

Policy Review (to be placed on exhibition)

Collection Domestic Waste Bins Policy
Collection Litter Bins Policy
National Clean Up Australia Day Campaign Policy
Waste Minimisation Policy
Asset Management Policy
Cemeteries Management Policy
Local and Regional Roads Risk Management Policy
Pathways Risk Management Policy
Water Restrictions Policy
Water Supply Backflow Prevention and Cross Connection Control Policy
Water Carting Policy
Complaints Policy
Disability Services Policy
Sporting and Recreational Facilities Seasonal Hire Policy
Youth Services Policy
New Policy - Related Parties Disclosures Policy

Policy title	Collection Domestic Waste Bins
Responsible manager(s)	Divisional Manager Waste Services
Contact officer(s)	Waste Minimisation Officer
Directorate	Planning & Sustainability
Approval date	
Focus area	Sustainable Communities
Delivery Program link	We use and manage our resources wisely
Operational Plan link	Operate and Maintain Council's waste management and collection service

Purpose

This policy defines the size of waste bins allocated by Council for domestic waste collection services. In October 2005, following an extensive media campaign, a new waste collection service was introduced to include recycling and garden organics waste collection and limiting domestic waste collection to 80 litre bins.

Eurobodalla Shire Council's policy was developed to restrict the amount of residual waste and encourage recycling within the community.

Policy aims

- Ensure consistency and fairness in the manner in which the Council deals with domestic waste bin services.
- Ensure compliance with legislative requirements under the Waste Avoidance and Resource Recovery Act 2001.
- Promote awareness of the requirements with respect to domestic waste bin services.
- Make the Council's policies for domestic waste bin services readily accessible and understandable to the public.

1	Application This policy applies to domestic waste bins in the Eurobodalla Local Government area.
2	Legislation Eurobodalla Shire Council will comply with Waste Avoidance and Resource Recovery Act 2001 and NSW Waste Avoidance and Resource Recovery Strategy 2014-21 (WARR) http://www.epa.nsw.gov.au/wastestrategy/warr.htm
3	Bins All new customers requesting and being eligible for a domestic waste service are to be issued with a residual waste bin (80 litre with red lid), recycling bin (240 litre with yellow lid) and garden organics (240 litre with lime-green lid).
4	Service

	Council will provide one domestic service to each residence within the collection area and to commercial premises with a residence on same parcel of land.
5	Collection Dates Garbage, recycling and organics bin collection dates are outlined in Council's publication "Household Waste & Recycling Guide". The guide is distributed annually and provides the community with a concise, easy to use information booklet.

Implementation

Requirements		Responsibility
1	Contract The collection of domestic waste is carried out under contract.	Contractor
2	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
3	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
4	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	Council officers

Review

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

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

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

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
WARR	Waste avoidance and resource recovery

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

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	09/29 1	E09.3418	Policy adopted – report G09/99
2	23 Jul 2013	Council	13/17 2	E13.7095	Reviewed and updated (start of new Council term)
3	dd mmm 2017	Council	TBA	E16.0297 See list	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Director Planning and Sustainability			Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	See list E16.0297	Review date	Sep 2020	Pages	3

Policy title	Collection Litter Bins
Responsible manager(s)	Divisional Manager Waste Services
Contact officer(s)	Waste Minimisation Officer
Directorate	Planning and Sustainability Services
Approval date	
Focus area	Liveable Communities
Delivery Program link	Manage and maintain a safe, sustainable and accessible range of community spaces
Operational Plan link	Undertake maintenance program

Purpose

Littering of public places is managed by providing litter bins. Litter bins have been provided at sports grounds, foreshore locations, parks and other areas where the community and tourists alike gather for recreational purposes. In addition free standing litter bins and bins in surrounds have been located in villages and town centres.

Overall there needs to be awareness created throughout the community that the purpose of these facilities is to avoid littering, that unauthorised use imposes additional costs on the community, and that penalties apply. This will involve Council staff in providing waste education and appropriate signage; advice on services available (by Council and/or others) for residents, tourists and businesses; monitoring and policing.

Eurobodalla Shire Council's policy was developed to assist in the disposal of litter.

Policy aims

- Assist decision-makers to exercise discretionary powers in relation to litter bins.
- Ensure transparency, consistency and fairness in the manner in which Council deals with litter bins.
- Ensure compliance with legislative requirements under the Protection of the Environment Operations Act 1997.
- Promote awareness of the requirements of the Act with respect to prevention of littering.
- Take such steps as are appropriate to ensure education, monitoring and policing of appropriate disposal of litter.
- Make Council's policies and requirements for Collection Litter Bins readily accessible and understandable to the public.

Policy details

1	Application This policy applies to litter bin facilities in the Eurobodalla Local Government area.
2	Legislation This policy ensures Eurobodalla Shire Council's compliance with the Protection of the Environment Operations Act 1997 www.environment.nsw.gov.au/licensing/licencePOEO.htm

Implementation

Requirements		Responsibility
1	Contract The collection of waste from litter bins is carried out under contract.	Contractor
2	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
3	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
4	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	As 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.

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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 litter bins.

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

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

Related external references

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

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	24 Feb 2009	Council	09/68	E06.0373	Policy adopted – report G09/23
2	22 Sep 2009	Council	09/29 1	E09.3418	Policy reviewed and adopted report G09/99
3	dd mmm 2017	Council	TBA	E16.0297 See list	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Director Planning and Sustainability Services			Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	See list E16.0297	Review date	Sep 2020	Pages	3

Policy title	National Clean Up Day Campaign
Responsible manager(s)	Divisional Manager Waste Services
Contact officer(s)	Waste Minimisation Officer
Directorate	Planning and Sustainability Services
Approval date	
Focus area	Sustainable Communities
Delivery Program link	Provide community education on waste minimisation and recycling
Operational Plan link	Deliver community education on waste minimisation

Purpose

National Clean Up Day originated in 1989. The next year Clean Up Australia Day was born with almost 300,000 volunteers and has been steadily increasing ever since.

The problems of waste management and the need for waste and source reduction are common to communities the world over. There is much that can be done to increase awareness of the magnitude of these problems and to encourage individuals to be responsible for their personal behaviour which is why the Clean Up campaigns have proven to be one of the simplest yet most effective means of tackling these issues.

Clean Up Australia's vision is that beyond 2005, it will have inspired all Australians to clean up, fix up and conserve the environment, and will be valued and respected as the most influential Australian community driven environmental organisation.

Eurobodalla Shire Council's policy was developed to confirm Council's support of the campaign to promote the National Clean Up Day Campaign and to assist with waste disposal generated from the clean up operations.

Policy aims

- To promote National Clean Up Day.
- To facilitate and support community volunteers to undertake clean up activities
- To assist with waste disposal generated from the clean up operations

Policy details

1	Application This policy applies to National Clean Up Day activities in the Eurobodalla local government area.
2	Waste Disposal <ol style="list-style-type: none"> 1. Council supports the National Clean Up Day Campaign by offering appropriate assistance to environmental groups, service clubs or individuals requesting such assistance in the removal of rubbish within our Shire by in part designating appropriate rubbish receiving points and then removing rubbish from these points. 2. Volunteers participating in "Clean Up Australia Day" will be allowed to take the collected refuse to the waste management facility or transfer station for free.

3	Funding of Program <ol style="list-style-type: none"> 1. An appropriate amount be allocated in budgets or from accumulated funds to cover the cost of such assistance. 2. Tonnages of waste disposed for Clean Up Days be recorded and as a waived fee for data management purposes.
4	If there are no further National Clean Up Days, then Council organise clean up day(s) during the year.

Implementation

Requirements		Responsibility
1	Staff Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Waste Minimisation Officer
2	Concerns Concerns received regarding the National Clean Up Day Campaign will be recorded on Council's Customer Service Request (CSR) or records system and handled in accordance with Council's Customer Service Requests Policy. They will be used to analyse the history of concerns and to help determine follow up actions.	Council Officers
3	Complaints Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with Council's Complaints Policy.	Public Officer
4	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	As applicable

Review

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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 National Clean Up Day Campaign.

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

Performance indicator	Data source(s)
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys

Definitions

Word/ Acronym/ Phrase	Definition

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

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
Clean Up Australia	www.cleanup.org.au

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sep 2009	Council	09/29 1	E09.3418	Policy commenced
2	27 Aug 2013	Council	13/24 6	E13.7095	Reviewed and updated (start of new Council term)
3	dd mmm 2017	Council	TBA	E16.0297 See list	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Director Planning and Sustainability Services			Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	See list E16.0297	Review date	Sep 2020	Pages	3

Policy title	Waste Minimisation
Responsible manager(s)	Divisional Manager Waste Services
Contact officer(s)	Waste Minimisation Officer
Directorate	Planning and Sustainability Services
Approval date	TBC
Focus area	Sustainable Communities
Delivery Program link	We use and manage our resources wisely
Operational Plan link	Operate and Maintain Council's waste management and collection service

Purpose

Eurobodalla Shire Council's policy was developed to actively promote waste minimisation as opposed to disposal. Continue working with the community, regional groups and the NSW Environmental Protection Authority to ensure all opportunities for recycling and resource recovery are identified and implemented.

Policy aims to

- Assist decision-makers to exercise discretionary powers in relation to waste minimisation
- Promote an integrated framework for dealing with waste minimisation
- Ensure transparency, consistency and fairness in the manner in which Council deals with waste minimisation
- Ensure compliance with legislative requirements under the Waste Avoidance and Resource Recovery Act 2001
- Promote awareness of the requirements of the Act with respect to Waste Avoidance and Resource Recovery
- Make Council's policies and requirements for waste minimisation readily accessible and understandable to the public.
- Implement the key actions for waste management identified in the Eurobodalla Waste Strategy 2011-2018 and the South East Resource Recovery Group Regional Waste Stream Management strategy 2012-2032.

Policy details

1	Application This policy applies to solid waste received at the Shire's landfills and covers: <ol style="list-style-type: none"> 1. Waste to landfill reduction targets 2. Documentation of solid waste disposal and recycling Community education regarding solid waste minimisation
2	Legislation This policy ensures Eurobodalla Shire Council's compliance with the <i>Waste Avoidance and Resource Recovery Act 2001</i> available at http://www.legislation.nsw.gov.au/maintop/view/inforce/act+58+2001+cd+0+N

3	<p>Waste to landfill reduction targets</p> <p>Council aims to increase the recovery and use of secondary materials in the three major waste streams as per the NSW Waste Avoidance and Resource Recovery Strategy 2014-21 (WARR) states that by 2021-22, as follows</p> <ul style="list-style-type: none"> • Municipal waste – from a baseline 52% (in 2010-11) to 70% • Commercial and industrial waste – from a baseline 57% (in 2012-11) to 70% • Construction and demolition waste – from a baseline 75% (in 2010-11) to 75% <p>The details are available in the Waste Avoidance and Resource Recovery Strategy at http://www.epa.nsw.gov.au/wastestrategy/warr.htm</p>
4	<p>Documentation of solid waste disposal and recycling</p> <p>Documentation of solid waste disposal and recycling materials quantities and types is to be maintained to support and verify progress towards the waste reduction targets and allow reliable reporting of data within Council and to external stakeholders.</p>
5	<p>Community education regarding solid waste minimisation</p> <p>Community information resources are to be continued and maintained to educate the community regarding solid waste minimisation and Council's waste minimisation projects, targets and achievements</p>

Implementation

Requirements	Responsibility
<p>1 Eurobodalla Waste Strategy 2011-2018</p> <p>Continue to implement the actions of the waste strategy as out lined in the Eurobodalla Waste Strategy 2011-2018 available at www.esc.nsw.gov.au/council-services/water-waste-recycling/waste/strategies</p> <p>And to implement the actions of the Regional Waste Stream Management Strategy 2012-2032 available at www.esc.nsw.gov.au/council-services/water-waste-recycling/waste/strategies</p>	Council officers
<p>2 Staff</p> <p>Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.</p>	Council officers
<p>3 Concerns</p> <p>Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.</p>	Council officers

4	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
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Review

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

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

This policy may also be reviewed and updated as necessary 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 waste minimisation.

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
Waste data provided to the annual report, landfill annual returns and the WARR report	Council reports and records

Definitions

Word/ Acronym/ Phrase	Definition
WARR	Waste avoidance and resource recovery

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
Protection of the Environment Operations Act 1997	www.legislation.nsw.gov.au/#/view/act/1997/156

Related external references

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

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sep 2009	Council	09/291	E09.3418	Policy commenced
2	27 Aug 2013	Council	13/246	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 Planning and Sustainability Services		Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	See list E16.0297	Review date	Sep 2020	Pages	4

Policy title	Asset Management
Responsible manager(s)	Manager, Technical Services
Contact officer(s)	Asset Engineer
Directorate	Infrastructure Services
Approval date	
Focus area	Innovative and Proactive Leadership
Delivery Program link	9.1.1 Undertake sound, best practice long term community and corporate planning
Operational Plan link	9.1.1.4 Update asset management strategy

Purpose

Eurobodalla Shire Council's policy was developed to ensure that:

- Council's assets are managed effectively to deliver the level of service our community is prepared to pay for in the short, medium and long term taking account of the social, economic and environmental consequences of Council's decisions.
- Costs are reasonably shared between those using and consuming the assets today and those who will be required to renew, replace, upgrade or dispose of those assets in the future (providing inter-generational equity).
- There is continuous improvement in asset management and service delivery.

Policy aims

- To promote an integrated framework for dealing with the management, renewal and upgrading of infrastructure assets;
- To ensure consistency and fairness in the manner in which the Council deals with infrastructure assets;
- To ensure Council acts in accord with the Guiding Principles outlined under Section 8 of the Local Government Act 1993 which states in part that:
 - Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community
 - Councils should consider the long term and cumulative effects of actions on future generations
- To minimise the risk to Council from public liability under the Civil Liability Act 2002; and
- To make Council's policies and requirements for asset management readily accessible and understandable to the public.

Policy details

1	Application This policy applies to all physical infrastructure assets owned, controlled or managed by Council.
2	Council is responsible for the management of an array of infrastructure that has been developed for and on behalf of the community. To ensure the realisation of the goals and aspirations of the community, Eurobodalla is committed to sustainable management of

	<p>that infrastructure. To achieve this, Council is committed to implementing a systematic, integrated methodology across all areas of its operations.</p> <p>Council will implement the asset management framework as outlined in the <i>International Infrastructure Management Manual (IPWEA 2015)</i>, the NSW Integrated Planning Reforms and the <i>Local Government Amendment (Planning and Reporting) Act 2009</i></p>
3	<p>Asset Management Strategy</p> <p>An Asset Management Strategy will be developed and adopted by Council that is consistent with the Community Strategic Plan, Delivery Program and Long Term Financial Plan.</p>
4	<p>Levels of Service</p> <p>Levels of service will be implemented consistent with the budget adopted by Council following engagement with the community on the Delivery Program and Operational Plan. The levels of service area shall take into account the capability of Council to maintain community infrastructure in a financially sustainable manner consistent with Council's risk management policies.</p> <p>Council will implement Maintenance Management Systems including inspection regimes for its assets to ensure levels of service are achieved.</p>
5	<p>Asset Management Plans</p> <p>Council will develop formal Asset Management Plans (AMPs) for the infrastructure under its care and control. The Asset Management Plans will address the whole of life costs of the infrastructure including initial capital cost, operation, maintenance, rehabilitation, and where appropriate, disposal of assets.</p> <p>The Asset Management Plans shall take account of the drivers for capital expenditure including the condition, functionality and capacity of the infrastructure required to meet community need, effectively manage risk and provide social equity. This shall include the expansion or upgrade of infrastructure to service growth or increasing utilisation, drawing upon relevant strategies and planning documents.</p>
6	<p>Asset Planning and Budgeting</p> <p>The Asset Management Plans shall be used to inform and provide linkages to Council's Long-term Financial Plan.</p> <p>Systematic and cyclic reviews will be applied to asset classes to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice Australian Standards.</p> <p>All assets will be valued in accordance with Fair Value principles.</p> <p>Council will regularly review its asset inventory and identify opportunities for asset rationalisation.</p> <p>In approving Council's budget, Council will take account of the Fit for Future requirements of the NSW Office of Local Government, including financial reporting measures.</p>
7	<p>Asset Operations and Management</p> <p>Systematic asset management shall be adopted and implemented for all infrastructure. Wherever possible, predictive modelling will be used to develop and implement planned maintenance and renewal programs to ensure that the net whole of life cycle cost and useful life of the asset is optimised whilst effectively managing risk.</p>

Implementation

Requirements		Responsibility
1	Management Plan This policy will be implemented by following Council's Asset Management Plan, which specifies in detail the plan, procedures and matters to be considered.	Council officers
2	Complaints and Requests Complaints and requests received regarding Asset Management will be recorded on Council's customer service request (CSR) system and handled in accordance with Council's Policy. The CSR database will be used as a tool to analyse the history of complaints and requests and to help determine follow up actions.	Council officers

Review

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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 Asset Management Policy.

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	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
Civil Liability Act 2002	www.austlii.edu.au/au/legis/nsw/consol_act/cla2002161/

Local Government Amendment (Planning and Reporting) Act 2009	<u>Local Government Amendment (Planning and Reporting) Act 2009</u>
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Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
NSW Integrated Planning Reforms	http://www.planning.nsw.gov.au/a-new-planning-system-for-nsw
International Infrastructure Management Manual 2015	www.ipwea.org.au/bookshop/iimm/

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	07/12/2006	Council	06	E06.0380	Policy commenced
2	23/04/ 2013	Council	13/10 8	E13.7095	Reviewed and updated (start of new Council term)
3	dd mmm 2017	Council	TBA	E16.0297 E06.0375	Reviewed and updated (start of new Council term)

Internal use

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

Policy name	Cemeteries Management
Responsible manager(s)	Director Infrastructure Services
Contact officer(s)	Divisional Manager Works
Directorate	Infrastructure Services
Approval date	
Community Strategic Plan Objective	Liveable Communities
Delivery Program	L5.2 Manage and maintain a safe sustainable and accessible
Operational Plan	L5.2.1 Undertake maintenance program

Purpose

This Policy provides the framework for the sustainable management, maintenance and future planning of cemeteries under Council's control.

Council is the Crown Reserve Trust Manager of eight operational cemeteries located at:

- Runnyford Road, Nelligen
- Princes Highway, Batemans Bay
- Princes Highway, Mogo,
- Dwyers Creek Road, Moruya
- Laidley Street, Bodalla
- Glasshouse Rocks Road, Narooma
- Nerrigundah Mountain Road, Nerrigundah and
- Haxstead Road, Central Tilba.

Council also maintains three non-operational cemeteries located at:

- MacLean Place, Moruya
- Corner Dwyers Creek Road and Bergalia Street, Moruya
- Point Parade, Congo.

This Policy and associated Code of Practice align with industry standards and current practices of other local government areas in New South Wales, and will assist Council in meeting the needs of the community.

Council will provide efficient and sustainable management, planning and maintenance of cemeteries within its control by ensuring:

- relevant parties are treated with empathy, respect, dignity and cultural sensitivity, in a consistent and fair manner;
- provision of clear guidelines to the community, Councillors, Council staff; funeral directors and monumental masons;
- compliance with relevant legislative requirements;
- burials, inurnments and monumental works are conducted in a safe and sustainable manner;
- monuments are constructed to Australian Standards where applicable, will not hinder future maintenance operations, and will not pose a risk to the public;

- monuments are constructed in keeping with other monuments in the cemetery (this is of particular importance in cemeteries of cultural and heritage significance, as listed in the Eurobodalla Local Environmental Plan 2012).

Policy statement

1	Application This Policy ensures the appropriate administration, management and maintenance of burials, inurnments, reservations and monument installations in the cemeteries under Council's control.
2	Legislation Eurobodalla Shire Council's cemetery management will operate in accordance with the Public Health Regulation 2012 (Extract ss49-93).

Implementation

This Policy will be implemented by following Council's *Cemeteries Management Code of Practice*, which specifies the procedures and matters to be considered, as listed below:

Requirements		Responsibility
1	General Planning Council will provide sufficient and suitable land and facilities to meet current and future demands for interment.	Council officers
2	Community Diversity Council will respect and support religious and cultural practices by working with the community to consider options.	Council officers, the community
3	Grounds Maintenance Council will ensure that cemeteries on land under Council's care and control are managed sustainably, as contained in Council's <i>Cemeteries Management Code of Practice</i> .	Council officers
4	Burial Licences Council's process for Reservation and Exercise of Burial Licence is contained in the <i>Cemeteries Management Code of Practice</i> . The types of Burial Licences are: <ul style="list-style-type: none"> Reservation A Burial Licence (Reservation) is an agreement between Council and the applicant to formalise a paid reservation for an individual grave site or niche prior to need. Exercise of Burial Licence (Order for Burial) An Exercise of Burial Licence is confirmation between Council and stakeholders that the burial or inurnment is authorised to take place. 	Council officers, community Council officers, funeral directors, stakeholders
5	Cemetery Licence and Permit fees Licence and permit fees are applied according to Council's current Fees and Charges.	Council officers

6	Monumental Works Any monumental works carried out in cemeteries under Council control require a permit. The permit system ensures monumental works are constructed to Australian Standards where applicable, will not hinder future maintenance operations, and will not pose a risk to the public. Permit conditions for monumental works are contained in Council's <i>Cemeteries Management Code of Practice</i> .	Council officers, monumental masons, the community
Requirements		Responsibility
7	Public Access to Council Records Council maintains a register of all burials. Burial records are available at no charge to the public during normal business hours. Full details regarding public access are contained in Council's <i>Cemeteries Management Code of Practice</i> .	Council officers
8	Burial Hours Burials, inurnments and exhumations shall take place during the hours contained in Council's Fees and Charges and Council's <i>Cemeteries Management Code of Practice</i> .	Council officers, funeral directors
9	Burials Burials shall be in accordance with the <i>Public Health Act 2010 (NSW)</i> .	Council officers, funeral directors
10	Permitted Activities The Code of Practice describes activities authorised to be carried out in Council managed cemeteries.	
11	Excluded Activities The Code of Practice describes activities excluded in Council managed cemeteries.	
12	Exhumation Exhumations will only take place after written approval is obtained from the Director-General.	Council officers, Director-General, funeral directors
13	Adornments and Embellishments Guidelines for the placement of vases, statuettes, flowers and other embellishments on or near burial places are contained in Council's <i>Cemeteries Management Code of Practice</i> . No breakable items such as glass or ceramics are to be used.	Council officers
14	Staff Authorised and trained Council staff will ensure that policies and procedures within their responsibility are implemented.	Council officers
15	Concerns Regarding Cemeteries Management 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.	Council officers

	These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	
16	Consultation Public submissions regarding this Policy are considered during the policy exhibition period. Any other consultation deemed necessary may occur with key stakeholders and the community as required.	Council officers, key stakeholders, the community
17	Permit to Operate in Council Cemeteries Funeral directors and monumental masons are required to have a permit to operate in Council's cemeteries. Permit conditions are contained in Council's <i>Cemeteries Management Code of Practice</i> .	Council officers, funeral directors, monumental masons

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 legislation requires; or when Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages its cemeteries.

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

Performance indicator	Data source(s)
Concerns or complaints from the public	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
<i>Cemeteries Management Code of Practice</i>	Link to be provided.
<i>Local Government Act 1993</i>	Local Government Act 1993 No 30 NSW Legislation
<i>Public Health Act 2010 (NSW)</i>	Public Health Act 2010
Public Health Regulation 2012 (Extract ss49-93).	http://www.austlii.edu.au/au/legis/nsw/consol_reg/phr/2012217/

<i>Crown Lands Act 1989</i>	Crown Lands Act 1989
<i>Crown Lands (General Reserves) By-law 2006</i>	Crown Lands (General Reserves) By-Law 2006
<i>Work Health and Safety Act and Regulation 2011</i>	Work Health and Safety (WHS) Act 2011 - NSW Legislation
<i>Eurobodalla Local Environmental Plan 2012</i>	Eurobodalla Local Environmental Plan 2012
<i>Eurobodalla Heritage Strategy 2014-2017</i>	Eurobodalla Heritage Strategy 2014-2017
<i>NSW Cemeteries and Crematoria Act 2013</i>	Cemeteries and Crematoria Act 2013
<i>Civil Liability Act 2002</i>	Civil Liability Act 2002
<i>Eurobodalla Shire Council Risk Management Policy</i>	ESC Risk Management Policy

Related external references

Name	Link
Office of Local Government	http://www.olg.nsw.gov.au/
Office of Environment & Heritage	http://www.environment.nsw.gov.au/nswcultureheritage/
<i>The Burra Charter 2013</i>	The Burra Charter 2013
<i>NSW Health "Disposal of the Deceased" Guidelines</i>	Health NSW "Disposal of the Deceased" - Guidelines

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	19 Oct 2011	Council	11/259	E09.3418	Policy Reviewed (Report O11/213)
2	27 Aug 2013	Council	13/246	E13.7095	Updated format, review date, references, links. (Report O13/131)
3	dd mmm 2017	Council	TBA	E16.0297 E06.0375	Reviewed and updated (start of new Council term).

Internal use

Responsible officer		Director, Infrastructure Services		Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	E06.0375 E16.0297	Review date	Sep 2020	Pages	5

POLICY

Policy title	Local and Regional Roads Risk Management
Responsible manager(s)	Director, Infrastructure Services
Contact officer(s)	Divisional Manager, Works
Directorate	Infrastructure Services
Approval date	
Focus area	<i>Productive Communities</i> Objective 5.1: Plan for and develop the right assets and infrastructure
Delivery Program link	<i>Transport</i> P3.2 Develop, renew and maintain the road network
Operational Plan link	<i>Transport</i> P3.2.1 Deliver capital and renewal works program

Purpose

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

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

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

Section 42 of *the Act* also makes allowance for Council's ability to carry out its duty of care as being limited by the financial and other resources which are reasonably available to exercise its functions. To rely on this defence, Council is required to show evidence of its compliance with the general procedures and applicable standards for the exercise of its functions, such as risk management of its road network.

Policy aims

This Policy aims to:

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

Policy details

1	Application This Policy applies to all local and regional roads under the care and control of Eurobodalla Shire Council. This Policy does not address formed pathways (refer <i>Pathways Risk Management Policy</i>).
2	Legislation Eurobodalla Shire Council will act reasonably in its endeavour to comply with relevant legislation including the <i>Roads Act 1993</i> and the <i>Civil Liability Act 2002</i> .
3	Duty of Care Council will act reasonably in its endeavour to minimise injury and damage occurring as a consequence of Council's responsibilities as a roads authority. This concept requires acceptance by the community and the Court, of the shared duty of care for road users to take reasonable care when using the road network.
4	Risk Identification and Management Council has developed and implemented a risk management system for local and regional roads that proactively identifies and manages the risks associated with its roads. To assist in achieving this outcome, Council has developed a system that: <ol style="list-style-type: none"> identifies types of hazards; evaluates the severity of the hazard; assigns a risk rating for prioritising; plans and executes the work efficiently and effectively within the resources available to Council. Details of this system are implemented under Council's Local and Regional Roads Risk Management Code of Practice. It is essential to note that the Local and Regional Roads Risk Management System does not intend to, nor is it reasonable to expect that it will, result in removal of all potential risks to road users from the road network. Rather, it provides a basis for identifying and managing risks within the limited resources available to the Council and a mechanism to prioritise and action those risks.

5	Outcomes The desired outcomes are to provide: <ul style="list-style-type: none"> a) an approach that facilitates safer local and regional roads; b) a proactive system, taking account of the limited financial and other resources reasonably available to Council, to better manage the risks inherent in services provided by Council as a roads authority; c) a reduced potential for public liability claims against Council and the community it represents.
6	Financial and Other Resources Funding for the maintenance and renewal of Council's local and regional roads is budgeted annually and details of this budget are contained within the Council's current Operational Plan. This Plan is advertised for public comment prior to being considered and adopted by Council as part of the Operational Plan. Major variations to the plan are recorded via the Quarterly Review and/or Annual Report. Council has limited resources and has arranged these resources to undertake the work efficiently, based on geographic constraints. Council utilises a sector maintenance approach to achieve this outcome for routine maintenance issues.

Implementation

Requirements		Responsibility
1	Code of Practice This Policy will be implemented by following Council's <i>Local and Regional Roads Risk Management</i> Code of Practice, which specifies in detail the matters for consideration and procedures to be followed.	Divisional Manager, Works
2	Implementation requirement Council will: <ul style="list-style-type: none"> • record local and regional road assets under Council's control; • identify defects through formal inspection of its local and regional road network; • rate the hazard associated with the identified defect; • prioritise the work based on the hazard rating, the efficiency of undertaking works and available budget; • keep appropriate records of actions taken; • manage customer inquiries relating to local and regional roads; • establish an annual budget for the maintenance and renewal of the local and regional road network. 	Divisional Manager, Works
3	Staff Under supervision, and once appropriate training has been received, relevant Council staff will be responsible for ensuring that this Policy is implemented within their work area.	Council officers
4	Concerns Public concerns communicated to Council in relation to this Policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers

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

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

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

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

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

Performance indicator	Data source(s)
Customer Concerns	Council records
Customer Feedback Survey Responses	Surveys
Internal or external audit	Audit
Number of public liability claims	Council records
Delivery Program/Operational Plan outcomes achieved	Council reporting

Governance

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

Related legislation and policies

Name	Link
Eurobodalla Shire Council <i>Local and Regional Roads Risk Management Code of Practice</i>	ESC Local & Regional Roads Risk Management Code of Practice
Eurobodalla Shire Council <i>Risk Management Policy</i>	ESC Risk Management Policy
Related Eurobodalla Shire Council Policy or Code of Practice	ESC Policies Register
<i>Local Government Act 1993</i>	Local Government Act 1993
<i>Civil Liability Act 2002</i>	Civil Liability Act 2002
<i>Roads Act 1993</i>	Roads Act 1993

Related external references

Name	Link
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Office of Local Government	www.olg.nsw.gov.au
Australian Standard AS/NZS ISO 31000:2009 Risk Management - Principles and Guidelines	SAI Global AS/NZS ISO 31000:2009
Roads and Maritime Services	www.rms.nsw.gov.au

Definitions

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

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	27 May 2003	Council			Council adopted its first policy in this regard at its meeting of 27 May 2003
2	22 Sep 2009	Council	09/291	E09.3418	Reviewed, updated and adopted G09/99
3	27 Aug 2013	Council	13/246	E13.7095	Updated to new Policy Template, updated review date, updated references and links
4	dd mmm 2017		TBA	E16.0297 E06.0375	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Director, Infrastructure Services			Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	E06.0375 E16.0297	Review date	Sep 2020	Pages	5

POLICY

Policy title	Pathways and Shared Pathways Risk Management Policy
Responsible manager(s)	Director Infrastructure Services
Contact officer(s)	Divisional Manager Works
Directorate	Infrastructure Services
Approval date	
Focus area	<i>Liveable Communities</i>
Delivery Program link	<i>Community Spaces</i> L5.3 Provide and develop Council's shared pathway and cycleway network
Operational Plan link	<i>Community Spaces</i> L5.3.1 Deliver capital and renewal works program

Purpose

This Policy provides for the management of risks associated with Council's formed pathway network.

Council has a duty of care to take reasonable measures within the limitations of its budget to manage the risks arising from defects on Council's formed footpath and shared pathway networks.

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

Section 42 of *the Act* also makes allowance for Council's ability to carry out its duty of care as being limited by the financial and other resources which are reasonably available to exercise its functions. To rely on this defence, Council is required to show evidence of its compliance with the general procedures and applicable standards for the exercise of its functions, such as risk management of its pathway networks.

It is accepted that the removal of all risk is not practically achievable. The systems implemented by Council to provide the management of risks will be based on prioritising works within the limited budgets available to Council.

Policy aims

This Policy aims to:

- promote an integrated framework for dealing with pathways risk management;
- ensure consistency and fairness in the manner in which Council deals with pathways risk management;
- ensure compliance with legislative requirements under the *Local Government Act 1993*, *The Roads Act 1993* and the *Civil Liability Act 2002*;
- promote awareness of the requirements of the *Civil Liability Act 2002* with respect to acceptance by the community and the Court of the shared duty of care for pathway users to take reasonable care for their own safety when using these facilities;
- make Council's policies and requirements for pathways risk management readily accessible and understandable to the public.

Policy details

1	Application This Policy provides for the appropriate risk management of Council's formed pathway network.
2	Legislation Eurobodalla Shire Council will comply with the <i>Local Government Act 1993</i> , <i>Roads Act 1993</i> and <i>Civil Liability Act 2002</i> .
3	Duty of Care Council will act reasonably in its endeavour to minimise injury and damage occurring as a consequence of Council's responsibilities. This concept requires acceptance by the community and the Court, of the shared duty of care for pedestrians, cyclists and other pathway users to take reasonable care when using the pathways network.
4	Risk Management System In relation to Council's formed pathway network, Council has developed appropriate systems to manage and maintain its network by: <ol style="list-style-type: none"> a) recording all formed pathway assets under Council's control; b) identifying defects through formal inspection of its pathway network; c) rating the hazard associated with the identified defect; d) prioritising the work based on the hazard rating and the efficiency of undertaking works; e) keeping appropriate records of actions taken; f) managing customer inquiries relating to formed pathways. It is accepted that the removal of all risk is not practically achievable. The systems implemented by Council will be based on prioritising works within the limited budgets available to Council. All defects are entered into and prioritised by Council's maintenance system from which a maintenance schedule is produced. Works are prioritised based on the highest defect rating, taking account of the efficiency of undertaking the work and the available budget limitations.

5 Outcomes	<p>The desired outcomes are to provide:</p> <ul style="list-style-type: none"> a) an approach that facilitates safer pathways; b) a proactive system, taking account of the limited financial and other resources reasonably available to Council, to better manage the risks inherent in services provided by Council as a roads authority; c) a reduced potential for public liability claims against Council and the community it represents.
6 Financial and Resources	<p>Funding for the maintenance and renewal of Council's formed pathway network is budgeted annually and details of this budget are contained within Council's Operational Plan. This Plan is advertised for public comment prior to being considered and adopted by Council.</p> <p>Council has limited resources and has arranged these resources to undertake the work efficiently, based on geographic constraints. Council utilises a sector maintenance approach to achieve this outcome for routine maintenance issues.</p> <p>Council has also developed a Pathway Strategy that identifies a significant amount of new pathways as being desirable to provide to the community. These new pathways will be provided on a priority basis within the limited capital funding program as determined by Council within the annual Operational Plan.</p>

Implementation

Requirements		Responsibility
2 Implementation requirement	<p>Council will:</p> <ul style="list-style-type: none"> • record all formed pathway assets under Council's control; • identify defects through formal inspection of its pathway network; • rate the hazard associated with the identified defect; • prioritise the work based on the hazard rating and the efficiency of undertaking works and available budget; • keep appropriate records of actions taken; • manage customer enquiries relating to formed pathways; • establish an annual budget for the maintenance and renewal of the pathway network. 	Divisional Manager Works
3 Staff	Under supervision, relevant Council staff will be responsible for ensuring that this Policy is implemented within their work area, after they have received relevant training and instruction on how to do so.	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		As applicable

	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.	
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Review

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

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

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

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

Performance indicator	Data source(s)
Customer Concerns	Council records
Customer Feedback Survey Responses	Surveys
Internal or external audit	Audit
Number of incidents on pathways	Council records
Number of liability claims	Council records

Governance

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

Related legislation and policies

Name	Link
Eurobodalla Shire Council <i>Risk Management Policy</i>	ESC Risk Management Policy
<i>Local Government Act 1993</i>	Local Government Act 1993
<i>Roads Act 1993</i>	Roads Act 1993
<i>Civil Liability Act 2002</i>	Civil Liability Act 2002

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au/
Statewide Mutual's <i>Best Practice Manual</i> – <i>Footpaths</i> (v4 sept 2010)	www.statewide.nsw.gov.au

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	24 Nov 2009	Council	09/369	E09.3418	Policy adopted
2	27 Aug 2013	Council	13/246	E13.7095	Updated to Template, review date, references and links. Report O13/131.
3	dd mmm 2017	Council	TBA	E16.0297 E06.0375	Reviewed and updated (start of new Council term). Renamed to include "and Shared Pathways".

Internal use

Responsible officer	Director, Infrastructure Services			Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	E06.0375 E16.0297	Review date	Sep 2020	Pages	5

Policy title	Water Restrictions
Responsible manager(s)	Director Infrastructure Services
Contact officer(s)	Division Manger Water and Sewer
Directorate	Infrastructure Services
Approval date	
Focus area	Sustainable
Delivery Program link	S2.2 Operate and maintain Council's water supply systems
Operational Plan link	S2.2.1 Identify and implement innovative water conservation and sustainable water usage practices

Purpose

It is normal practice in NSW to design water supply systems so that water restrictions should not be applied in more than 10% of years or for more than 5% of the time. That is, water supply headworks should be sized so that water restrictions are only necessary on average once every ten years and when applied should not be needed on average for longer than six months.

This is in recognition of the fact that:

- It is neither practical, economic nor environmentally responsible to provide "restriction free" water supply systems; and
- A trade-off is necessary between the security of supply ie: the relative severity of restrictions, and the associated capital and operating costs.

Council's water supply system has been designed in accordance with these parameters, and therefore we will need to implement water restrictions to secure supply during drought periods. There may also be times when, due to operational faults, the available stored water or the available capacity of supply is so limited that restrictions are necessary in isolated catchments of the water supply system.

Clause 137 of the *Local Government (General) Regulation 2005* allows for restrictions to be imposed if Council deems it necessary.

Policy aims

- Take such steps as are necessary to ensure the continued supply of potable water to consumers.
- Promote an integrated framework for dealing with water restrictions.
- Ensure consistency and fairness in the manner in which the Council deals with potable water consumers.
- Ensure compliance with legislative requirements under the Local Government (General) Regulation 2005.
- Make the Council's policies and requirements for water restrictions readily accessible and understandable to the public.

Policy details

1	Application This policy applies to owners and occupiers of properties connected to Council's potable water supply systems.
2	Legislation This policy ensures is consistent with the requirement of the <i>Local Government Act 1993</i> and the <i>Local Government (General) Regulation 2005</i> .

Implementation

Requirements		Responsibility
1	Drought Management Plan In times of drought, this policy will be implemented by following the <i>Eurobodalla Water Supply Drought Management Plan</i> . The <i>Drought Management Plan</i> provides for various severities of water restrictions to be imposed on consumers based on water storage levels and consumer type. A summary of the water restrictions is attached to this policy as Attachment A. The General Manager or Director Infrastructure Services may vary the adopted trigger levels after taking into account seasonal water demand variations and the medium or long-term weather forecast.	Division Manager Water and Sewer
2	Operational Restrictions The General Manager or Director Infrastructure Services may authorise water restrictions in isolated catchments of the water supply system if, due to operational faults, the available stored water or the available capacity of supply is so limited that restrictions are necessary. Water restrictions introduced in those catchments shall be at a level considered necessary to achieve the required reduction in demand. As soon as practicable following water restrictions being applied due to operational issues, a report detailing the reasons for the water restrictions, the duration or intended duration of restrictions and the numbers of consumers affected shall be reported to the Council.	Division Manager Water and Sewer
3	Enforcement Council's rangers are delegated to issue penalties for non-compliance with water restrictions under section 637 of the <i>Local Government Act 1993</i>	Council rangers
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	Council officers

	used to determine any follow-up actions and analyse the history of reported public concerns.	
6	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 restrictions.

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
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
Local Government (General) Regulation 2005	www.austlii.edu.au/au/legis/nsw/consol_reg/lgr2005328/

Related external references

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

Supporting documents

Name	Link
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Eurobodalla Shire Council Drought Management Plan	www.esc.nsw.gov.au
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Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sep 2009	Council	09/29 1	E09.3418	Policy commenced
2	10 Sep 2013	Council	TBA	E13.7095	Reviewed and updated (start of new Council term)
3	dd mmm 2016	Council	TBA	E16.0297 E06.0113	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 E16.0297	Review date	Sep 2020	Pages	4

Policy title	Water Supply Backflow Prevention And Cross Connection Control
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	S2.1 Provide and renew water infrastructure
Operational Plan link	S2.1.1 Deliver capital and renewal works program

Purpose

Council is responsible for ensuring that drinking water supplied from Council's water supply system is safe to use. To achieve this, Council treats water to a standard that meets the *Australian Drinking Water Guidelines* and manages the water supply system to prevent the water from being contaminated in the distribution and reticulation network.

Containment Protection

There is a risk that activities at premises connected to Council's water supply system can contaminate the water at the premises, and unless there is a barrier preventing contaminated water from returning to Council's water supply system, there is a risk that those activities will contaminate the public water supply.

To ensure the protection of the public water supply, Council requires that all premises connected to Council's water supply system are provided with a backflow prevention device for containment at the property boundary.

Backflow prevention devices that are required for protection against medium or high hazards, as assessed by Council, must be registered with Council and must be tested regularly to ensure that they remain effective. Backflow prevention devices that are required for protection against low hazards, such as at residential premises, are not required to be testable nor registered with Council.

Cross-Connection Control

Many premises connected to Council's water supply system have an alternative water supply e.g. rainwater, that provides water to internal fixtures such as irrigation systems, washing machines and toilets.

There is a risk that non-potable water supplies cross-connected to Council's water supply system within premises will contaminate the public water supply. Where another water source is connected to Council's water supply system, the internal plumbing must meet the particular requirements of Australian Standard 3500 Plumbing and Drainage.

Where a cross-connection is identified, Council will request the landowner to arrange for the internal plumbing to be altered to meet the Australian Standard or for the cross-connection to be removed. If the landowner does not take the necessary actions within required timeframes, then Council will restrict or disconnect the property from the Council's water supply system to protect the integrity of the Council's water supply system.

Policy aims

- To ensure the integrity of the Council's water supply system by minimising the risk of backflow contamination from connections to the system.

- Take such steps as are appropriate to ensure the provision of a safe water supply to consumers.
- Promote an integrated framework for dealing with water supply backflow prevention and cross connection control.
- Ensure consistency and fairness in the manner in which the Council deals with water consumers.
- Ensure compliance with legislative requirements under the *Local Government Act 1993*.
- Make the Council's policies and requirements for water supply backflow prevention and cross connection control are readily accessible and understandable to the public.

Policy details

1	Application Containment Protection This policy applies to all premises connected to Council's water supply.
2	Legislation This policy ensures Eurobodalla Shire Council's compliance with Section 17 of the Plumbing and Drainage Act 2011.

Implementation

Requirements		Responsibility
1	Containment Protection 1) Council requires all premises connected to the water supply to be provided with a backflow prevention device for containment at the property boundary. The containment backflow prevention device shall be suitable for the degree of cross-connection hazard rating deemed applicable by Council. 2) Where required, backflow prevention devices shall be: <ul style="list-style-type: none"> • registered with Council where the backflow prevention device is a break tank, registered air gap, reduced pressure zone device, pressure vacuum breaker or testable double check valve assembly; • of an authorised type; • installed according to the provisions of the Plumbing Code of Australia. • maintained in a satisfactory operating condition. 3) All backflow prevention devices are the responsibility of the property owner. 4) The inspection, testing and maintenance of registered backflow prevention devices shall be carried out by authorised persons, who are accredited to carry out testing procedures.	Council officers

	<p>5) The property owner shall arrange for all registered devices to be tested and a “Backflow Prevention Inspection Testing and Maintenance Report” shall be provided to Council at intervals not exceeding 12 months.</p> <p>6) Where the testing of backflow prevention devices and submission of the required “Backflow Prevention Inspection Testing and Maintenance Report” is not completed by the date specified, Council may inspect, test and carry out maintenance on the backflow prevention device for a fee.</p>	
2	<p>Cross-Connection Control</p> <p>Rainwater tanks at premises connected to the water supply system must be installed in accordance with the Council’s Code of Practice - Design Guidelines for Rainwater Tanks Where an Existing Reticulated Water Supply Exists.</p> <p>Where, in the opinion of Council a potential or physical cross-connection is found in the water service at any property, the property owner shall, upon written advice from Council, ensure that such cross connection is immediately disconnected or altered to comply with Council’s requirements or otherwise removed. Failure to comply within the period nominated by Council may result in the immediate restriction or disconnection of the property from Council’s water supply.</p>	Council officers
3	<p>Staff</p> <p>Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.</p>	Council officers
5	<p>Concerns</p> <p>Public concerns communicated to Council in relation to this policy will be recorded on Council’s records system and handled in accordance with Council’s Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.</p>	Council officers
6	<p>Consultation</p> <p>Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.</p>	As applicable

Review

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 backflow prevention and cross 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
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
Australian Standard AS3500.1:2013	Available for purchase from SAI Global http://infostore.saiglobal.com/store
Local Government (General) Regulation 2005	www.legislation.nsw.gov.au
Plumbing and Drainage Act 2011	http://www.legislation.nsw.gov.au/#/view/act/2011/59
Code of Practice - Design Guidelines for Rainwater Tanks Where Existing Reticulated Water Supply Exists	www.esc.nsw.gov.au

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
Fair Trading – Plumbers and Drainers	www.fairtrading.nsw.gov.au/ftw/tradespeople/plumbers_and_drainers.page

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sep 2009	Council	09/29 1	E09.3418	Policy commenced
2	10 Sep 2013	Council	13/27 2	E13.7095	Reviewed and updated (start of new Council term)

3	dd mmm 2017	Council	TBA	E16.0297 E06.0375	Reviewed and updated (start of new Council term)
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Internal use

Responsible officer		Director Infrastructure Services		Approved by	Council
Minute #	13/272	Report #	013/56	Effective date	10 Sep 2013
File	E06.0375 E16.0297	Review date	Sep 2020	Pages	5

Policy title	Water Carting
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	S2.2 Operate and maintain Council's water supply systems
Operational Plan link	S2.2.1 Identify and implement innovative water conservation and sustainable water usage practices

Purpose

Section 68 of the *Local Government Act 1993* requires that a person may draw water from a Council water supply or a standpipe or sell water so drawn only with the prior approval of the Council, except in so far as a local policy adopted under Chapter 7, Part 3 of the Act allows the activity to be carried out without an approval.

Policy aims

- Protect the health of the community by managing the risk of contamination of Council's water supply and/or drinking water delivered to rural consumers.
- Promote an integrated framework for dealing with water carting applications within Eurobodalla Shire Council.
- Ensure consistency and fairness in the manner in which the Council deals with water carters.
- Ensure compliance with legislative requirements under the Local Government Act 1993.
- Promote awareness of the requirements of the Act with respect to the granting of approvals.
- Make the Council's policies and requirements for water carting readily accessible and understandable to the public.

Policy details

1	Application This policy applies to all persons drawing water from Council's water supply.
2	Legislation This policy ensures Eurobodalla Shire Council's compliance with the <i>Local Government Act 1993</i> , <i>Public Health Act 2010</i> and the <i>Food Act 2003</i> .
3	Exemptions The following persons may draw water from a water supply system or standpipe without the prior approval of the council: <ol style="list-style-type: none"> a) Council's Water and Sewer employees acting in the course of his or her employment. b) NSW Rural Fire Service and NSW Fire and Rescue personnel drawing water for the purposes of fire service activities.

Implementation

Requirements	Responsibility
<p>1 Code of Practice</p> <p>This policy will be implemented by following Council's <i>Water Carting Code of Practice</i> which specifies in detail the procedures to be followed for approving and managing access to Council's water supply by water carters.</p>	<p>Council officers</p>
<p>2 General Requirements</p> <p>a) Risk to Council's water supply: Water may only be drawn from:</p> <ul style="list-style-type: none"> • an authorised water filling station, or • the reticulation system using a removable standpipe, but only with the prior approval of the Director Infrastructure Services, Division Manager Water and Sewer or the Water and Sewer Operations Engineer. <p>b) Risk to consumers:</p> <ul style="list-style-type: none"> • Tanks used for carting drinking water should only be used for that purpose. • Tanks used for carting drinking water must not be used for transport of effluent (treated or otherwise), petroleum products, or other potentially hazardous materials that may be harmful to health. • Tanks may be used for carting water from non-potable sources eg; from dams or rivers, provided that the tank, hoses and fittings are cleaned and disinfected prior to filling with drinking water. • Tanks, hoses and fittings shall be made of, or lined with, a material that will not contaminate drinking water. • Hoses and fittings shall be stored in a dust proof container during transport or when not being used. • Tanks shall be cleaned and disinfected at least every three months and hoses and fittings shall be cleaned and disinfected at least every month, by following the procedures detailed in the <i>NSW Guidelines for Water Carters</i>. <p>c) Other requirements:</p> <ul style="list-style-type: none"> • Tanks shall have an aperture of such size to permit easy inspection and thorough cleaning of the interior. • Water carters shall keep a log book to record information on deliveries and cleaning. <p>Council officers shall inspect tanks approved for carting drinking water at least annually.</p>	<p>Council officers Water carters</p>
<p>3 Applications</p> <p>Applications for an approval to draw water from Council's water supply shall be in accordance with the procedure detailed in Council's <i>Water Carting Code of Practice</i>.</p>	<p>Council officers Water carters</p>

	Staff will follow the approvals process detailed in the <i>Water Carting Code of Practice</i> when determining whether to grant an approval or to refuse an application.	
4	Fees and Charges The following fees and charges are payable in accordance Council's <i>Water Carting Code of Practice</i> : a) Inspection fee b) Access Key Purchase (new/replacement) c) Bulk Water Sales	Water carters
5	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
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
6	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 carting.

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
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
Public Health Act 2010	www.austlii.edu.au/au/legis/nsw/consol_act/pha2010126
Food Act 2003	http://www.austlii.edu.au/au/legis/nsw/consol_act/fa200357

Related external references

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

Supporting documents

Name	Link
NSW Health Guidelines for Water Carters	http://www.health.nsw.gov.au/publications/Publications/NSW-Guidelines-for-Water-Carters.pdf

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sep 2009	Council	09/291	E06.0113	Policy commenced
2	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated (start of new Council term)
3	dd mmm 2017	Council	TBA	E16.0297 E06.0113	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 E16.0297	Review date	Sep 2020	Pages	4

Policy title	Complaints
Responsible manager(s)	General Manager
Contact officer(s)	Public Officer
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
Operational Plan link	SS1.2.2 Ensure transparency in council dealings

Purpose

Eurobodalla Shire Council is an organisation which exists to assist its customers and stakeholders consistent with the common good and within legal and statutory responsibilities. Dealing with complaints about Council's decisions, actions or procedures and analysing their causes is a positive process as it allows Council the opportunity to improve policy, procedures and services.

Council treats all complaints seriously. Every complaint received by council is given attention by appropriate staff in order to resolve the issues which are raised. Complaints should be resolved in a timely and cost effective manner.

The purpose of this policy is to facilitate a consistent, fair and equitable resolution to customer complaints at the earliest opportunity and in the most efficient, prompt and professional manner.

This policy:

- Provides a framework for receiving and responding to complaints from the public, as a means of improving customer service in all areas of Council's operations.
- Ensures that issues which are the subject of complaints are addressed promptly, and in a manner which, as far as possible, ensures that such issues will not be the subject of future complaints.
- Ensures the validity of the complaint or request is ascertained and the principles of enquiry are applied.
- Provides transparency and awareness to the community regarding Council's policy and procedure regarding complaints and requests from the public.

Policy statement

1	<p>Application</p> <p>This policy applies to complaints concerning Eurobodalla Shire Council's affairs, across all areas of Council. The policy provides a mechanism for handling the following types of complaints:</p> <ul style="list-style-type: none"> • Code of Conduct (Councillor or staff behaviour) • Maladministration or Serious and Substantial Waste of public resources • A serious breakdown in Council's operations or the Council as a whole not operating satisfactorily • Conflict of interest (pecuniary/non-pecuniary) • Corrupt or Criminal activity • Competitive Neutrality • Breach of legislation e.g. copyright, Privacy, access to Government information
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2	<p>Legislation</p> <p>Council complies with relevant legislation such as the <i>Local Government Act 1993</i>, <i>Government Information (Public Access) Act 2009</i>, <i>Independent Commission Against Corruption Act 1998</i>, <i>Ombudsman Act 1974</i>, <i>Public Interest Disclosures Act 1994</i>, <i>State Records Act, 1998</i> and <i>The Model Code of Conduct for Local Government Councils in NSW 2013</i>.</p> <p>Council is guided by the NSW Ombudsman's <i>Effective complaint handling guidelines</i> (Dec 2010) and Australian Standard <i>AS ISO 10002:2004, MOD: Customer satisfaction – guidelines for complaints handling in organisations</i>.</p>
3	<p>Complaints</p> <p>A complaint may relate to a specific activity, incident or issue involving Council, or to matters of a more philosophical or general nature regarding Council's policy, processes and/or procedures.</p> <p><i>For the purposes of this policy, a complaint is an expression of dissatisfaction with:</i></p> <ul style="list-style-type: none"> • a decision that Council has made • behaviour of Councillors, employees, volunteers or contractors • a Council policy or procedure • information or a service received from Council after making an enquiry or service request, and/or the timeliness of Council's response. <p><i>A complaint is not:</i></p> <ul style="list-style-type: none"> • a request for service (unless there was no response to a prior request) • a request for information or explanation of policies or procedures • the lodging of an appeal in accordance with a standard procedure, policy or lawfully made determination (unless this is recorded as a complaint about Council's decision-making) • an objection to a determination made on a Development Application (DA) • a submission to an item on public exhibition or notification. <p>These matters may be more appropriately dealt with as Customer Service Requests (see below) or by contacting the relevant area of Council directly.</p>
4	<p>Customer Service Requests</p> <p>A Customer Service Request (CSR) is created when customers contact Council to request action or seek assistance relating to a Council service, function, facility, or to report a problem. A CSR is not the mechanism to make a complaint about a Council decision, action or procedure.</p> <p>Typical examples of CSRs are requests to:</p> <ul style="list-style-type: none"> • report damaged or faulty infrastructure (e.g. damaged footpaths, potholes in roads), including safety issues • report hazards (e.g. a tree branch has fallen) • request Council assistance with compliance matters concerning neighbouring property (e.g. noise or unauthorised building works)

	<ul style="list-style-type: none"> • report animal control matters (e.g. barking dog, escaped livestock) • repair or replace a damaged water meter. <p>CSRs can be lodged through the following Council areas:</p> <ul style="list-style-type: none"> • Customer Assistance 4474 1000 • Moruya Depot 4474 1391 • Narooma Depot 4476 4144 • Batemans Bay Depot 4472 4035 • In person – customers can visit our Customer Assistance Centre at our main office, Eurobodalla Shire Council, cnr Vulcan and Campbell Street, Moruya. <p>Alternatively customers can email council@esc.nsw.gov.au and have the matter appropriately assigned to a member of staff for investigation and resolution.</p> <p>Please see Council's Customer Service Policy for more information.</p>
5	<p>Type and Seriousness of Complaints</p> <p>Complaints to Council will vary in type and seriousness. In many circumstances the onus will fall on staff to determine the seriousness of the complaint, and what action may be appropriate in responding to the complainant. Council's procedure is straightforward and provides for a number of levels for investigating complaints.</p> <p>Complaints can often be resolved very quickly and informally by the member of staff with whom customers have been dealing. Customers are encouraged to contact the member of staff, explain what has gone wrong and give them the opportunity to respond and resolve the issue immediately to the satisfaction of the complainant.</p> <p>Where the complaint is deemed to be of a more serious nature, staff should make a written record of the complaint and the advice provided to the complainant, and inform their supervisor or manager and the Public Officer immediately.</p> <p>Where a complaint is not resolved at the initial stage, or a more substantial inquiry or investigation is required, or in situations where Council has statutory obligations to refer complaints to external agencies, the complaint will be handled by the Public Officer or the General Manager.</p> <p>Where a report to Council is required due to the seriousness or complexity of the complaint, the matter should be referred directly to the General Manager.</p> <p>Where a complaint cannot be resolved internally by Council it will be referred to an appropriate external agency, or to some alternative dispute resolution procedure or, as a last resort, any legal remedy.</p>
6	<p>Lodging and Handling Complaints</p> <p>Council aims to make it as easy as possible for customers to contact Council by providing several options for customers to make contact:</p> <ul style="list-style-type: none"> • By phone - on (02) 4474 1000. A staff member will record the complaint.

	<ul style="list-style-type: none"> • Online – customers can lodge a complaint via Council’s website www.esc.nsw.gov.au by selecting the ‘Your say’ button at the right hand side of the toolbar. • By Email – council@esc.nsw.gov.au • In person – Make an appointment with the relevant Manager or the Public Officer at the Customer Assistance Centre at our main office, Eurobodalla Shire Council, cnr Vulcan and Campbell Street, Moruya. • In writing – complaints made in writing should be addressed to The Public Officer, Eurobodalla Shire Council, PO Box 99, Moruya NSW 2537 <p>Community members who approach Council staff outside of the contact methods stated above will be advised to make their complaint by contacting Council using any of the methods listed above.</p> <p>All complaints will be acknowledged initially within 10 working days.</p> <p>Council aims to resolve complaints as quickly as possible. Customer complaints that cannot be resolved on the spot will be assigned to the appropriate officer for action. The customer will be kept informed throughout the process by the investigating officer. If the complaint is of a complex nature that requires additional time to solve, the customer will be informed of predicted timeframes by the investigating officer.</p> <p>In dealing with complaints Council will:</p> <ul style="list-style-type: none"> • respond promptly • investigate thoroughly and objectively • keep customers informed of what is happening • respect (as far as possible) customer desire for confidentiality. <p>Information relating to complaints is recorded and used for statistical and reporting purposes, to inform the decision making process and improve Council’s service to the community.</p>
7	<p>Councils’ statutory obligations to refer complaints to external agencies</p> <p>There are a number of external accountability/complaint bodies that receive and investigate complaints about the conduct of councils.</p> <p>Depending on the nature of the complaint, it may have to be referred to one of the agencies listed below.</p>
7.1	<p>Allegations of Inappropriate Conduct, Conflict of Interest (Pecuniary or non-Pecuniary), or Improper use of Positions</p> <p>Complaints alleging breaches of Council’s Code of Conduct by a councillor or member of staff must be dealt with under the Code of Conduct.</p> <p>Council’s Code of Conduct requires all complaints within the following categories to be immediately directed to the General Manager:</p> <ul style="list-style-type: none"> • Complaints about practices or procedures underpinning, or arising from, Council’s decision-making processes;

	<ul style="list-style-type: none"> Complaints about the conduct of, or alleging impropriety in the actions of, Council staff or councillors (including alleged corrupt conduct, pecuniary interest, or improper use of position). <p>These complaints will be handled according to the current version of the Procedures issued by the Office of Local Government (OLG). Staff receiving and recording such a complaint must ensure that the complaint and all allegations contained therein remains confidential, and is not discussed other than with the Public Officer or General Manager.</p> <p>Complaints alleging a serious breakdown in Council's operations or the Council as a whole not operating satisfactorily, breaches of the pecuniary interest provisions of the <i>Local Government Act 1993</i> or a failure to disclose political donations by a Councillor should be referred to the OLG.</p>
7.2	<p>Maladministration and/or Serious and Substantial Waste</p> <p>Where a member of the public reports matters related to maladministration by Council, or serious and substantial waste of public resources, the matter is to be reported immediately to the Public Officer or General Manager.</p> <p>The General Manager has a duty to report such matters to the NSW Ombudsman.</p>
7.3	<p>Competitive Neutrality</p> <p>The concept of Competitive Neutrality is based on the 'level playing field' concept or the concept that businesses which are publicly owned should have no net competitive advantage over a business that is privately owned. Where Council competes in the market place it should do so without utilising its public position to gain an unfair advantage over a private sector competitor.</p> <p>Competitive Neutrality is one of the principles of competition policy and dealing with the complaint requires a detailed understanding of the policy and its ramifications. Complaints regarding Competitive Neutrality should be immediately referred to Council's Public Officer or the Office of Local Government.</p>
7.4	<p>Corrupt Conduct</p> <p>Where a member of the public reports any matter related to unethical conduct, fraud, or corruption the matter is to be reported immediately to the General Manager. The General Manager has a statutory obligation to report complaints alleging corrupt conduct to the Independent Commission against Corruption (ICAC) under section 11 of the <i>Independent Commission Against Corruption Act 1988</i>.</p>
7.5	<p>Criminal Conduct</p> <p>Complaints involving criminal activity are to be immediately referred to the Public Officer or General Manager for further referral to the Police.</p>
7.6	<p>Complaints about Information (Access, Copyright, or Privacy)</p> <p>Complaints about copyright, or access to information held by Council under the <i>Government Information (Public Access) Act 2009</i> should be made to the Public Officer.</p> <p>Complaints about breaches of any information protection principles applying to the Council should be made to the Governance and Information Officer. In some cases these complaints may be referred to the NSW Information and Privacy Commissioner.</p>

8	<p>Confidentiality and Anonymity</p> <p>Council protects the personal information of its customers in accordance with its adopted Privacy Management Plan and the <i>Privacy and Personal Information Protection Act 1998 (PPIPA)</i>, the <i>Health Records and Information Privacy Act 2002 (HRIPA)</i>, the <i>Government Information (Public Access) Act 2009</i> and the <i>Local Government Act 1993</i>.</p> <p>Where possible Council does not disclose the identity of complainants, however Council will sometimes be required to disclose information about complaints, for example, in response to a court order or subpoena).</p> <p>Anonymous complaints made to Council can be difficult to investigate. Often investigating staff will need more information from the person making the complaint and this cannot be obtained if the source is anonymous. Anonymous complaints will not ordinarily be investigated or acted on in any way except where circumstances dictate otherwise, for example if the issue raises a serious matter or is a threat to public health or safety, and/or there is sufficient information in the request to carry out an investigation.</p>
9	<p>Unreasonable Complainant or Customer Conduct</p> <p>Council has obligations to keep staff and councillors safe from harm. This means that Council may restrict the way it provides services to individuals who display inappropriate behaviour or are unreasonable. Council will only do this in extreme cases and in accordance with procedures for managing unreasonable customers.</p>
10	<p>Customer Rights to Review:</p> <p>Should a customer be dissatisfied with the handling or determination of their complaint, they may request that an internal review of the complaint be conducted by the Public Officer.</p> <p>Should a complainant be dissatisfied with the internal review, they may:</p> <ul style="list-style-type: none"> • approach an outside agency to seek resolution, such as the Ombudsman, ICAC, the Information and Privacy Commission, or the OLG • seek alternative dispute resolution • instigate appeal procedures or other legal remedies. <p>External Agency Contacts</p> <ul style="list-style-type: none"> • NSW Ombudsman 1800 451 524 www.ombo.nsw.gov.au • ICAC 1800 463 909 www.icac.nsw.gov.au • Office of Local Government 02 4428 4100 www.olg.nsw.gov.au • Information and Privacy Commission 1800 472 679 www.ipc.nsw.gov.au

Implementation

Implementation steps		Responsibility
1	Public Officer Under the <i>Local Government Act 1993</i> , Council's Public Officer is specifically charged with the responsibility of dealing with complaints from the public concerning Council's affairs. The Public Officer will also arrange any internal reviews of complaints where the customer has requested that an internal review be conducted.	Public Officer
2	Code of Conduct Complaints Complaints about alleged breaches of the Code of Conduct by Councillors or staff will be specifically handled via the OLG Procedures for Administration of the Model Code of Conduct (current version). Under the Code, the investigation of all complaints about Councillors and the General Manager is managed by an independent conduct reviewer.	General Manager Complaints Coordinator Conduct Reviewer
3	Reporting of Complaints On a six monthly basis (September and March) the Public Officer will provide a summary of complaints received to the Executive Leadership Team. This summary will comprise details of the type and number of complaints received and an outline of how they were resolved, the average time for resolution and recommendations of any changes to procedures made as a result. These summaries will form the basis of an annual report to Council from the Public Officer.	Public Officer
4	Complaints about this Policy Complaints about this policy will be referred directly to the Public Officer and handled in accordance with the Complaints Policy. Complaint records will be used as a tool to analyse the history of concerns and to assist determination of follow up actions.	Public Officer
5	Consultation This policy has been developed based on guidelines issued by the NSW Ombudsman, on current 'best practice' and referral to relevant legislation. This policy will be advertised for public comment and submissions as required.	As appropriate

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 will also be reviewed and updated as necessary when legislation or the Code of Conduct changes, or when council's functions, structure or activities change, or when technological advances or new systems change the way that council manages complaints.

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

Performance indicator	Data source(s)
Complaints or Customer Feedback Survey Responses	Council records
Reduction in level of complaints over time	Council records
Evidence that improvements have been identified and rectified	Council records
Internal Review or investigation	Council officers
External Review or Investigation (e.g. Pecuniary Interest and Disciplinary Tribunal)	As applicable

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
Customer Service Policy	www.esc.nsw.gov.au
Code of Conduct Policy	www.esc.nsw.gov.au
Public Interest Disclosures Internal Reporting Policy	www.esc.nsw.gov.au
Privacy and Protection of Personal Information Policy	www.esc.nsw.gov.au
Local Government Act 1993	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N
Model Code of Conduct for Local Government Councils in NSW (2015)	www.olg.nsw.gov.au/sites/default/files/Model%20Code%20of%20Conduct%20-%20November%202015.pdf
Procedures for Administration of Model Code of Conduct (2013)	www.olg.nsw.gov.au/sites/default/files/Procedures-for-Administration-of-Model-Code-of-Conduct.pdf
Effective complaint handling guidelines - 2nd edition (Dec 2010)	www.ombo.nsw.gov.au/_data/assets/pdf_file/0012/3612/GL_EffectiveComplaintHand_Dec10.pdf
Complaints management in councils: practice note 9. (rev.ed.2009)	www.olg.nsw.gov.au/sites/default/files/Practice-Note-No9-Complaints-Management-Revised-July-2009.pdf
Australian Standard Customer satisfaction – guidelines for complaints handling in organisations (AS ISO 10002:2004, MOD)	www.saiglobal.com/PDFTemp/Previews/OSH/AS/AS10000/10000/10002-2006.pdf

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
NSW Ombudsman	www.ombo.nsw.gov.au
ICAC	www.icac.nsw.gov.au
Information and Privacy Commission NSW	www.ipc.nsw.gov.au
Pecuniary Interest and Disciplinary Tribunal	www.olg.nsw.gov.au/commissions-and-tribunals/nsw-civil-and-administrative-tribunal/pecuniary-interest-and-disciplinary-tribunal

Definitions

Word/Term	Definition
Competitive Neutrality	Where Council as a supplier of services is not to use their public position to gain an unfair advantage over a private sector competitor in the marketplace
Complaint	Expression of dissatisfaction with a decision, the quality or timeliness of a service provided, or the behaviour of employees, contractors or volunteers. A complaint may relate to a specific incident or issue involving Council, or to matters of a more philosophical or general nature regarding Council's processes and/or procedures.
Conflict of interests	A conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
Corrupt Conduct	Dishonest or partial exercise of any official functions by a public official
Customer Service Request (CSR)	Requests for information or service which are dealt with by lodging a service request through Council's CSR system and having the item appropriately assigned to a member of staff for action
Personal Information	Information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion
Pecuniary Interest	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

Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	24 Nov 2009	Council	09/369	E06.0380 E09.3418	Policy Adopted - Report G09/145
2	10 Sep 2013	Council	13/272	E06.0380 E13.7095	Policy reviewed and updated at commencement of new Council term.
3	TBA 2017	Council		E06.0380 E16.0297	Policy reviewed and updated at commencement of new Council term. No significant changes.

Internal use

Responsible officer		General Manager		Approved by	Council
Min no	TBA	Report no	TBA	Effective date	TBA
File No	E06.0380 E16.0297	Review date	Sep 2020	Pages	9

POLICY

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

Purpose

This policy is designed to outline the relationships and parameters of Disability service delivery by Eurobodalla Shire Council and key areas of responsibility under legislation, Terms of Business and funding agreements.

Policy statement

1	Application This policy applies to Council's Community Care programs and services.
2	Legislation Eurobodalla Shire Council is required to provide services in accordance with the principles of the <i>Disability Inclusion Act 2014</i> , the NSW Disability Services Standards and the National Disability Standards. Eurobodalla Shire Council is committed to implementing the National Disability Strategy when delivering State and Federally funded disability services. The National Strategy promotes the principles of the United Nations Convention on the Rights of Persons with Disabilities.
3	Council is responsible for delivering Disability Services consistently, in line with the NSW Disability Standards and program contracts and guidelines, as prescribed by NSW's Ageing Disability and Homecare, Department of Family and Community Services (ADHC) and the National Disability Insurance Agency (NDIA) Terms of Business.
4	Code of Practice Details of the acceptance and management of clients with a disability against the NSW Disability Service Standards and the NDIA Terms of Business are provided in the Community Care Program Policies and Service Operation Manuals.
5	Complaints Complaints received regarding the provision of Community Care disability services will be entered into Council's Records Management system and will remain confidential, in accordance with Council's Privacy Management Plan and funding requirements. Complaints will be dealt with in accordance with Council's Complaint's Policy

Implementation

Implementation steps		Responsibility
1	Code of Practice Council's Community Care Policies and Service Operation Manuals specify in detail how services will be managed, in line with Council, funding agreements, National Disability Insurance Agency (NDIS) Terms of Business, the NSW Disability Service Standards and the National Disability Strategy.	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 Concerns received regarding this policy will be recorded on Council's Customer Service Request (CSR) or records system and handled in accordance with Council's Customer Service Request Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.	Council Officers
4	Complaints Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with Council's Complaints Policy.	Public Officer
5	Consultation Public submissions regarding this policy will be considered during the policy exhibition period. Any other consultation deemed necessary may occur when and if required, with key stakeholders.	As required

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner. **Note:** *Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.*

This policy may also be reviewed and updated as necessary when the *Model Code of Conduct for Local Councils in NSW* is reviewed, updated and/ or republished by the OLG; or when council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages Disability Services.

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

Performance indicator	Data source(s)
Third Party Verification against the NSW Disability Service Standards	Community Care records
Complaints	Council Records
NDIA Revenue	Council Finance Records
Funding Requirements	Output Records

Governance

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

Related legislation and policies

Name	Link
Disability Inclusion Act 2014	http://www5.austlii.edu.au/au/legis/nsw/consol_act/dia2014228/
NSW Disability Service Standards	https://www.adhc.nsw.gov.au/sp/quality/standards_in_action
National Disability Strategy	www.fahcsia.gov.au/our-responsibilities/disability-and-carers/program-services/government-international/national-disability-strategy#1
NDIA Terms of Business	https://ndis.gov.au/providers/registering-provider/terms-business

Related external references

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

Change history

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

Internal use

Responsible manager	Director Community, Arts and Recreation			Approved by	Council
Min no:	13/172	Report no:	O13/112	Effective date:	23 July 2013
File No:	E13.7095	Review date:	TBA	Pages:	3

POLICY

Policy name	Sporting and Recreational Facilities Seasonal Hire
Responsible manager(s)	Divisional Manager Community and Recreation Development
Contact officer(s)	Coordinator Recreation Development
Directorate	Community, Art and Recreation Services
Approval date	

Purpose

The purpose of the Sporting and Recreational Facilities Seasonal Hire policy is to allow the users of Council's sporting facilities to better understand the process guiding the allocation of facilities by clearly identifying:

- Council's requirements from clubs and users;
- responsibilities of the user groups;
- responsibilities of Council; and
- by providing a framework that is equitable and easily administered.

The policy aims to:

- efficiently and effectively use Eurobodalla community resources
- encourage participation in sports and recreational activities by Eurobodalla residents
- minimise potential over-use of ovals with efficient facility allocation and eliminate inappropriate use
- match quality of playing surfaces to level of competition to be played at the ground
- enhance positive user attitudes and responsibility towards facilities
- ensure the provision of a range of quality, accessible recreation and sporting facilities
- ensure Council's policies and requirements for Sporting Facilities Seasonal Hire are readily accessible and understandable to the public.

Policy statement

1	Application This policy applies to all sporting grounds and facilities owned by Eurobodalla Shire Council or under the control of Council.
2	Terms and Conditions The Sporting and Recreational Facilities Seasonal Hire Policy forms the basis for the terms and conditions of the agreement governing the use of Council facilities. It is important for users to fully read and ensure they understand all sections of the policy. Any breach of one or more of these conditions may, at the discretion of Council, result in the use of the facility being withdrawn.

3	<p>Facility Use</p> <p>Facility allocations are issued to clubs that apply for the use of grounds and/or facilities by completing the application process outlined in this document by the required date.</p> <p>As participation trends change, Council may review the practice of allocating facilities to provide for the efficient use of facilities. Council may require a sharing of facilities but the desire is not to impact on existing users unless clear benefit can be provided through potential relocation or reallocation. Where possible all efforts would be made for clubs to retain the same primary “home ground”.</p> <p>While all efforts are made to accommodate requests, where demand exceeds resources, Council may be unable to accommodate all requests.</p>
4	<p>Seasonal Allocations</p> <p>Applications for use of Council reserves on a seasonal basis must be submitted prior to the nominated dates, and on the forms provided by Council. Summer reserve allocations close on the first Wednesday of September and winter reserve allocations close on the first Wednesday of March each year. The seasonal hire agreements take effect during the following dates:</p> <p>Summer Season 1 October - 31 March Winter Season 1 April - 30 September.</p>
5	<p>Pre-Season Training and Finals</p> <p>Pre-season training and finals are not included within the seasonal agreement if they fall outside of the seasonal agreement dates. For finals, clubs (or associations who organise finals) are required to make formal application to Council and these need to be lodged with Council by the COB on the Tuesday following the last home and away season match. If this application has not been lodged by this time, sports ground renovation works or other user groups may be scheduled on the ground. If clubs have necessary pre-season requirements outside of the seasonal dates they should contact Council’s booking office to arrange pre-season requirements as a casual hirer.</p>
6	<p>Casual Facility Use</p> <p>In addition to sporting clubs use, grounds are frequently used by residents and community groups for purposes of social gatherings, casual sport and festivals and events. Council supports sporting ground use by these groups and will allocate grounds upon request, with consultation with tenant clubs and providing this does not result in overuse of grounds or be of detriment to competition use. Seasonal Hire events will take priority over casual use.</p>
7	<p>School Use of Sports Grounds and Facilities</p> <p>As with community groups and residents, schools within Eurobodalla regularly use sports grounds for school sport, sports days and physical activity. Council supports sports ground use by school groups and will allocate grounds upon request providing this does not result in overuse of grounds or be of detriment to competition use by seasonal users groups.</p> <p>School use will be limited to school hours. Where schools require use of grounds outside of school hours, tenant clubs will be consulted to determine that there is no conflict of use.</p> <p>Applications from schools are required prior to using sporting ovals and facilities.</p>

8	<p>Annual Events that use some Sports Grounds and Facilities</p> <p>Eurobodalla Shire Council allows some grounds and facilities to be used for annual events. Clubs will be made aware when lodging their seasonal hire submission with Council for one of the affected grounds/facilities. In regards to annual events, affected clubs will be notified of any annual event on their ground prior to an agreement being finalised.</p>
9	<p>Insurance</p> <p>Prior to commencing use of Council facilities each season, all clubs are required to provide a Certificate of Currency as stated below.</p> <p>Public Liability Insurance Policy in the name of the Hirer for an amount of not less than twenty million dollars (\$20,000,000) in respect to any one claim or such greater sum as the Hirer may reasonably require. Public Liability insurance must also include the Goods Sold extension (this is to provide cover for food and drink being prepared or supplied on the premises) and an appropriate clause naming Eurobodalla Shire Council and the Minister for Crown Lands as 'interested parties'.</p>

Implementation

Implementation steps	Responsibility
<p>1 Code of Practice</p> <p>This policy will be implemented by following Council's Sporting and Recreational Facilities Seasonal Hire Code of Practice, which specifies in detail the plan, procedures and matters to be considered.</p>	Council Officers
<p>2 Concerns</p> <p>Concerns received regarding this policy will be recorded on Council's customer service request (CSR) or records system and handled in accordance with Council's Customer Service Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.</p>	Council Officers
<p>3 Complaints</p> <p>Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with Council's Complaints Policy.</p>	Public Officer
<p>4 Consultation</p> <p>Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.</p>	Key Stakeholders

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner. **Note:** Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary when the *Model Code of Conduct for Local Councils in NSW* is reviewed, updated and/ or republished by the OLG; or when council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages Sporting Facilities Hire.

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

Performance indicator	Data source(s)
Community Concerns or Complaints	Council Records
Customer Feedback Survey Responses	Surveys

Governance

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

Related legislation and policies

Name	Link
Code of Practice	www.esc.nsw.gov.au

Related external references

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

Change history

Version	Approval date	Approved by	Minute	File No	Change
1	24 Nov 2009	Council	09/291	E09.3418	Policy adopted
2	23 Jul 2013	Council	13/172	E13.7095	Renamed from Active Recreation Seasonal Hire Policy; aims added; Policy Statement expanded
3	10 Sep 2013	Council	13/274	E13.7095	Amended and re-adopted.

Internal use

Responsible manager	Divisional Manager Community and Recreation Development			Approved by	Council
Minute	13/274	Report no	O13/58	Effective date	10 Sep 2013
File No	E13.7095	Review date	TBA	Pages	4

POLICY

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

Purpose

This policy reflects Council's commitment to addressing barriers and promoting opportunities for young people aged 12-25 years in this shire, and indicates the types of services provided to young people by Council. The policy aims to:

- Promote an integrated framework for providing strategic support for local youth development
- Ensure consistency and fairness in the manner in which the Council deals with current and emerging youth issues
- Ensure compliance with legislative requirements under the *Commission for Children and Young People Act 1998*, the *Child Protection (Working with Children) Act 2012*
- Make council's policies and requirements for youth readily accessible and understandable to the public.

Policy statement

1	Application This policy applies to Council's Youth Services, providing service and support for young people aged 12 -25 years in the Eurobodalla Shire.
2	Legislation Eurobodalla Shire Council will comply with the Child Protection (Working with Children) Act 2012 and Commission for Children and Young People Act 1998 in the delivery of youth services.
3	Standards The council's Youth Action Plan identifies the following priority areas to address identified barriers and to promote opportunities for young people: <ol style="list-style-type: none"> 1. <i>Strengthening and connecting our young people</i> 2. <i>Young people places, spaces and activities</i> 3. <i>Involving young people</i> 4. <i>Learning and working.</i>

3.1	<p>The Youth Action Plan is driven by nine objectives that seek to create a united and inclusive approach in support of our shire's youth.</p> <p>The nine objectives are listed below:</p> <ol style="list-style-type: none"> 1. Work in partnership to improve youth health outcomes and services for sexual health, mental health and drug and alcohol consumption. 2. Advocate for improved transport options for young people. 3. Make better use of electronic media to communicate with youth. 4. Increase community awareness of youth. 5. Create opportunities for collaboration and cooperation between youth service providers to share information and advocate for young people. 6. Promote opportunities for young people to be engaged in an active, vibrant and inclusive lifestyle. 7. Provide and promote safe spaces for social interaction. 8. Support initiatives and activities that increase youth engagement and participation. 9. Provide information, opportunities and experiences to assist young people develop life skills.
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Implementation

	Requirements	Responsibility
1	<p>Code of Practice</p> <p>This policy will be implemented by following council's Integrated planning processes and the Youth Action Plan, which specifies the planned activities, procedures and matters to be considered.</p>	<p>Council officers</p>
2	<p>Staff</p> <p>Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.</p>	<p>Coordinator Community Development and Youth and Youth Development staff</p>
3	<p>Concerns</p> <p>Concerns received regarding this policy will be recorded on Council's customer service request (CSR) or records system and handled in accordance with Council's Customer Service Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.</p>	<p>Council officers</p>
4	<p>Complaints</p> <p>Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council's Complaints Policy.</p>	<p>Public Officer</p>

5	Consultation Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other agencies, relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.	As required
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Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner. **Note:** *Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.*

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

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

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

Governance

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

Related legislation and policies

Name	Link
Code of Practice	www.esc.nsw.gov.au
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182

Related external references

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

Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	24 Nov 2009	Council	09/369	E09.3418	Policy commenced
2	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated

Internal use

Responsible manager	Divisional Manager Community and Recreation Development			Approved by	Council
Minute	13/272	Report no	O13/56	Effective date	10 Sep 2013
File No	E13.7095	Review date	Sep 2016	Pages	3

Policy title	Related Party Disclosures Policy
Responsible manager(s)	Director Finance and Business Development
Contact officer(s)	Divisional Manager Finance
Directorate	Finance and Business Development
Approval date	TBA
Focus area	Supportive
Delivery Program link	SS1.1 Manage Council's financial assets and obligations
Operational Plan link	SS1.2.2 Ensure transparency in council dealings

Purpose

The purpose of the policy is to ensure that the existence of certain related party relationships and associated related party transactions, necessary for the users to understand the potential effects on the Financial Statements, are properly identified. They should be recorded in Council's systems, and summarily disclosed in Council's General Purpose Financial Statements in compliance with *Australian Accounting Standards Board AASB 124 Related Party Disclosures July 2015 (AASB 124)*, the *Privacy and Personal Information Protection Act 1998 (PPIPA)* and the *Government Information (Public Access) Act 2009 (GIPA)*.

Policy aims

Council, in complying with the disclosure requirements in AASB 124, will;

- identify related party relationships, related party transactions and ordinary citizen transactions;
- identify information about the related party transactions for disclosure;
- establish systems to capture and record the related party transactions and information about those transactions;
- identify the circumstances in which disclosure of the items in the first two point above are required and;
- determine the disclosures to be made about those items in the General Purpose Financial Statements for the purpose of complying with AASB 124.

Policy details

1	<p>Application</p> <p>This policy applies to those who have authority and responsibility for planning, directing and controlling the activities of Council and entities controlled by Council, including elected Councillors, the General Manager, Directors, and close family members who can be expected to influence or be influenced by the aforementioned key management persons.</p>
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Implementation

	Requirements	Responsibility
1	<p>AASB 124 Disclosure Requirements</p> <p>1.1 Disclosures</p> <p>To comply with AASB 124, for annual periods on or after 1 July 2016, Council will make the following disclosures in its General Purpose Financial Statements:</p> <ul style="list-style-type: none"> (a) Relationships between Council and its subsidiaries, irrespective of whether there have been transactions between them. (b) Key management personnel (KMP) compensation in total and for each of the following categories: <ul style="list-style-type: none"> (i) Short-term employee benefits; (ii) Post-employment benefits; (iii) Other long term benefits; and (iv) Termination benefits. (c) The information specified in Section 1.2 for related party transactions with the following persons during the period covered by the Financial Statement: <ul style="list-style-type: none"> (i) Council subsidiaries; (ii) Entities who are associates of Council or of a Council subsidiary; (iii) Joint ventures in which Council or a Council subsidiary is a joint venturer; (iv) Council's KMP; (v) Other related parties, comprising: <ul style="list-style-type: none"> - A close family member of a KMP of Council; - Entities controlled or jointly controlled by a KMP of Council; - Entities controlled or jointly controlled by a close family member of a KMP of Council. <p>1.2 Disclosed Information</p> <p>For each category of related party transactions specified in Section 1.1 (c), Council will disclose the following information in Council's General Purpose Finance Statements:</p> <ul style="list-style-type: none"> (a) The nature of the related party relationship; (b) The amount of the transactions; (c) The amount of outstanding balances, including commitments, and: <ul style="list-style-type: none"> (i) Their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in settlement; and (ii) Details of any guarantees given or received; (d) Provisions for doubtful debts related to the amount of outstanding balances; and (e) The expenses recognised during the period in respect of bad or doubtful debts due from related parties. 	Responsible Accounting Officer

	<p>1.3 Disclosed in Aggregate or Separate For each related party category specified in Section 1.1 (c), Council will disclose information specified in Section 1.2 for related party transactions of a similar nature in aggregate except when separate disclosure is necessary for an understanding of the effects of related party transactions in the Financial Statements of Council, having regard to the following criteria:</p> <ul style="list-style-type: none"> (a) the nature of the related party relationship (b) the significance of the transaction (individually or collectively) in terms of size or value (including where the materiality arises due to the fact that no consideration for the transaction is given or received by Council) (c) whether the transaction is carried out on non-arm's length terms (d) whether the nature of the transaction is outside normal day-to-day business operations. <p>Based on factors and thresholds under the direction of the Responsible Accounting Officer in consultation with Council's external auditor.</p>	
2	<p>Identifying Council Related Party Relationships and Transactions</p> <p>2.1 Identification The Responsible Accounting Officer is responsible for identifying Council subsidiaries, associates and joint ventures (incorporated and unincorporated) from the Related Entities Register, a document which is prepared to substantiate Note 19 of the Financial Statements 'Interests in Other Entities'.</p> <p>2.2 Control or Joint Control To determine whether Council has control or joint control of an entity, the Responsible Accounting Officer is responsible for applying AASB 10 Consolidated Financial Statements and AASB 11 Joint Arrangements.</p> <p>2.3 Associate or Joint Venture To determine whether an entity is an associate of, or in a joint venture with, Council or a Council subsidiary the Responsible Accounting Officer is responsible for applying AASB 128 Investments in Associates and Joint Ventures.</p> <p>2.4 Electronic Investigation The Responsible Accounting Officer is responsible for investigating through Council's business system whether any identified Council subsidiaries, associates or joint ventures have an existing related party transaction with Council.</p> <p>2.5 Information Extraction The Responsible Accounting Officer is responsible for identifying and extracting information specified in Section 1.2 against each existing related party transaction in Council's business systems for the purpose</p>	Responsible Accounting Officer

	<p>of recording the related party transactions and associated information in a register of related party transactions.</p> <p>2.6 Manual Investigation and Recording of Information For related party transactions that are not captured by Council's business systems, the Responsible Accounting Officer is responsible for manually reviewing the transactional documentation and record the information specified in Section 1.2 for the subject transaction in the register of related party transactions.</p>	
3	<p>Identifying Related Party Transactions with KMP and their close family members</p> <p>3.1 Related Party Disclosures KMP must provide a related party disclosure in the form set out in Attachment A, notifying any existing or potential related party transactions between Council and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members, subject to Section 3.5 (below) to the Divisional Manager Governance and Information by no later than the following periods during a financial year (Specified Notification Period):</p> <ul style="list-style-type: none"> (a) 30 days after the commencement of the application of this policy (b) 30 days after a KMP commences their term or employment with Council (c) 30 November each year (d) 30 June each year. <p>3.2 Related Party Disclosure Form At least 30 days before a specified notification period, the Divisional Manager Governance and Information will provide KMP with a Related Party Disclosure Form (Attachment A) and Privacy Collection Notice (Attachment B).</p> <p>3.3 Suspected Related Party Transactions If a KMP suspects that a transaction may constitute a related party transaction, the KMP should provide a related party disclosure to the Divisional Manager Governance and Information for consideration and determination.</p> <p>3.4 Other Notifications The notification requirements in Section 3 are in addition to the notifications a KMP must comply with:</p> <ul style="list-style-type: none"> (a) For councillors, the Code of Conduct, and (b) Senior Executive Officers who are KMP, the Code of Conduct, and (c) The disclosure of interests in a written return pursuant to Section 450A of the <i>Local Government Act 1993</i> and <i>Local Government (General) Regulation 2005</i>. 	Responsible Accounting Officer and Divisional Manager Governance and Information

	<p>3.5 Exclusions The notification requirement in Section 3 do not apply to:</p> <ul style="list-style-type: none"> (a) related party transactions that are ordinary citizen transactions not assessed as being material as determined under Section 4; and (b) The Councillors Expenses and Facilities Policy, the particulars of which are contained in Council's Annual Report pursuant to the <i>Local Government (General) Regulation 2005</i>, clause 207. <p>3.6 Information Extraction The Responsible Accounting Officer is responsible for identifying information specified in Section 1.2 against each notified related party transaction in Council's business systems for the purpose of recording the related party transactions and associated information in the register of related party transactions.</p> <p>3.7 Other Sources of Information To ensure all related party transactions are captured and recorded, the Responsible Accounting Officer is responsible for reviewing, if required, other sources of information held by Council including, without limitation:</p> <ul style="list-style-type: none"> (a) a register of interest of the KMP and persons related to the KMP (b) minutes of Council and committee meetings (c) Council's Contracts Register. <p>3.8 Manual Investigation and Recording of Information For notified related party transactions that are not captured by Council's business systems, the Responsible Accounting Officer is responsible for manually reviewing the transactional documentation and record the information specified in Section 1.2 for the subject transaction in the register of related party transactions.</p>	
4	<p>Ordinary Citizen Transactions</p> <p>4.1 Non-material in Nature A KMP is not required to notify in a related party disclosure and Council will not disclose in its Financial Statements, related party transactions that are ordinary citizen transactions assessed to be not material in nature.</p> <p>4.2 Material in Nature A KMP is required to notify in a related party disclosure and Council will disclose in its Financial Statements in accordance with Section 1, related party transactions that are ordinary citizen transactions assessed to be material in nature.</p>	Responsible Accounting Officer

	<p>4.3 Materiality Assessment The Responsible Accounting Officer is responsible for reviewing and assessing the materiality of related party transactions that are ordinary citizen transactions to determine whether the disclosure of such transactions are necessary for an understanding of the effects of the related party transactions on the Financial Statements having regard to criteria specified in Section 1.3. As a general rule, Council will utilise \$50,000 as a threshold for materiality.</p> <p>4.4 Information Extraction The Responsible Accounting Officer is responsible for identifying information specified in Section 1.2 against each notified related party transaction that is an ordinary citizen transaction assessed as being material in nature in Council's business systems for the purpose of recording the related party transactions and associated information in a register of related party transactions.</p>	
5	<p>Register of Related Party Transactions</p> <p>5.1 Maintain a Register The Responsible Accounting Officer is responsible for maintaining and keeping up to date a register of related party transactions that captures and records the information specified in Section 1.2 for each existing or potential related party transaction (including ordinary citizen transactions assessed as being material in nature) during a financial year.</p> <p>5.2 Contents of Register The contents of the register of related party transactions must detail for each related party transaction:</p> <ul style="list-style-type: none"> (a) the description of the related party transaction (b) the name of the related party (c) the nature of the related party's relationship with Council (d) whether the notified related party transaction is existing or potential (e) a description of the transactional documents the subject of the related party transaction (f) the information specified in Section 1.2. <p>The Responsible Accounting Officer is responsible for ensuring that the information specified in Section 1.2 is disclosed in Council's Financial Statements to the extent, and in the manner stipulated by AASB 124, subject to Section 1.3.</p>	Responsible Accounting Officer

<p>6</p>	<p>Information Privacy</p> <p>6.1 Confidential The following information is classified as confidential and is not available for inspection by or disclosure to the public, including through a Government Information (Public Access) Act (GIPA) application:</p> <ul style="list-style-type: none"> (a) information (including personal information) provided by a KMP in a related party disclosure; and (b) personal information contained in a register of related party transactions. <p>6.2 When Consent is Required Except as specified in the policy, Council and other permitted recipients will not use or disclose personal information provided in a related party disclosure by a KMP or contained in a register of a related party transactions for any other purpose or to any other person except with the prior written consent of the subject KMP.</p> <p>6.3 Permitted Recipients The following persons are permitted to access, use and disclose the information (including personal information) provided in a related party disclosure or contained in a register of related party transactions for the purposes specified in Section 6.4:</p> <ul style="list-style-type: none"> (a) General Manager (b) Directors (c) Responsible Accounting Officer (d) Divisional Manager Governance and Information (e) Professional Conduct Reviewers (f) an Auditor of Council (including an Auditor from the NSW Auditor General's Office) (g) other Council Officers as delegated by the General Manager. <p>6.4 Permitted Purpose A person specified in Section 6.3 may access, use and disclose information (including personal information) in a related party disclosure or contained in a register of related party transactions for the following purposes:</p> <ul style="list-style-type: none"> (a) to assess and verify a notified related party transaction (b) to reconcile identified related party transactions against those notified in a related party disclosure or contained in a register of related party transactions (c) to comply with the disclosure requirements of AASB 124 (d) to verify compliance with disclosure requirements of AASB 124. 	<p>Divisional Manager Governance and Information</p>
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7	<p>Government Information (Public Access) Act (GIPA Status)</p> <p>7.1 No Public Inspection The following documents are not open to or available for inspection by the public:</p> <ul style="list-style-type: none"> (a) related party disclosures provided by a KMP; and (b) a register of related party transactions. <p>7.2 Not GIPA – accessible A GIPA application seeking access to:</p> <ul style="list-style-type: none"> (a) a document or information (including personal information) provided by KMP in a related party disclosure; or (b) personal information contained in a register of related party transactions; <p>will be refused on the grounds the document contains information for which there is an overriding public interest against disclosure, pursuant to Section 14 of GIPA.</p>	Divisional Manager Governance and Information
8	<p>Staff</p> <p>Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.</p>	Council officers
5	<p>Concerns</p> <p>Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.</p>	Council officers
6	<p>Consultation</p> <p>Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. 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 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 related party disclosure as determined by AASB 124 *Related Party Disclosures*, July 2015.

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
Related party	<p>Is a person or entity that is related to the entity that is preparing its financial statements (in this Policy referred to as the 'reporting entity').</p> <ul style="list-style-type: none"> A person or a close member of that person's family is related to a reporting entity if that person: <ul style="list-style-type: none"> (i) has control or joint control over the reporting entity; (ii) has significant influence over the reporting entity, or (iii) is a member of the key management personnel of the reporting entity or of a parent of the reporting entity. <p>For further detail on conditions that apply to <i>related parties</i> see AASB 124. In considering each possible related party relationship, attention is directed to the substance of the relationship and not merely the legal form.</p>
Related party transaction	Is a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.
Close members of the family of a person	<p>Are those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:</p> <ul style="list-style-type: none"> (a) that person's children and spouse or domestic partner; (b) children of that person's spouse or domestic partner; and (c) dependants of that person or that person's spouse or domestic partner.
Compensation	Includes all employee benefits (as defined in AASB 119 Employee Benefits) including employee benefits to which AASB 2 Share-based Payment applies. Employee benefits are all forms of consideration paid, payable or provided by the entity, or on behalf of the entity, in exchange for services rendered to the entity. It also includes such consideration paid on behalf of a parent of the entity in respect of the entity. Compensation includes:

	<p>(a) short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit-sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for current employees;</p> <p>(b) post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care;</p> <p>(c) other long-term employee benefits, including long service leave or sabbatical leave, jubilee or other long service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit-sharing, bonuses; and deferred compensation;</p> <p>(d) termination benefits; and</p> <p>(e) share-based payment.</p>
Control	Is the power to govern the financial and operating policies of an entity so as to obtain benefits from its activities.
Joint control	Is the contractually agreed sharing of control over an economic activity.
Key management personnel	Are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity.
Significant influence	Is the power to participate in the financial and operating policy decisions of an entity, but is not control over those policies. Significant influence may be gained by share ownership, statute or agreement.
Government	Refers to government, government agencies and similar bodies whether local, national or international.
A government-related entity	Is an entity that is controlled, jointly controlled or significantly influenced by a government.
Remuneration	Is compensation.
Arm's Length Terms	<p>Terms between parties that are reasonable in the circumstances of the transaction that would result from:</p> <ul style="list-style-type: none"> (a) neither party bearing the other any special duty or obligation; and (b) the parties being unrelated and uninfluenced by the other; and (c) each party having acted in its own interest.

Governance

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

Related legislation and policies

Name	Link
Local Government Act 1993	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N
Local Government Act 1993, Section 413	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/s413.html
Local Government (General Regulation 2005	www.austlii.edu.au/au/legis/nsw/consol_reg/lgr2005328/
Privacy & Personal Information Protection Act 1998	www.austlii.edu.au/au/legis/nsw/consol_act/papipa1998464/
Government Information (Public Access) Act 2009	www.austlii.edu.au/au/legis/nsw/consol_act/giaa2009368/
Accounting Standard AASB 124 July 2015 Related Party Disclosures	www.aasb.gov.au/admin/file/content105/c9/AASB124_07-15.pdf

Related external references

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

Supporting documents

Name	Link
Code of Conduct	www.esc.nsw.gov.au/inside-council/council/council-policies/codes/Code-of-Conduct.pdf
Councillors' Expenses and Facilities Policy	www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Councillors-Expenses-and-Facilities-Policy-Nov-2015.pdf
Privacy and Information Protection Policy	www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Privacy-and-Information-Protection-Policy.pdf

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	date	Council	TBA	See list	Policy commenced

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	11

Related Party Disclosure by Key Management Personnel

[Note: This document is confidential and is not a GIPA-accessible. See Council's Related Party Disclosure Policy]

Name of Key Management Personnel:.....

Position of Key Management Personnel:.....

Please read the Privacy Collection Notice provided with this notification, which explains what is a related party transaction and the purpose for which Council is collecting and will use and disclose, the related party information provided by you in this notification.

Please complete the table below for each related party transaction with Council that you, or a close member of your family, or an entity related to you or a close member of your family;

- a) has previously entered into and which will continue in the ##insert relevant financial year eg 2016/2017## financial year; or
- b) has entered into, or is reasonably likely to enter into, in the ##insert relevant financial year eg 2016/2017## financial year.

Description of Related Party Transaction	Is transaction existing/ potential?	Related Party's Name (Individual's or entity's name)	Related Party's Relationship/ Reasons why related	Description of transaction documents or changes to the Related Party Relationship

Notification

I
(Full name) (Position)

notify that, to the best of my knowledge, information and belief, as at the date of this notification, the above list includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the ##insert relevant financial year Eg 2016/2017## financial year.

I make this notification after reading the Privacy Collection Notice provided by Eurobodalla Shire Council, which details the meaning of the words 'related party', 'related party transaction', 'close members of the family of a person' and, in relation to an entity, 'control' and 'joint control', and the purposes for which this information will be used and disclosed.

I permit the Responsible Accounting Officer and the other permitted recipients specified in Council's Related Party Disclosure Policy to access the register of interests of me and persons related to me and to use the information for the purposes specified in that policy.

Signature of named Key Management Personnel:.....

Date:.....

PRIVACY COLLECTION NOTICE**RELATED PARTY DISCLOSURES BY KEY MANAGEMENT PERSONNEL****Purpose of Collection, Use and Disclosure**

Effective for annual periods beginning on or after 1 July 2016, Council must disclose certain related party relationships and related party transactions together with information associated with those transactions in its general purpose financial statements, in order to comply with *Australian Accounting Standard AASB 124 Related Party Disclosures July 2015 (AASB 124)*.

Related parties include Council's key management personnel (KMP), their close family members, and any entities that they or any of their close family members control or jointly own.

A related party transaction is any transaction (whether a transfer of resources, services or obligations) between the reporting local government and any of the related parties, whether monetary or not.

If there is a related party transaction with Council applicable to a reporting financial year, AASB 124 requires Council to disclose in the financial statements the nature of the related party relationship and information about the transaction, including outstanding balances and commitments associated with the transaction. Disclosure in the financial statements may be in the aggregate and/or made separately, depending on the materiality of the transaction.

For more information about Council's disclosure requirements under AASB 124, please refer to Council's Related Party Disclosure Policy.

Notifications by Key Management Personnel

In order to comply with AASB 124, Council has adopted a policy that requires all members of its KMP to periodically provide notifications to the Divisional Manager Governance and Information of any existing or potential related party transactions between council and any of their related parties during a financial year, and any changes to previously notified related party relationships and transactions relevant to the subject financial year.

To this end, each KMP must provide a Related Parties Disclosure, in the approved form, notifying any existing or potential related party transactions between Council and any related parties of the KMP, to the Divisional Manager Governance and Information by no later than the following periods during a financial year:

- 30 days after the commencement of the application of this policy;
- 30 days after a KMP commences their term or employment with Council;
- 30 November (each year); and
- 30 June (each year).

Note, these related party disclosure requirements are in addition to the notifications KMPs are required to comply with:

- for councillors, the Code of Conduct – Councillors; and
- for other KMPs, the Code of Conduct – Staff.

This includes disclosures relating to Conflicts of Interest (Pecuniary and Non Pecuniary) and Gifts and Benefits.

Council's Auditors may audit related party information as part of the annual external audit.

For privacy and right to information status of this information, please refer to Council's Related Party Disclosure Policy.

Who are KMPs?

KMPs are persons having authority and responsibility for planning, directing and controlling the activities of Council, directly or indirectly.

For Council, KMPs include the:

- Mayor
- Councillors
- General Manager
- Directors

Who are close family members of a KMP Person?

Close family members, or close members of the family, of a KMP are family members who may be expected to influence, or be influenced by, that person in their dealing with Council and include:

- (a) that person's children and spouse or domestic partner;
- (b) children of that person's spouse or domestic partner; and
- (c) dependants of that person or that person's spouse or domestic partner.

Under AASB 124, close family members could include extended members of a family (such as, without limitation, a parent, grandparent, siblings, etc) if they could be expected to influence, or be influenced by, the KMP in their dealings with Council.

The following table may assist you in identifying your close family members.

Definitely a close family member	Maybe a close family member
Your spouse/ partner	Your brothers and sisters, if they could be expected to influence, or be influenced by, you in their dealings with Council
Your children	Your aunts, uncles and cousins, if they could be expected to influence, or be influenced by, you in their dealings with council
Your dependants	Your parents and grandparents, if they could be expected to influence, or be influenced by, you in their dealings with council
Children of your spouse/partner	Your nieces and nephews, if they could be expected to influence, or be influenced by, you in their dealings with council
Dependants of your spouse/ partner	Any other member of your family, if they could be expected to influence, or be influenced by, you in their dealings with council

What is an entity that I, or my close family, control or jointly control?

Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships.

Control

You control an entity if you have

- (a) power over the entity;
- (b) exposure, or rights, to variable returns from your involvement with the entity; and
- (c) the ability to use your power over the entity to affect the amount of your returns.

Example of control

Fred is the Mayor of Sunny Shire Council and owns 100% of the ordinary shares in Sunny Development Company Pty Ltd (the company). The ordinary shares are the only shares in the company that have voting rights.

Fred controls the company because he has the power to affect the company's decisions and the return that he will get from the company.

Fred will need to include the company on his related party disclosure.

Joint Control

To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

Example of joint control

Fred is the Mayor of Sunny Shire Council and owns 50% of the ordinary shares in Sunny Development Company Pty Ltd (the company). Fred's brother Stan owns the other 50% of the ordinary shares. Fred and Stan are the only Directors of the company and equal voting rights on the board. Fred and Stan have joint control of the company because any decisions require the unanimous consent of them both. Fred will need to include the company on his related party disclosure and the entity related party relationship with Fred and Stan.

In some cases, it will be obvious that you or a family member control or have joint control over an entity. In other cases it will be less clear.

If you are unsure whether you, or a close family member, has control or joint control of an entity then you should contact the Responsible Accounting Officer on #1366 for a confidential discussion.