Refunding Developer Contributions Policy adopted by Council (doc 53005.07) |
| 2 | 27 Aug 2013 | Council | 13/246 | E13.7095 | Updated template, updated review date, added links and references. Report O13/131. |
| 3 | ddmm2016 | Council | TBA | E16.0297 | Reviewed (start of new Council term) with minor referencing updates. |

Internal use (Policy Register)

| | | | | | |
|---------------------|----------|-------------|-------------|----------------|-------------|
| Responsible officer | | CFO | Approved by | Council | |
| Min No | 13/246 | Report no | O13/131 | Effective date | 27 Aug 2013 |
| File no | E13.7095 | Review date | Sep 2016 | Pages | 3 |

| | |
|-------------------------------|---|
| Policy title | Risk Management Policy |
| Responsible manager(s) | Director Finance and Business Development |
| Contact officer(s) | Divisional Manager Governance and Information |
| Directorate | Finance and Business Development |
| Approval date | TBA |
| Focus area | Support Services |
| Delivery Program link | SS1.2 Maintain a sound governance framework within which Council operates |
| Operational Plan link | SS1.2.1 Manage council risk and insurances |

Purpose

This policy affirms Eurobodalla Shire Council's commitment to risk management and reflects the value it places on the management of risk throughout the organisation. This policy recognises the varied and complex work environments of Council and its areas of specialist service delivery.

Eurobodalla Shire Council is committed to taking a structured and innovative approach to the management of risk throughout the organisation in order to promote and demonstrate good corporate governance, to minimise loss and maximise opportunities to improve service provision.

The Risk Management approach utilised by Eurobodalla Shire Council in the development of the Risk Management Plan is AS/NZS ISO 31000:2009 infostore.saiglobal.com/store/Details.aspx?ProductID=1378670, together with the requirements of the Work Health and Safety Act 2011 (NSW) [Work Health and Safety Act 2011 \(NSW\)](#), and will be incorporated into the Planning, Governance, Assets Management and Operational Processes of Eurobodalla Shire Council.

To ensure ongoing compliance with AS/NZS ISO 31000:2009, this policy will:

- State the risk management objectives of Eurobodalla Shire Council;
- Identify the elements of Eurobodalla Shire Council's risk management system required for the control of risk;
- Be consistent with relevant risk management legislation, codes of practice, Australian Standards and industry practice;
- Be documented, implemented, maintained and communicated to all employees;
- Be available to other interested parties; and

Be reviewed periodically (at least every 2 years) to ensure it remains relevant and appropriate

Policy aims

To provide direction and commitment to Risk Management principles as part of Council's management planning, decision making and the undertaking of operational activities.

To effectively integrate the management of risk into Council's high level management planning activities to ensure the achievement of its strategic objectives as outlined in the Community Strategic Plan and associated documents. The Risk Management Framework (incorporated into the Risk Management Plan) includes Risk Management being integrated with Council's Integrated Planning and Reporting Structure.

To apply and incorporate the Risk Management Framework into Council's operational activities and business planning processes.

To promote an environment of risk awareness and willingness to manage risk at all levels of Council's operations.

To provide opportunities that encourages continuous improvement of the Risk Management Program and at all levels of the organisation.

To ensure, through the application of this Policy:

- That the Council, General Manager and Executive Leadership Team are in a position to confidently make informed strategic, project and operational decisions based on Risk Management Principles;
- That the requirements of the Office of Local Government's Promoting Better Practice, in relation to the management of risk, are satisfied;
- That all reasonably foreseeable risks are systematically identified, assessed, analysed, prioritised and considered for appropriate treatment with all information documented in Eurobodalla Shire Council's electronic risk system;
- The correct assigning of ownership of risks through appropriate delegation of risk management responsibilities to all Eurobodalla Shire Council's officers across all functional areas of Eurobodalla Shire Council;
- That all relevant legislation is complied with and relevant risk management standards (currently AS/NZS ISO 31000:2009) infostore.saiglobal.com/store/Details.aspx?ProductID=1378670 are used to provide guidance in best risk management practices;
- The effective management and allocation of resources through more targeted and effective controls;
- Improved protection of the community, Eurobodalla Shire Council Council's workers and volunteers, Council's assets and Council's financial integrity and sustainability;
- The effective communication of this policy through the development of a Risk Management Communication and Reporting Framework.

Policy details

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| 1 | <p>Application</p> <p>This procedure applies to all Eurobodalla Shire Council employees and all others at Eurobodalla Shire Council workplaces.</p> |
| 2 | <p>Legislation</p> <p>Council is guided by the <i>Local Government Act 1993</i>, the <i>Civil Liability Act 2002</i>, as well as Australian Standards and Statewide Mutual's Best Practice Manuals for the management of risk.</p> |
| 3 | <p>Context</p> <p>Risks exist in all aspects of Eurobodalla Shire Council's undertakings. AS/NZS ISO 31000:2009 infostore.saiglobal.com/store/Details.aspx?ProductID=1378670 defines risk as the 'effect of uncertainty on objectives'. An effect is a deviation from the expected, whether it be a negative or positive (realising opportunities) deviation.</p> <p>The effective implementation of this policy will ensure that the management of risk is seen as good business sense and provide a way to confidently know which risks to take for the benefit of a greater opportunity, which risks to avoid in order to prevent significant impact on the organisation and managing the outcomes for success in order to achieve Eurobodalla Shire Council's key objectives.</p> <p>It is essential that risks are managed to ensure that Eurobodalla Shire Council achieves its objectives; and in turn be recognised for the excellence of its services and for the strength of its partnerships with the community, customers, employees and stakeholders. Risk Management plays a key role in ensuring that Eurobodalla Shire Council achieves that objective.</p> |
| 4 | <p>Responsibilities</p> <p>The Council, General Manager, Directors, Divisional Managers, and all workers of Eurobodalla Shire Council are to be familiar with, and competent in, the application of the Risk Management Policy, and are respectively accountable for the delivery of the Policy within their areas of influence and responsibility. These are outlined in Eurobodalla Shire Council's Risk Management Plan.</p> |

Implementation

| Requirements | | Responsibility |
|--------------|--|---|
| 1 | <p>Risk Management Plan</p> <p>Eurobodalla Shire Council's Risk Management Plan is the document that articulates how the intent of the Risk Management Policy (this policy) is to be communicated and implemented throughout Eurobodalla Shire Council's operations. It provides clear guidance and the associated processes, procedures and standards that are to be observed. Effective communication is critical to the successful implementation of the policy. Eurobodalla Shire Council is to develop and implement a</p> | Divisional Manager Governance & Information |

| | | |
|----------|---|-------------------------------------|
| | <p>Communication Strategy that will ensure the policy and its intent is known, clearly understood and applied by all workers within Eurobodalla Shire Council.</p> <p>Similarly, a Reporting Strategy will provide effective channels for information, decision making and instructions to be relayed efficiently and effectively in order to successfully manage any potential risk that may impact on the achievement of Eurobodalla Shire Council's objectives. It is the responsibility of all Eurobodalla Shire Council workers to follow these protocols.</p> <p>Eurobodalla Shire Council is committed to the proactive approach to risk management, to continually review its effectiveness and to be flexible enough to adapt to the changing needs of the organisation. A performance review of the effective implementation of the Risk Management Plan and activities will be conducted on an ongoing basis by the Audit, Risk and Improvement Committee. This review will serve to further enhance Eurobodalla Shire Council's performance that will see Council as a proactive and resilient leader by the community.</p> | |
| 2 | <p>Committee</p> <p>The Audit, Risk and Improvement Committee will monitor the development and implementation of the enterprise risk management system with the objective to:</p> <ul style="list-style-type: none"> • Endeavour to provide a safe environment for residents and visitors • Proactively manage Council risks • Minimise injury, loss and exposures to litigation • Advise on the future direction of Eurobodalla Shire Council for the management of risk. | Audit, Risk & Improvement Committee |
| 3 | <p>Record Requirements</p> <p>All documents associated with the risk management system and procedures are to be kept in the appropriate Eurobodalla Shire Council electronic record keeping system.</p> <p>All Eurobodalla Shire Council workers are responsible for the formal retention of any risk management documents.</p> <p>The location in EASE for the retention of the risk management system associated document is in E01.5556.</p> | Council officers |
| 4 | <p>Conflicts of Interest</p> <p>It is all employees' responsibility to ensure that there are no conflict of interest situations existing in undertaking their respective Council role. All conflicts of interest will be managed in accordance with Council's Code of Conduct Policy and procedures.</p> | Council officers |
| 5 | <p>Staff</p> <p>Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.</p> | Managers and Coordinators |

| | | |
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| 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. Council's Executive Leadership Team and Divisional Managers have been involved in the Enterprise Risk Management Framework. Public submissions regarding this policy are invited for consideration during the exhibition period. | As applicable |

Review

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

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

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

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

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

Definitions

| Word/ Acronym/ Phrase | Definition |
|-----------------------|---|
| Others | People who are present at a Eurobodalla Shire Council worksite or otherwise affected by work carried out by Eurobodalla Shire Council, who are not carrying out work for Eurobodalla Shire Council. Includes visitors to Eurobodalla Shire Council workplaces. |
| EASE | Eurobodalla Shire Council Electronic Document Management System |
| WHS | Work Health and Safety |
| WHS Officer | A person who makes, or participates in making, decisions that affect the whole or a substantial part of the business or undertakings of Eurobodalla Shire Council. Eurobodalla Shire Council's Officers are the General Manager and the members of Executive Leadership Team. For clarity, the WHS Legislation excludes elected members of Council from having Officer Responsibility |

| | |
|-----------|---|
| Worker | Person who carries out work for Eurobodalla Shire Council, whether paid or unpaid, or directly or indirectly engaged. Includes an employee, labour hire staff, volunteer, apprentice, work experience student, subcontractor, and contractor. |
| Workplace | includes all permanent and temporary workplaces and related facilities |

Governance

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

Related legislation and policies

| Name | Link |
|---|--|
| Related Council Policy or Code of Practice | www.esc.nsw.gov.au/inside-council/council/council-policies |
| Local Government Act 1993 | www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N |
| Work Health and Safety Act 2011 (NSW) (WHS Act) | www.legislation.nsw.gov.au/#/view/act/2011/10 |

Related external references

| Name | Link |
|----------------------------|---|
| Office of Local Government | www.olg.nsw.gov.au |
| AS/NZS ISO 31000:2009 | Risk management – Principles and guidelines infostore.saiglobal.com/store/Details.aspx?ProductID=1378670 |
| IEC/ISO 31010 2009-11 | Risk management – Risk management techniques www.iso.org/iso/catalogue_detail?csnumber=51073 |
| ISO Guide 73:2009 | Risk management – Vocabulary www.iso.org/iso/catalogue_detail?csnumber=44651 |

Supporting documents

| Name | Link |
|---------------------------------|------|
| Enterprise Risk Management Plan | TBA |

Change history

| Version | Approval date | Approved by | Min No | File No | Change |
|---------|---------------|-------------|--------|----------------------|--|
| 1 | 25 Nov 2008 | Council | 08/326 | | Policy commenced |
| 2 | 22 Sept 2009 | Council | 09/369 | E09.3418 | Reviewed and updated |
| 3 | 27 Aug 2013 | Council | 13/246 | E13.7095 | Review and update new template |
| 4 | TBA | Council | TBA | E16.0297 See list | Reviewed and updated (start of new Council term) |

Internal use

| | | | | | |
|---------------------|----------------------|-------------------------|----------|----------------|---------|
| Responsible officer | | Relevant director or GM | | Approved by | Council |
| Minute # | TBA | Report # | TBA | Effective date | TBA |
| File | See list E16.0297 | Review date | Sep 2020 | Pages | 7 |

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