

## **Policies for Adoption - July Review**

- Privacy and Information Protection
- Financial Hardship (formally named Rates and Debtors Hardship Policy)
- Debt Recovery
- Records Management
- Recreational Horse-Riding on Beaches
- Recycled Water
- Related Party Disclosures Policy
- Road and Pathway Opening
- Road and Naming
- Rural School Bus Routes and Bus Stops

<b>Policy title</b>	Privacy and Information Protection
<b>Responsible manager(s)</b>	General Manager
<b>Contact officer(s)</b>	Privacy Contact Officer
<b>Directorate</b>	Corporate and Commercial Services
<b>Approval date</b>	
<b>Outcome area</b>	9. Innovative and Proactive Leadership
<b>Strategy</b>	9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations
<b>Delivery Program</b>	9.2.1 Provide effective, friendly, customer service and information
<b>Operational Plan</b>	9.2.1.3 Manage public access to government information (GIPA) and Privacy

## Purpose

Eurobodalla Shire Council respects the privacy of residents and ratepayers, workers, volunteers, contractors, councillors, and all that do business with Council. While encouraging transparency, Council is committed to accountability in managing the various types of information that it collects and holds, including personal and health information.

As a NSW public sector agency Council is bound by the *Privacy and Personal Information Protection Act 1998 (PIIP Act)* and the *Health Records and Information Privacy Act 2002 (HRIP Act)*, and as a council it is bound by the *Privacy Code of Practice for Local Government (2019) (Privacy Code)*.

This policy supports efficient and timely Council decision-making to meet its statutory obligations regarding privacy and information protection. It intends to assure confidence that personal or health information held by Council is dealt with in accordance with relevant legislation.

## Policy aims:

- Promote an integrated framework for dealing with privacy and information protection.
- Ensure consistency and fairness in the way Council deals with privacy and information protection.
- Ensure compliance with and promote public awareness of legislative requirements for privacy and information protection.
- Make Council's policies and requirements relating to privacy and information protection readily accessible and understandable to the public.

## Policy statement

<b>1</b>	<b>Application</b> This Policy applies to that part of the information collected or held by Council that is designated as personal or health Information. See <a href="#">Definitions</a> . This Policy applies to councillors, workers, volunteers, contractors, customers, business associates of Council, and members of the public.
<b>2</b>	<b>Legislation</b> By virtue of section 32 of the PPIP Act, Council must comply with the <i>Privacy Code of Practice for Local Government 2019 (Privacy Code)</i> , made under Part 3 Division 1 of the PPIP Act and Part 5 of the HRIP Act.
<b>3</b>	<b>Privacy Management Plan</b> In accordance with the PPIP Act, Council must prepare and implement a Privacy Management Plan ( <b>PMP</b> ). The PMP is based on a model provided by the NSW Privacy Commissioner, and explains:

	<ul style="list-style-type: none"> <li>• Council's policies and practices for complying with the Privacy Code, PPIP Act and HRIP Act</li> <li>• How Council will make its employees and councillors aware of these policies and practices</li> <li>• Procedures for dealing with privacy internal reviews under Part 5 of the PPIP Act</li> <li>• Other relevant matters relating to the protection of personal and health information that is held by Council (section 33 of the PPIP Act).</li> </ul>
4	<p><b>Privacy Contact Officer</b></p> <p>Council will appoint a Privacy Contact Officer (<b>PCO</b>) who will act as an internal privacy expert, deal with privacy-related enquiries, internal reviews and complaints, assist Council with advice or assistance in relation to any of Council's functions or projects that have privacy implications, and ensure that all reasonable measures are taken to provide protection of personal and health information in Council's dealings and public-facing documents.</p> <p>Questions or written communications concerning the application of this policy or Council's privacy management should be addressed to Council's PCO or the Public Officer.</p>

## Implementation

Requirements		Responsibility
1	<p><b>Privacy Management Plan</b></p> <p>Council's Privacy Management Plan (<b>PMP</b>) sets out the procedures for the implementation of this policy and serves as Council's procedure for the management of privacy and information protection.</p>	Privacy Contact Officer
2	<p><b>Staff</b></p> <p>Under supervision, applicable Council workers will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.</p>	Council officers
3	<p><b>Concerns or complaints</b></p> <p>Concerns or complaints received about privacy and information protection will be recorded on Council's records system and handled in accordance with Council's Privacy Management Plan or Complaints Policy. They may be used to analyse the history of concerns and complaints and to determine follow up actions.</p>	Council officers
4	<p><b>Consultation</b></p> <p>This policy and the Privacy Management Plan have been developed using reference materials provided by the NSW Privacy Commissioner and through consultation with relevant staff.</p> <p>This policy may be placed on exhibition for public submission as required by legislation, with public submissions encouraged during the exhibition period.</p>	Council officers

## Review

This policy will be reviewed every 4 years, unless the review period is extended by Council.

It may also be reviewed and updated as necessary if legislation requires it; when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages privacy and information protection.

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

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

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

Performance indicator	Data source(s)
Concerns and complaints	Council records
Breaches	Audit
Internal review, External (IPC or NCAT) review	Audit, PCO, Public Officer

## 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
Privacy Management Plan	<a href="http://www.esc.nsw.gov.au/privacy-statement">www.esc.nsw.gov.au/privacy-statement</a>
Privacy Code of Practice for Local Government (revised 20 Dec 2019)	<a href="http://www.ipc.nsw.gov.au/sites/default/files/2020-01/Privacy%20Code%20of%20Practice%20for%20Local%20Government%2020%20December%202019.pdf">www.ipc.nsw.gov.au/sites/default/files/2020-01/Privacy Code of Practice for Local Government 20 December 2019.pdf</a>
PPIP Act 1998	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-133">https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-133</a>
HRIP Act 2002	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-2002-071">https://legislation.nsw.gov.au/view/html/inforce/current/act-2002-071</a>

### Related external references

Name	Link
Office of Local Government	<a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>
Information and Privacy Commission (IPC)	<a href="http://www.ipc.nsw.gov.au">www.ipc.nsw.gov.au</a>
NSW Civil and Administrative Tribunal (NCAT)	<a href="http://www.ncat.nsw.gov.au">www.ncat.nsw.gov.au</a>

### Supporting documents

Name	Link
Fact Sheet: Information Protection Principles	<a href="http://www.ipc.nsw.gov.au/information-protection-principles-ipps-agencies">www.ipc.nsw.gov.au/information-protection-principles-ipps-agencies</a>

### Definitions

Term	Definition
Personal Information	Information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
Health Information	(a) personal information that is information or an opinion about— (i) the physical or mental health or a disability (at any time) of an individual, or (ii) an individual's express wishes about the future provision of health services to him or her, or (iii) a health service provided, or to be provided, to an individual, or (b) other personal information collected to provide, or in providing, a health service, or

	<p>(c) other personal information about an individual collected in connection with the donation, or intended donation, of an individual's body parts, organs or body substances, or</p> <p>(d) other personal information that is genetic information about an individual arising from a health service provided to the individual in a form that is or could be predictive of the health (at any time) of the individual or of a genetic relative of the individual, or</p> <p>(e) healthcare identifiers,</p> <p>but does not include health information, or a class of health information or health information contained in a class of documents, that is prescribed as exempt health information for the purposes of the HRIP Act generally or for the purposes of specified provisions of the HRIP Act.</p>
information	for the purposes of this policy, a reference to either personal information or health information, or both
IPP	Information Protection Principles ( <b>IPPs</b> ) means those principles contained in Part 2 Division 1 of the PPIP Act
HPP	Health Protection Principles ( <b>HPPs</b> ) means those principles contained in Part 2 Division 19 of the HRIP Act
PPIP	Privacy and Personal Information Protection
HRIP	Health Records and Information Privacy
PCO	Privacy Contact Officer
PMP	Privacy Management Plan

## Change history

Version	Approval date	Approved by	Minute	Reference	Change
1	22 Sep 2009	Council	09/291	E09.3418 E06.0380	Policy Commenced, updated to include HRIP Act.
2	27 Aug 2013	Council	13/246	E13.7095 E06.0380	Revised and updated to reflect legislation. Supersedes previous policy dated 22 September 2009. Report O13/131.
3	27 Jun 2017	Council	17/214	E16.0297 E06.0380	Reviewed and updated (start of new Council term) Report GMR17/021. ECM 4625938.
4		Council		Policy Review - S004-T00060	Reviewed and updated (following commencement of new Council term) Report

## Internal use

Responsible officer		General Manager		Approved by	Council
Minute		Report		Effective date	
ECM	Policy Register - S004-T00014	Review date	June 2022	Pages	4

<b>Policy name</b>	Financial Hardship
<b>Responsible manager(s)</b>	Chief Financial Officer
<b>Contact officer(s)</b>	Revenue Manager
<b>Directorate</b>	General Manager
<b>Approval date</b>	
<b>Outcome area</b>	9. Innovative and proactive leadership
<b>Strategy</b>	9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations
<b>Delivery Program link</b>	9.2.4 Responsibly manage Council's finances and maintain Fit for the Future status
<b>Operational Plan link</b>	9.2.4.4 Collect rates and charges

### Purpose

This policy applies to Eurobodalla Shire Council and its ratepayers. It provides a framework for responding to applications from property owners/ratepayers experiencing genuine hardship for assistance with the payment of the rates and charges, in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

The policy aims:

- To promote a clear guideline for administering financial hardship provisions.
- To ensure consistency and fairness in the way Council deals with financial hardship provisions.
- To ensure compliance with legislative requirements and financial industry guidelines.
- To take such steps as are appropriate to minimise the impact of outstanding debts on Council's financial position.
- To make Council's policy and requirements regarding financial hardship readily accessible and understandable to the public.

### Policy statement

<b>1</b>	<p><b>Application</b></p> <p>Council recognises there are cases of genuine financial hardship and will consider application for financial relief under certain circumstances. This policy outlines the criteria for assessment of hardship applications.</p> <p>The granting of hardship relief is at the absolute discretion of Council. If relief is granted and the terms of the agreement are not adhered to, further action (including debt recovery action) may be taken by Council without notice.</p> <p>A ratepayer may be eligible for consideration for hardship assistance in the payment of overdue rates and charges including interest, where:</p> <ul style="list-style-type: none"> <li>• The person is unable to pay rates and charges or accrued interest when due and payable for reasons beyond the persons control (Section 567)</li> <li>• Payment of the accrued interest would cause the person hardship (section 567)</li> </ul> <p>Council may:</p> <ul style="list-style-type: none"> <li>• Accept periodical payment arrangements for overdue rates and charges (section 564)</li> </ul>
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	<ul style="list-style-type: none"> <li>• Write off or reduce interest accrued on rates and charges if an approved payment arrangement is complied with (sections 564 &amp; 567)</li> <li>• Waive, reduce or defer the payment of the increase in the amount of rates payable because of hardship resulting from the general revaluation of land in the Local Government Area (section 601)</li> <li>• Waive or reduce rates, charges and interest for eligible pensioners (sections 575 &amp; 582)</li> </ul> <p>Council will consider applications for assistance in accordance with the following principles:</p> <ul style="list-style-type: none"> <li>• Council will individually assess cases of financial hardship</li> <li>• Council will not reduce rates or charges, but will consider a scheme of periodical payments outside the due dates in cases of hardship or extenuating circumstance.</li> <li>•</li> </ul>
2	<p><b>Legislation</b></p> <p>Eurobodalla Shire Council will comply with the <i>Local Government Act 1993</i> as follows;</p> <p><b>Section 564(2): Arrangements</b></p> <p>Enables Council to write off or reduce interest accrued on rates or charges if the person complies with an agreement made with Council as to periodical payment of those rates and charges.</p> <p>Council's policy is not to write off interest on rates or charges as a result of a person complying with an approved arrangement or agreement <u>unless</u> a hardship application is approved pursuant to section 567 of the Local Government Act.</p> <p><b>Section 567: Interest Charges</b></p> <p>Enables Council to write off accrued interest on rates or charges payable by a person if, in Council's opinion, the person is unable to pay "for reasons beyond the person's control" or payment of the accrued interest would cause the person "hardship".</p> <p><b>Section 582: Eligible Pensioners</b></p> <p>Enables Council to waive or reduce rates, charges and accrued interest due by any person prescribed by the regulations who is in receipt of a pension, benefit or allowance under the <i>Social Security Act 1991</i>.</p> <p>Thus, Council may, in its absolute discretion, further reduce on a voluntary basis (with no subsidy from the state government) rates and charges otherwise payable by an eligible pensioner.</p> <p>Council may waive all interest charges for eligible pensioners that pay their rates by 30 June each year.</p> <p><b>Section 601: Valuations</b></p> <p>Any ratepayer who incurs a rate increase in the first year following a revaluation of land values can apply to Council for rate relief if the increase in the amount of rates payable would cause them substantial hardship.</p>

	<p>Council has discretion to waive, reduce or defer payment of the whole or any part of the increase in the amount of rate payable.</p> <p>Council can set the period of time for when applications can be made under this section.</p> <p>Applications must be made in the first year following the use of the new valuations used for rating.</p> <p><b>Local Government (General Regulation) 2005: Write offs requiring Council Resolution</b></p> <p>This requires the Council to resolve the amount of an individual rate or charge above which a resolution is required to write off an individual amount. This amount then applies to all policies and codes of practice enabling write offs, not only this hardship policy.</p> <p>Rates, charges and fees can only be written off in accordance with legal and policy requirements. Individual fees, rates or charges above \$10,000 can only be written off by resolution of Council. Amounts of \$10,000 or less can be written off by order in writing of the Council's General Manager (or nominee/s).</p>
<b>3</b>	<p><b>Provisions</b></p> <ul style="list-style-type: none"> <li>• All applications for hardship must be submitted on councils prescribed application form available at: <a href="https://www.esc.nsw.gov.au/council/forms">https://www.esc.nsw.gov.au/council/forms</a></li> <li>• For applications to be given full consideration, evidence of hardship must be supplied by the applicant. This evidence may take the form of Centrelink information, tax returns, bank statements or workers compensation details etc.</li> <li>• Hardship will only apply to the ratepayer's primary place of residence, it will not apply to investment properties or vacant land.</li> <li>• The hardship application covers the current rating period from 1 July to 30 June only. A new application is required to be lodged for each rating period.</li> <li>• The interest free period is generally between three to six months only but may extend to twelve months. In any event, the ratepayer must maintain a strict regular payment plan in accordance with the approved arrangement. If payments are not honoured, the hardship arrangement will be cancelled and further recovery action may commence.</li> <li>• If an extension of time to pay is requested, a maximum of six months applies at which time payment in full of the outstanding amount is then required.</li> <li>• If it is found that incorrect disclosures were deliberately made, Council reserves the right to cancel the agreement and collect any amount previously waved in accordance with this policy.</li> </ul>

## Implementation

Implementation steps		Responsibility
<b>1</b>	<p><b>Coordination and Enforcement</b></p> <p>The Revenue Manager (under Chief Financial Officer) is responsible for coordinating/enforcing the policy.</p>	Revenue Manager
<b>2</b>	<p><b>Staff</b></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>	Council Officers



<b>3</b>	<b>Concerns</b> 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
<b>4</b>	<b>Consultation</b> Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other agencies, relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.	As required

## Review

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

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner. **Note:** *The next general local government election is expected to be held in September 2025.*

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

Performance indicator	Data source(s)
Public Concerns, Customer Feedback Survey Responses	Council Records, Surveys
Audit (Internal or External)	Audit

## Governance

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

### Related legislation and policies

Name	Link
Local Government Act 1993	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182">www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182</a>
Local Government (General) Regulation 2005	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_reg/lgr2005328">www.austlii.edu.au/au/legis/nsw/consol_reg/lgr2005328</a>
Application for hardship assistance	<a href="https://www.esc.nsw.gov.au/council/forms">https://www.esc.nsw.gov.au/council/forms</a>

### Related external references

Name	Link
Office of Local Government	<a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>

### Change history

Version	Approval date	Approved by	Min No	File No	Change

1	22 Sep 2009	Council	09/291	E09.3418 E05.9513	Policy commenced
2	10 Sep 2013	Council	13/272	E13.7095 E05.9513	Reviewed and updated
3	28 Apr 2015	Council	15/82	E05.9513	Reviewed and updated re: SRV
4	12 Sep 2017	Council	17/291	E16.0297 E05.9513	Reviewed and updated
5	TBA	Council	TBA	TBA	Reviewed and updated (start of new Council term) Report GMR17/021.

## Internal use

Responsible officer		Chief Financial Officer		Approved by	Council
Min No	TBA	Report no	TBA	Effective date	TBA
File no	E05.9513	Review date	Jul 2022	Pages	4

<b>Policy title</b>	Debt Recovery
<b>Responsible manager(s)</b>	Chief Financial Officer
<b>Contact officer(s)</b>	Revenue Manager
<b>Directorate</b>	General Manager
<b>Approval date</b>	
<b>Outcome area</b>	9. Innovative and proactive leadership
<b>Strategy</b>	9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations
<b>Delivery Program link</b>	9.2.4 Responsibly manage Council's finances and maintain Fit for the Future status
<b>Operational Plan link</b>	9.2.4.3 Collect rates and charges

### Purpose

The purpose of this policy is to ensure ethical, effective and efficient debt recovery, including rates, charges and other debts.

Council pursues commercial debt recovery procedures in order to minimise the impact of outstanding debts on Council's financial position.

Debt recovery procedures of Council and any agent employed by Council must meet the highest ethical and professional standards, such as the Debt Collection Guideline for collectors and creditors, developed jointly by the Australian Competition and Consumer Commission (ACCC) and Australian Securities and Investments Commission (ASIC), in 2010.

### Policy aims:

- To promote a clear guideline for the recovery of debts.
- To ensure consistency and fairness in the way Council deals with debt recovery.
- To ensure compliance with legislative requirements and financial industry guidelines.
- To take such steps as are appropriate to minimise the impact of outstanding debts on Council's financial position.
- To make Council's policy and requirements regarding debt recovery readily accessible and understandable to the public.

### Policy details

<b>1</b>	<b>Application</b> This policy applies to Eurobodalla Shire Council and its ratepayers and debtors.
<b>2</b>	<b>Legislation</b> This policy ensures Eurobodalla Shire Council's compliance with the <i>Local Government Act 1993</i> and follows ACCC and ASIC debt collection guidelines.
<b>3</b>	<b>Debt Recovery – Rates, Water and Other Sundry Debts</b> Commercial debt recovery procedures will be pursued in order to minimise the impact of outstanding debts on Council's financial position.

	Council will adhere to ethical guidelines in respect of debt recovery procedures. Debtors will be advised of the likely additional legal costs prior to the issue of any summons.
<b>4</b>	<b>Rates, Water and Property Debts</b> <ul style="list-style-type: none"> <li>All rates, water and property debts are to be recorded so that they are correctly and automatically included within any S603 certificate (or like certificate) and therefore correctly dealt with and settled during any property sale process.</li> <li>Land may be sold, with Council approval, where rate or other property debt arrears are greater than the land value of the property, or rates are in arrears for five years.</li> </ul>

## Implementation

Requirements		Responsibility
<b>1</b>	<b>Coordination and Implementation</b> The Chief Financial Officer and the Revenue Manager are responsible for coordinating and implementing the policy.	Chief Financial Officer and the Revenue Manager
<b>2</b>	<b>Staff</b> 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
<b>3</b>	<b>Concerns</b> 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
<b>4</b>	<b>Consultation</b> Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	As applicable

## Review

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

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

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

Performance indicator	Data source(s)
Concerns	Council records
Customer Feedback Survey Responses	Surveys
Audit (Internal or External)	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
Rates and Debtors Hardship Policy	<a href="http://nsw.gov.au">Rates and Debtors Hardship Policy (nsw.gov.au)</a>
Debt Recovery Code of Practice	<a href="http://nsw.gov.au">Debt Recovery Code of Practice (nsw.gov.au)</a>
Local Government Act 1993	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/">www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/</a>

### Related external references

Name	Link
Office of Local Government	<a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>
Debt Collection Guideline for collectors and creditors (ACCC/ASIC) 2010	<a href="http://www.accc.gov.au/business/treating-customers-fairly/debt-collection#read-the-joint-accc-asic-guide">www.accc.gov.au/business/treating-customers-fairly/debt-collection#read-the-joint-accc-asic-guide</a>

### Change history

Version	Approval date	Approved by	Min No	File No	Change
1	2006	Council	06/136	E06.0380 E05.9513	Debt Recovery and Debtor Accounts - Commercial Operations policy commenced.
2	22/09/2009	Council	09/369	E05.9513 E09.3418	Policy updated report G09-99.
3	27/08/2013	Council	13/246	E05.9513 E13.7095	Updated template, review date and links, renamed policy, consolidated 'Debtors and Recoveries' and 'Rates Recovery' policies into one policy. Report O13/131.
4	28 Mar 2017	Council	17/56	E05.9513 E16.0297	Reviewed and updated (start of new Council term). GMR17/008
5	TBA	Council	TBA	TBA	Reviewed and updated (start of new Council term).

### Internal use

Responsible officer		Director Commercial and Corporate Services		Approved by	Council
Minute	TBA	Report	TBA	Effective date	28 Mar 2017
File	E16.0297	Review date	May 2022	Pages	3

<b>Policy title</b>	Recreational Horse-Riding on Beaches
<b>Responsible manager(s)</b>	Director, Planning and Sustainability Services
<b>Contact officer(s)</b>	Divisional Manager, Environmental Services
<b>Directorate</b>	Planning and Sustainability Services
<b>Approval date</b>	
<b>Outcome area</b>	3. Protected and valued natural environment
<b>Strategy</b>	3.4 Develop community awareness of environmental opportunities, issues and impacts
<b>Delivery Program</b>	3.4.1 Monitor and manage public and environmental health
<b>Operational Plan</b>	3.4.1.1 Monitor, inspect and respond to public and environmental health matters

### Purpose

Horse-riding is a popular recreation and sporting activity, and appreciation and enjoyment of coastal areas on horseback is a quality experience for horse-riders. All recreational activities, including horse-riding, can generate impacts on the environment and must therefore be managed in accordance with legislative requirements and the objectives for which certain lands are allocated.

Eurobodalla Shire Council's policy was formulated to regulate the use of beaches by recreational horse-riders as a result of community and tourism engagement, coupled with environmental constraints. The policy addresses effects on the environment from horse-riding, particularly coastal beach zones, and defines areas where horse-riding on beaches is permitted.

### Policy aims

- Provide for recreational horse-riding activities where appropriate and ensure the ecologically sustainable management of horse-riding on beaches.
- Promote a balanced, flexible, and responsive approach to the management of recreational horse-riding and the protection of the natural heritage of beaches.
- Ensure that the mix and pattern of recreational use on beaches maintains an appropriate level of safety, equity, harmony, and satisfaction amongst all visitors.
- Apply principles of ecologically sustainable development.
- Ensure consistency and fairness in the way Council deals with horse-riding on beaches.
- Make Council's policies and requirements for horse-riding on beaches readily accessible and understandable to the public.

### Policy statement

<b>1</b>	<b>Application</b> This policy applies to all beaches within the Eurobodalla Shire.
<b>2</b>	<b>Legislation</b> Eurobodalla Shire Council complies with the <i>Local Government Act 1993</i> .
<b>3</b>	<b>Criteria for approval</b> The following criteria are used to determine approved recreational horse-riding areas:



	<ul style="list-style-type: none"> <li>• minimal effects on nearby residents</li> <li>• minimal impact on dunal, estuarine and foreshore areas</li> <li>• minimum disruption to other normal users of the area, particularly where dogs and people frequent</li> <li>• no-through roads or cycleways</li> <li>• proximity to National Parks and reserves and public bridle tracks</li> <li>• appropriate signage requirements.</li> </ul>
<b>4</b>	<p><b>Approved areas</b></p> <p>Recreational horse-riding areas on public beaches are currently permitted at:</p> <ul style="list-style-type: none"> <li>• Long Beach from Square Head to the end of Sandy Place</li> <li>• Bengello Beach from sandpit to windsock</li> <li>• Bingie Beach from National Park to Coila Lake</li> <li>• North Nangudga Beach, with access by road only and not along Handkerchief Beach.</li> </ul> <p><b>Refer to Appendix 1 to view aerial photos of each location.</b></p>

## Implementation

Requirements		Responsibility
<b>1</b>	<p><b>Compliance process</b></p> <p>This policy will be implemented via Council's Compliance Policy.</p>	Council officers
<b>2</b>	<p><b>Approved areas</b></p> <p>Approved areas have been in place and are reviewed and approved following public exhibition, submissions, and consideration of criteria.</p>	Council managers and officers
<b>3</b>	<p><b>Enforcement</b></p> <p>Rangers will enforce the policy and determine follow-up actions.</p>	Rangers
<b>4</b>	<p><b>Staff</b></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>	Council officers
<b>5</b>	<p><b>Concerns</b></p> <p>Concerns received regarding this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. They will be used to analyse the history of concerns and to help determine follow-up actions.</p>	Council officers
<b>7</b>	<p><b>Consultation</b></p> <p>Consultation regarding this policy will occur as relevant with key stakeholders, and may include:</p> <ul style="list-style-type: none"> <li>• legislative bodies</li> <li>• other agencies</li> <li>• relevant legislation industry guidelines</li> <li>• public comment.</li> </ul> <p>Public submissions regarding this policy are invited for consideration during the policy exhibition period.</p>	As required

## Review

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

- if legislation requires it or
- when Council's related policies, functions, structure, or activities change or
- when technological advances or new systems change the way that Council manages recreational horse-riding on beaches.

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

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

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

Performance indicator	Data source(s)
Breaches	Council records
Internal or external audit	Audit

## Governance

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

### Related legislation and policies

Name	Link
Compliance Policy	<a href="https://www.esc.nsw.gov.au/council/governance/council-policies">https://www.esc.nsw.gov.au/council/governance/council-policies</a>
Local Government Act 1993	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030">https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030</a>
Protection of the Environment Operations Act 1997	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-1997-156">https://legislation.nsw.gov.au/view/html/inforce/current/act-1997-156</a>
Environmental Planning and Assessment Act 1979	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203">https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203</a>
Local Land Services Act 2012	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-2013-051">https://legislation.nsw.gov.au/view/html/inforce/current/act-2013-051</a>
Biodiversity Conservation Act 2016	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-2016-063">https://legislation.nsw.gov.au/view/html/inforce/current/act-2016-063</a>

### Related external references

Name	Link
The Office of Local Government	<a href="https://www.olg.nsw.gov.au/">https://www.olg.nsw.gov.au/</a>
Office of Environment and Heritage	<a href="https://www.environment.nsw.gov.au/">https://www.environment.nsw.gov.au/</a>
Office of Environment and Heritage – Code of Practice for Horse-Riding in Parks	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/code-of-practice-for-horse-riding-in-parks">https://www.environment.nsw.gov.au/research-and-publications/publications-search/code-of-practice-for-horse-riding-in-parks</a>

*Change history*

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sep 2009	Council	09/291	E09.3418	Policy adopted.
2	10 Sep 2013	Council	13/276	E13.7095	Reviewed and updated. Report O13/60
3	27 Jun 2017	Council	17/214	E06.0381	Reviewed and updated. Report GMR 15/021.

*Internal use*

Responsible officer		Director Planning and Sustainability Services		Approved by	Council
Min no	17/214	Report no	GMR17/021	Effective date	27 Jun 2017
File no	E06.0381	Review date	Sep 2020	Pages	8

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**Appendix 1: aerial photos of recreational horse-riding areas**



Long Beach recreational horse-riding area from Square Head to the end of Sandy Place



**Appendix 1: aerial photos of recreational horse-riding areas**



Bengello Beach Broulee, between the sandpit and Moruya airfield windsock

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Bingie Beach from National Park to Coila Lake



**Appendix 1: aerial photos of recreational horse-riding areas**



North Nungudga Beach, with access by road only and not along Handkerchief Beach

<b>Policy title</b>	Recreational Horse-Riding on Beaches
<b>Responsible manager(s)</b>	Director, Planning and Sustainability Services
<b>Contact officer(s)</b>	Divisional Manager, Environmental Services
<b>Directorate</b>	Planning and Sustainability Services
<b>Approval date</b>	
<b>Outcome area</b>	3. Protected and valued natural environment
<b>Strategy</b>	3.4 Develop community awareness of environmental opportunities, issues and impacts
<b>Delivery Program</b>	3.4.1 Monitor and manage public and environmental health
<b>Operational Plan</b>	3.4.1.1 Monitor, inspect and respond to public and environmental health matters

## Purpose

Horse-riding is a popular recreation and sporting activity, and appreciation and enjoyment of coastal areas on horseback is a quality experience for horse-riders. All recreational activities, including horse-riding, can generate impacts on the environment and must therefore be managed in accordance with legislative requirements and the objectives for which certain lands are allocated.

Eurobodalla Shire Council's policy was formulated to regulate the use of beaches by recreational horse-riders as a result of community and tourism engagement, coupled with environmental constraints. The policy addresses effects on the environment from horse-riding, particularly coastal beach zones, and defines areas where horse-riding on beaches is permitted.

## Policy aims

- Provide for recreational horse-riding activities where appropriate and ensure the ecologically sustainable management of horse-riding on beaches.
- Promote a balanced, flexible, and responsive approach to the management of recreational horse-riding and the protection of the natural heritage of beaches.
- Ensure that the mix and pattern of recreational use on beaches maintains an appropriate level of safety, equity, harmony, and satisfaction amongst all visitors.
- Apply principles of ecologically sustainable development.
- Ensure consistency and fairness in the way Council deals with horse-riding on beaches.
- Make Council's policies and requirements for horse-riding on beaches readily accessible and understandable to the public.

## Policy statement

<b>1</b>	<b>Application</b> This policy applies to all beaches within the Eurobodalla Shire.
<b>2</b>	<b>Legislation</b> Eurobodalla Shire Council complies with the <i>Local Government Act 1993</i> .
<b>3</b>	<b>Criteria for approval</b> The following criteria are used to determine approved recreational horse-riding areas:

	<ul style="list-style-type: none"> <li>• minimal effects on nearby residents</li> <li>• minimal impact on dunal, estuarine and foreshore areas</li> <li>• minimum disruption to other normal users of the area, particularly where dogs and people frequent</li> <li>• no-through roads or cycleways</li> <li>• proximity to National Parks and reserves and public bridle tracks</li> <li>• appropriate signage requirements.</li> </ul>
<b>4</b>	<p><b>Approved areas</b></p> <p>Recreational horse-riding areas on public beaches are currently permitted at:</p> <ul style="list-style-type: none"> <li>• Long Beach from Square Head to the end of Sandy Place</li> <li>• Bengello Beach from sandpit to windsock</li> <li>• Bingie Beach from National Park to Coila Lake</li> <li>• North Nangudga Beach, with access by road only and not along Handkerchief Beach.</li> </ul> <p><b>Refer to Appendix 1 to view aerial photos of each location.</b></p>

## Implementation

Requirements		Responsibility
<b>1</b>	<p><b>Compliance process</b></p> <p>This policy will be implemented via Council's Compliance Policy.</p>	Council officers
<b>2</b>	<p><b>Approved areas</b></p> <p>Approved areas have been in place and are reviewed and approved following public exhibition, submissions, and consideration of criteria.</p>	Council managers and officers
<b>3</b>	<p><b>Enforcement</b></p> <p>Rangers will enforce the policy and determine follow-up actions.</p>	Rangers
<b>4</b>	<p><b>Staff</b></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>	Council officers
<b>5</b>	<p><b>Concerns</b></p> <p>Concerns received regarding this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. They will be used to analyse the history of concerns and to help determine follow-up actions.</p>	Council officers
<b>7</b>	<p><b>Consultation</b></p> <p>Consultation regarding this policy will occur as relevant with key stakeholders, and may include:</p> <ul style="list-style-type: none"> <li>• legislative bodies</li> <li>• other agencies</li> <li>• relevant legislation industry guidelines</li> <li>• public comment.</li> </ul> <p>Public submissions regarding this policy are invited for consideration during the policy exhibition period.</p>	As required

## Review

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

- if legislation requires it or
- when Council's related policies, functions, structure, or activities change or
- when technological advances or new systems change the way that Council manages recreational horse-riding on beaches.

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

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

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

Performance indicator	Data source(s)
Breaches	Council records
Internal or external audit	Audit

## Governance

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

### Related legislation and policies

Name	Link
Compliance Policy	<a href="https://www.esc.nsw.gov.au/council/governance/council-policies">https://www.esc.nsw.gov.au/council/governance/council-policies</a>
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Protection of the Environment Operations Act 1997	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-1997-156">https://legislation.nsw.gov.au/view/html/inforce/current/act-1997-156</a>
Environmental Planning and Assessment Act 1979	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203">https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203</a>
Local Land Services Act 2012	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-2013-051">https://legislation.nsw.gov.au/view/html/inforce/current/act-2013-051</a>
Biodiversity Conservation Act 2016	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-2016-063">https://legislation.nsw.gov.au/view/html/inforce/current/act-2016-063</a>

### Related external references

Name	Link
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Office of Environment and Heritage	<a href="https://www.environment.nsw.gov.au/">https://www.environment.nsw.gov.au/</a>
Office of Environment and Heritage – Code of Practice for Horse-Riding in Parks	<a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/code-of-practice-for-horse-riding-in-parks">https://www.environment.nsw.gov.au/research-and-publications/publications-search/code-of-practice-for-horse-riding-in-parks</a>

## Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sep 2009	Council	09/291	E09.3418	Policy adopted.
2	10 Sep 2013	Council	13/276	E13.7095	Reviewed and updated. Report O13/60
3	27 Jun 2017	Council	17/214	E06.0381	Reviewed and updated. Report GMR 15/021.

## Internal use

Responsible officer		Director Planning and Sustainability Services		Approved by	Council
Min no	17/214	Report no	GMR17/021	Effective date	27 Jun 2017
File no	E06.0381	Review date	Sep 2020	Pages	8

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Long Beach recreational horse-riding area from Square Head to the end of Sandy Place



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Bingie Beach from National Park to Coila Lake



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North Nungudga Beach, with access by road only and not along Handkerchief Beach

<b>Policy title</b>	Recycled Water
<b>Responsible manager(s)</b>	Director Infrastructure Services
<b>Contact officer(s)</b>	Division Manager Water and Sewer
<b>Directorate</b>	Infrastructure Services
<b>Approval date</b>	
<b>Outcome area</b>	4. Sustainable living
<b>Strategy</b>	4.1 Maximise the efficient use and reuse of our water resources
<b>Delivery Program</b>	4.1.2 Promote and implement programs for the efficient use of water resources
<b>Operational Plan</b>	4.1.2.1 Provide treated effluent for reuse in the community

### Purpose

This policy was developed to detail the requirements for managing Council's recycled water systems.

Council operates five sewage treatment plants, each of which provides recycled water for on-site operations, dust suppression and/or irrigation of recreation facilities.

### Policy aims

Given the risks to public health when water is not treated or recycled properly, it is of paramount importance that preventative risk management systems are developed and implemented to ensure the protection of human and environmental health.

### Policy details

<b>1</b>	<b>Application</b> This policy details the requirements for managing Council's recycled water systems. This policy only relates to systems that are using recycled water from Council Sewage Treatment Facilities and that require a Section 60 approval from the NSW Department of Primary Industries.
<b>2</b>	<b>Legislation</b> This policy ensures Eurobodalla Shire Council's compliance with the <i>Local Government Act 1993</i> Section 60.

### Implementation

Requirements		Responsibility
<b>1</b>	<b>Commitment</b> Council supports the responsible use of recycled water and is committed to developing and implementing preventive risk management systems to ensure the protection of human and environmental health.	Council
<b>2</b>	Measures: To achieve this Council will: <ul style="list-style-type: none"> <li>a) Ensure that protection of public and environmental health is recognised as being of paramount importance.</li> <li>b) Maintain communication and partnerships with all relevant agencies involved in the management of water resources, including NSW Health,</li> </ul>	Division Manager Water and Sewer

	<p>the NSW Department of Planning and Environment and the NSW Office of Environment and Heritage.</p> <ul style="list-style-type: none"> <li>c) Engage users of recycled water to ensure that responsibilities are identified and understood.</li> <li>d) Develop and implement recycled water management plans that address the key elements of the Australian Guidelines for Water Recycling.</li> <li>e) Ensure that Council's sewage treatment plant operators are appropriately trained and experienced and that they are conversant with the requirements of relevant recycled water management plans.</li> <li>f) Manage recycled water quality at all points along the delivery chain from source to the recycled water user.</li> <li>g) Use a risk-based approach in which potential threats to recycled water quality are identified and controlled.</li> <li>h) Establish regular monitoring of control measures and recycled water quality and establish effective reporting mechanisms to provide relevant and timely information and promote confidence in the recycled water supply and its management.</li> <li>i) Develop appropriate contingency planning and incident response capability.</li> <li>j) Continually improve our practices by assessing performance against corporate commitments and stakeholder expectations.</li> </ul>	
3	<p><b>Implementation requirement</b></p> <p>Eurobodalla Shire Council will implement and maintain recycled water management systems consistent with the <i>Australian Guidelines for Water Recycling</i> to effectively manage the risks to public and environmental health. All staff involved in the supply of recycled water are responsible for understanding, implementing, maintaining and continuously improving the recycled water management system.</p>	Council officers
4	<p><b>Staff</b></p> <p>Under supervision, applicable Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received relevant training to do so.</p>	Council officers
5	<p><b>Concerns</b></p> <p>Concerns received by Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. The records will be used to determine follow up actions and analyse the history of concerns.</p>	Council officers
6	<p><b>Consultation</b></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. (Describe any specific consultation that may occur in relation to this policy and who will be involved.) Public submissions regarding this policy are invited for consideration during the exhibition period.</p>	As applicable

## Review

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

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

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

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

## Governance

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

### Related legislation and policies

Name	Link
Local Government Act 1993	<a href="#">Local Government Act 1993 No 30 - NSW Legislation</a>
Australian Guidelines for Water Recycling	<a href="#">Water Quality Australian guidelines for water recycling</a>

### Related external references

Name	Link
Office of Local Government	<a href="http://olg.nsw.gov.au">olg.nsw.gov.au</a>
NSW Department of Planning and Environment	<a href="#">Water (nsw.gov.au)</a>

### Change history

Version	Approval date	Approved by	Min No	File No	Change
1	28 Oct 2008	Council	08/386	E06.0113	Policy commenced
2	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated (start of new Council term)
3	13 Jun 2017	Council	17/181	E16.0297 E06.0113	Reviewed and updated (start of new Council term)
4	TBA	Council	TBA	TBA	Reviewed and updated (start of new Council term) Report <b>GMR17/021.</b>

### Internal use

Responsible officer	Director Infrastructure Services	Approved by	Council
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Minute	TBA	Report	TBA	Effective date	TBA
File	E06.0113 E16.0297	Review date	Jul 2022	Pages	4

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<b>Policy title</b>	Related Party Disclosures Policy
<b>Responsible manager(s)</b>	Director Commercial and Corporate Services
<b>Contact officer(s)</b>	Divisional Manager Finance
<b>Directorate</b>	Commercial and Corporate Services
<b>Approval date</b>	
<b>Outcome area</b>	Innovative and Proactive Leadership
<b>Strategy</b>	9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations
<b>Delivery Program link</b>	9.2.4 Develop a financial strategy
<b>Operational Plan link</b>	9.2.4.3 Provide financial management and reporting

### 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 Act)*.

### 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

<b>1</b>	<p><b>Application</b></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
<b>1</b>	<p><b>AASB 124 Disclosure Requirements</b></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"> <li>(a) Relationships between Council and its subsidiaries, irrespective of whether there have been transactions between them.</li> <li>(b) Key management personnel (KMP) compensation in total and for each of the following categories: <ul style="list-style-type: none"> <li>(i) Short-term employee benefits;</li> <li>(ii) Post-employment benefits;</li> <li>(iii) Other long term benefits; and</li> <li>(iv) Termination benefits.</li> </ul> </li> <li>(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"> <li>(i) Council subsidiaries;</li> <li>(ii) Entities who are associates of Council or of a Council subsidiary;</li> <li>(iii) Joint ventures in which Council or a Council subsidiary is a joint venturer;</li> <li>(iv) Council's KMP;</li> <li>(v) Other related parties, comprising: <ul style="list-style-type: none"> <li>- A close family member of a KMP of Council;</li> <li>- Entities controlled or jointly controlled by a KMP of Council;</li> <li>- Entities controlled or jointly controlled by a close family member of a KMP of Council.</li> </ul> </li> </ul> </li> </ul>	Responsible Accounting Officer

	<p><b>1.2 Disclosed Information</b></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"> <li>(a) The nature of the related party relationship;</li> <li>(b) The amount of the transactions;</li> <li>(c) The amount of outstanding balances, including commitments, and: <ul style="list-style-type: none"> <li>(i) Their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in settlement; and</li> <li>(ii) Details of any guarantees given or received;</li> </ul> </li> <li>(d) Provisions for doubtful debts related to the amount of outstanding balances; and</li> <li>(e) The expenses recognised during the period in respect of bad or doubtful debts due from related parties.</li> </ul> <p><b>1.3 Disclosed in Aggregate or Separate</b></p> <p>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"> <li>(a) the nature of the related party relationship</li> <li>(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)</li> <li>(c) whether the transaction is carried out on non-arm's length terms</li> <li>(d) whether the nature of the transaction is outside normal day-to-day business operations.</li> </ul> <p>Based on factors and thresholds under the direction of the Responsible Accounting Officer in consultation with Council's external auditor.</p>	
<b>2</b>	<p><b>Identifying Council Related Party Relationships and Transactions</b></p> <p><b>2.1 Identification</b></p> <p>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>	Responsible Accounting Officer

	<p><b>2.2 Control or Joint Control</b></p> <p>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><b>2.3 Associate or Joint Venture</b></p> <p>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><b>2.4 Electronic Investigation</b></p> <p>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><b>2.5 Information Extraction</b></p> <p>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 of recording the related party transactions and associated information in a register of related party transactions.</p> <p><b>2.6 Manual Investigation and Recording of Information</b></p> <p>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>	
<b>3</b>	<p><b>Identifying Related Party Transactions with KMP and their close family members</b></p> <p><b>3.1 Related Party Disclosures</b></p> <p>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 Corporate Manager Governance and Administrative Services by no later than the following periods during a financial year (Specified Notification Period):</p> <ul style="list-style-type: none"> <li>(a) 30 days after the commencement of the application of this policy</li> <li>(b) 30 days after a KMP commences their term or employment with Council</li> <li>(c) 30 November each year</li> <li>(d) 30 June each year.</li> </ul>	<p>Responsible Accounting Officer</p> <p>and</p> <p>Corporate Manager Governance and Administrative Services</p>



	<p><b>3.2 Related Party Disclosure Form</b></p> <p>At least 30 days before a specified notification period, the Corporate Manager Governance and Administrative Services will provide KMP with a Related Party Disclosure Form (Attachment A) and Privacy Collection Notice (Attachment B).</p> <p><b>3.3 Suspected Related Party Transactions</b></p> <p>If a KMP suspects that a transaction may constitute a related party transaction, the KMP should provide a related party disclosure to the Corporate Manager Governance and Administrative Services for consideration and determination.</p> <p><b>3.4 Other Notifications</b></p> <p>The notification requirements in Section 3 are in addition to the notifications a KMP must comply with:</p> <ul style="list-style-type: none"> <li>(a) For councillors, the Code of Conduct, and</li> <li>(b) Senior Executive Officers who are KMP, the Code of Conduct, and</li> <li>(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>.</li> </ul> <p><b>3.5 Exclusions</b></p> <p>The notification requirement in Section 3 do not apply to:</p> <ul style="list-style-type: none"> <li>(a) related party transactions that are ordinary citizen transactions not assessed as being material as determined under Section 4; and</li> <li>(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.</li> </ul> <p><b>3.6 Information Extraction</b></p> <p>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><b>3.7 Other Sources of Information</b></p> <p>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"> <li>(a) a register of interest of the KMP and persons related to the KMP</li> <li>(b) minutes of Council and committee meetings</li> <li>(c) Council's Contracts Register.</li> </ul>	
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	<p><b>3.8 Manual Investigation and Recording of Information</b></p> <p>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>	
<b>4</b>	<p><b>Ordinary Citizen Transactions</b></p> <p><b>4.1 Non-material in Nature</b></p> <p>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><b>4.2 Material in Nature</b></p> <p>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> <p><b>4.3 Materiality Assessment</b></p> <p>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><b>4.4 Information Extraction</b></p> <p>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>	Responsible Accounting Officer
<b>5</b>	<p><b>Register of Related Party Transactions</b></p> <p><b>5.1 Maintain a Register</b></p> <p>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>	Responsible Accounting Officer

	<p><b>5.2 Contents of Register</b></p> <p>The contents of the register of related party transactions must detail for each related party transaction:</p> <ul style="list-style-type: none"> <li>(a) the description of the related party transaction</li> <li>(b) the name of the related party</li> <li>(c) the nature of the related party's relationship with Council</li> <li>(d) whether the notified related party transaction is existing or potential</li> <li>(e) a description of the transactional documents the subject of the related party transaction</li> <li>(f) the information specified in Section 1.2.</li> </ul> <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>	
<b>6</b>	<p><b>Information Privacy</b></p> <p><b>6.1 Confidential</b></p> <p>The following information is classified as confidential and is not available for inspection by or disclosure to the public. It would also not be released via access application made under the <i>Government Information (Public Access) Act 2009</i> (GIPA Act) where Council decides there is an overriding public interest against its disclosure:</p> <ul style="list-style-type: none"> <li>(a) information (including personal information) provided by a KMP in a related party disclosure; and</li> <li>(b) personal information contained in a register of related party transactions.</li> </ul> <p><b>6.2 When Consent is Required</b></p> <p>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><b>6.3 Permitted Recipients</b></p> <p>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"> <li>(a) General Manager</li> <li>(b) Directors</li> <li>(c) Responsible Accounting Officer</li> <li>(d) Corporate Manager Governance and Administrative Services</li> </ul>	<p>Corporate Manager Governance and Administrative Services</p>

	<p>(e) Professional Conduct Reviewers</p> <p>(f) an Auditor of Council (including an Auditor from the NSW Auditor General's Office)</p> <p>(g) other Council Officers as delegated by the General Manager.</p> <p><b>6.4 Permitted Purpose</b></p> <p>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> <p>(a) to assess and verify a notified related party transaction</p> <p>(b) to reconcile identified related party transactions against those notified in a related party disclosure or contained in a register of related party transactions</p> <p>(c) to comply with the disclosure requirements of AASB 124</p> <p>(d) to verify compliance with disclosure requirements of AASB 124.</p>	
<b>7</b>	<p><b>Government Information (Public Access) Act 2009 (GIPA Status)</b></p> <p><b>7.1 No Public Inspection</b></p> <p>The following documents are not open to or available for inspection by the public:</p> <p>(a) related party disclosures provided by a KMP; and</p> <p>(b) a register of related party transactions.</p> <p><b>7.2 Not GIPA – accessible</b></p> <p>An access application under the GIPA Act seeking access to:</p> <p>(a) a document or information (including personal information) provided by KMP in a related party disclosure; or</p> <p>(b) personal information contained in a register of related party transactions;</p> <p>will be refused where the document contains information for which Council decides there is an overriding public interest against disclosure, pursuant to the table at section 14 of the GIPA Act.</p>	Corporate Manager Governance and Administrative Services
<b>8</b>	<p><b>Staff</b></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
<b>5</b>	<p><b>Concerns</b></p> <p>Customer concerns regarding the Related Parties Disclosures Policy will be recorded on the Customer Request Management system and handled in accordance with Council's Customer Requests Management Procedure so inquiries can be responded to.</p>	Council officers

<b>6</b>	<b>Consultation</b>  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

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages related party disclosure as determined by *AASB 124 Related Party Disclosures, July 2015*.

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

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

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

Performance indicator	Data source(s)
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"> <li>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"> <li>(i) has control or joint control over the reporting entity;</li> <li>(ii) has significant influence over the reporting entity, or</li> <li>(iii) is a member of the key management personnel of the reporting entity or of a parent of the reporting entity.</li> </ul> </li> </ul> <p>For further detail on conditions that apply to <i>related parties</i> see AASB 124. In considering each possible related party</p>



	relationship, attention is directed to the substance of the relationship and not merely the legal form.
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"> <li>(a) that person's children and spouse or domestic partner;</li> <li>(b) children of that person's spouse or domestic partner;</li> <li>and</li> <li>(c) dependants of that person or that person's spouse or domestic partner.</li> </ul>
Compensation	<p>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> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care;</li> <li>(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;</li> <li>(d) termination benefits; and</li> <li>(e) share-based payment.</li> </ul>

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	Terms between parties that are reasonable in the circumstances of the transaction that would result from: <ul style="list-style-type: none"> <li>(a) neither party bearing the other any special duty or obligation; and</li> <li>(b) the parties being unrelated and uninfluenced by the other; and</li> <li>(c) each party having acted in its own interest.</li> </ul>

## 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>Local Government Act 1993</i>	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N">www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N</a>
<i>Local Government Act 1993, Section 413</i>	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/s413.html">www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/s413.html</a>

Local Government (General Regulation 2005	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_reg/lgr2005328/">www.austlii.edu.au/au/legis/nsw/consol_reg/lgr2005328/</a>
Privacy & Personal Information Protection Act 1998	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/papipa1998464/">www.austlii.edu.au/au/legis/nsw/consol_act/papipa1998464/</a>
Government Information (Public Access) Act 2009	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/giaa2009368/">www.austlii.edu.au/au/legis/nsw/consol_act/giaa2009368/</a>
Accounting Standard AASB 124 July 2015 Related Party Disclosures	<a href="http://www.aasb.gov.au/admin/file/content105/c9/AASB124_07-15.pdf">www.aasb.gov.au/admin/file/content105/c9/AASB124_07-15.pdf</a>

#### Related external references

Name	Link
Office of Local Government	<a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>

#### Supporting documents

Name	Link
Code of Conduct	<a href="http://www.esc.nsw.gov.au/inside-council/council/council-policies/codes/Code-of-Conduct.pdf">www.esc.nsw.gov.au/inside-council/council/council-policies/codes/Code-of-Conduct.pdf</a>
Councillors' Expenses and Facilities Policy	<a href="http://www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Councillors-Expenses-and-Facilities-Policy-Nov-2015.pdf">www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Councillors-Expenses-and-Facilities-Policy-Nov-2015.pdf</a>
Privacy and Information Protection Policy	<a href="http://www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Privacy-and-Information-Protection-Policy.pdf">www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Privacy-and-Information-Protection-Policy.pdf</a>

#### Change history

Version	Approval date	Approved by	Min No	File No	Change
1	25 Jul 2017	Council	17/249	E05.9513	New policy commenced, report FBD 17/053.
2	TBA	Council	TBA	TBA	Reviewed and updated (start of new Council term) Report GMR17/021.

#### Internal use

Responsible officer	Director Commercial and Corporate Services	Approved by	Council
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Minute	TBA	Report	TBA	Effective date	TBA
File	E05.9513	Review date	Jul 2022	Pages	21

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## Related Party Disclosure by Key Management Personnel

[**Note:** This document is confidential and is not 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




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**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
- Divisional Managers
- Public Officer.

### **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/domestic 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/domestic 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/domestic 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.

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**Joint 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.

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.

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.

<b>Policy title</b>	Road and Pathway Opening
<b>Responsible manager(s)</b>	Director, Infrastructure Services
<b>Contact officer(s)</b>	Divisional Manager, Works
<b>Directorate</b>	Infrastructure Services
<b>Approval date</b>	
<b>Outcome area</b>	7. Connected and accessible places
<b>Strategy</b>	7.1 Work in partnership to provide an integrated transport network 7.2 Improve provision and linkages of our pathway network
<b>Delivery Program</b>	7.1.2 Provide a safe efficient and integrated transport network 7.2.1 Provide and enhance the pathway network
<b>Operational Plan</b>	7.1.2.1 Build, renew and maintain the road network 7.2.1.1 Build, renew and maintain the pathway network

## Purpose

This Policy provides a standard procedure for the management of any works and activities undertaken under the *Roads Act 1993* affecting Council's road reserves. These works or activities must provide construction to suitable standards, minimise Council's risk exposure and limit damage to Council's assets, including minimising the risk of reducing the life of those assets.

This Policy is designed to specifically address the process of controlling works and activities on Council road reserves and to provide a system for ensuring that Council's and the community's interests are protected as far as possible.

## Policy aims

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

## Policy details

<b>1</b>	<b>Application</b> Council has a responsibility to the community to ensure that it provides and maintains roads and pathways to an appropriate standard within the limits of the available budget.  Council also has a responsibility to ensure that when third parties wish to carry out works or activities, these works or activities do not detract from the condition of Council's assets, reduce the life of the asset or create additional risks for Council and the community.
<b>2</b>	<b>Legislation</b> Eurobodalla Shire Council will comply with the <a href="#">Roads Act 1993</a> .

## Implementation

Requirements		Responsibility
<b>1</b>	<b>Implementation requirement</b>	Council officers

	Works and activities to be carried out include, but are not limited to, Civil works, water, sewer, stormwater, power, telecommunications, driveway crossings, building construction and maintenance, footpath works, landscaping, tree management, road furniture, signage, road marking, work zones, hoardings and surveying.	Contractors
<b>2</b>	<b>Implementation requirement</b> Trenchless methods shall be used to lay underground services within road reserves under Council's control unless otherwise shown to be impracticable or unreasonable as determined by Council's delegated officer. Open trenches are only to be used as a method of installing services when other methods are clearly not feasible and only when approved by Council's delegated officer.	Council officers
<b>3</b>	<b>Implementation requirement</b> Council shall hold a bond from persons or organisations required to undertake works, where it is considered works may damage Council's assets, become a risk or not conform to Council's standards. A bond as per Council's adopted Fees and Charges will ensure that restoration can be undertaken if works are not carried out satisfactorily by such persons or organisations.	Council officers Contractors
<b>4</b>	<b>Implementation requirement</b> The only persons permitted to obtain a permit for works, activities or road openings are utility providers, licensed tradespeople, builders or civil contractors. Appropriate conditions of consent shall be included on the permit to protect Council's interest, eg, public liability insurances, traffic management plans, safety management systems, public consultation and restoration plans.	Council officers Contractors
<b>5</b>	<b>Leasing of road reserve</b> Leasing of work zones will be considered; generally only in CBD areas where it is demonstrated to the satisfaction of Council that no alternative would be available. Fees for the leasing of work zones are to be in accordance with Council's Fees and Charges.	Council officers Contractors
<b>6</b>	<b>Staff</b> 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
<b>7</b>	<b>Concerns</b> 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 Policy or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
<b>8</b>	<b>Consultation</b> Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this Policy are invited for consideration during the exhibition period.	As applicable



## Review

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

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

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

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

## Governance

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

### Related legislation and policies

Name	Link
Local Government Act 1993	<a href="#">Local Government Act 1993</a>
Roads Act 1993	<a href="#">Roads Act 1993</a>
Council's Fees and Charges	<a href="#">Current fees and charges   Eurobodalla Council website (nsw.gov.au)</a>
Eurobodalla Shire Council Local and Regional Roads Risk Management Policy	<a href="#">Local and Regional Roads Risk Management Policy</a>

### Related external references

Name	Link
Office of Local Government	<a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>

### Change history

Version	Approval date	Approved by	Min No	File No	Change
1	24 Nov 2009	Council	09/369	E06.0375 E09.3418	Policy adopted
2	10 Sep 2013	Council	13/272	E06.0375 E13.7095	Reviewed and updated
3	13 Jun 2017	Council	17/181	E16.0297 E06.0375	Reviewed and updated at start of new Council term
4	TBA	Council	TBA	TBA	Reviewed and updated (start of new Council term) Report GMR17/021.

*Internal use*

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

DRAFT

<b>Policy title</b>	Roads Naming
<b>Responsible manager(s)</b>	Director Infrastructure Services
<b>Contact officer(s)</b>	Engineering Administration Coordinator
<b>Directorate</b>	Infrastructure Services
<b>Approval date</b>	
<b>Outcome area</b>	7. Connected and accessible places
<b>Strategy</b>	7.1 Work in partnership to provide an integrated transport network
<b>Delivery Program</b>	7.1.2 Provide a safe efficient and integrated transport network
<b>Operational Plan</b>	7.1.2.1 Build, renew and maintain the road network

### Purpose

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

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

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

### Policy aims

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

### Policy details

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

### Implementation

Requirements		Responsibility
<b>1</b>	<b>New Roads and Street Naming</b>	Council officers

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

## Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities

change; or when technological advances or new systems change the way that Council manages roads naming.

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

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

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

## Governance

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

### Related legislation and policies

Name	Link
Local Government Act 1993	<a href="http://www.legislation.nsw.gov.au/#/view/act/1993/30">www.legislation.nsw.gov.au/#/view/act/1993/30</a>
Roads Act 1993 (See section 162)	<a href="http://www.legislation.nsw.gov.au/#/view/act/1993/33">www.legislation.nsw.gov.au/#/view/act/1993/33</a>

### Related external references

Name	Link
Office of Local Government NSW	<a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>
Geographical Names Board of NSW	<a href="http://www.gnb.nsw.gov.au">www.gnb.nsw.gov.au</a>

### Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sep 2009	Council	09/291	E09.3418	Last reviewed 22/9/09. Report G09/99
2	27 Aug 2013	Council	13/246	E13.7095	Updated Template, review date, references and links. Report O13/131
3	28 Feb 2017	Council	17/31	E16.0297 E06.0375	Reviewed and updated at start of new Council term GMR17/006
4	TBA	Council	TBA	TBA	Reviewed and updated (start of new Council term) Report GMR17/021.

### Internal use

Responsible officer	Director Infrastructure Services	Approved by	Council
Minute	TBA	Report	TBA
		Effective date	TBA



File	E06.0375	Review date	Jul 2022	Pages	4
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DRAFT

<b>Policy title</b>	Rural School Bus Routes And Bus Stops
<b>Responsible manager(s)</b>	Divisional Manager, Technical Services
<b>Contact officer(s)</b>	Traffic Officer
<b>Directorate</b>	Infrastructure Services
<b>Approval date</b>	
<b>Outcome area</b>	7. Connected and Accessible Places
<b>Strategy</b>	7.1 Work in partnership to provide an integrated transport network
<b>Delivery Program link</b>	7.1.2 Provide a safe efficient and integrated transport network
<b>Operational Plan link</b>	7.1.2.3 Provide traffic management planning

## Purpose

Eurobodalla Shire Council's policy was developed to provide Council with the means to consistently and objectively assess requests for rural school bus routes and bus stops.

Council is defined as a Roads Authority under the *Roads Act 1993*. This policy assists Council with the location, design and operation of school bus routes and bus stops in rural areas. It will provide a risk orientated approach to the approval and provision of road related infrastructure associated with rural school bus services (bus routes, bus stops and bus bays).

## Policy aims

- Promote an integrated framework for dealing with rural school bus routes and bus stops.
- Ensure consistency and fairness in the manner in which the Council deals with road related infrastructure.
- Ensure compliance with legislative requirements under the *Roads Act 1993*.
- Promote awareness of the requirements of the *Act* with respect to school bus routes and bus stops in rural areas.
- Take such steps as are appropriate to ensure a risk orientated approach is taken in approving provision of road related infrastructure.
- Make the Council's policies and requirements for rural school bus routes and bus stops readily accessible and understandable to the public.

## Policy details

<b>1</b>	<b>Application</b>  This policy has been prepared to ensure the location, design and operation of school bus routes and stops in rural areas are determined, assessed and approved in a consistent manner.
<b>2</b>	<b>Legislation</b>  This policy ensures Eurobodalla Shire Council's compliance with the <i>Roads Act 1993</i> and the <i>Passenger Transport Act 2014</i> and the <i>Passenger Transport (Bus Services) Regulation 2007</i> . The Regulation informs that the Roads Authority is the sole body for the approval of the location of all designated bus stops and zones within its jurisdiction.  Council is defined as a Roads Authority under the <i>Roads Act 1993</i> and has a responsibility with the associated <i>Passenger Transport (Bus Services) Regulation 2007</i> .  Council is the relevant Roads Authority for local and unclassified regional roads.

## Implementation

Requirements	Responsibility
<b>1 Code of Practice</b> This policy will be implemented by following Council's Rural School Bus Routes and Bus Stops Code of Practice, which specifies in detail the plan, procedures and matters to be considered.	Council officers
<b>2 Implementation requirement</b> In NSW, the approval for bus stop locations is regulated by the <i>Passenger Transport (Bus Services) Regulation 2007</i> , Section 104. The Regulation states that the roads authority is the sole approval body for the location of all school bus stops, rural or otherwise, within their jurisdiction. Council is the relevant road authority for local and unclassified regional roads.	Council Regulation Council
<b>3 Implementation requirement</b> It is the responsibility of the roads authority to assess rural school bus routes and bus stops and where appropriate approve those routes and stops for use, after consultation with the Local Traffic Committee. In determining the suitability of a route, Council and the Local Traffic Committee should consider the route's proposed use, the ability for the bus to manoeuvre and where required, to turn around. It is recommended that approval be given for the largest bus that can be used on the route, rather than just the bus proposed by the applicant. This will allow the operator greater flexibility in the determination of the vehicle to be used on any particular day.	Council Officers Traffic Committee
<b>4 Responsibilities</b> <i>Roads Authority:</i> The assessment and approval of a new rural school bus route or the extension of an existing route is the responsibility of the local roads authority and in most cases, this will be the local Council. <i>Bus Operator:</i> Bus operators must ensure that they obtain approval for all routes and stops from the local roads authority prior to lodging an application for funding with the Ministry of Transport. <i>NSW Ministry of Transport:</i> The Ministry of Transport is responsible for the funding of the school bus system. The Ministry contracts individual bus operators to provide services in both rural and non-rural locations for the purpose of school transport. After an assessment is finalised, advice on the matter should be conveyed to the NSW Ministry of Transport. This will enable the Ministry to decide the best option for a proposed service. <i>Parental:</i> It is the parents or guardians' responsibility to ensure that their child gets to and from the bus stop safely.	Council Officers Bus Operator Ministry of Transport Parents/ Guardians
<b>5 Staff</b> 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
<b>6 Concerns</b> Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with	Council officers

	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.	
<b>7</b>	<b>Consultation</b> Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	As applicable

## Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary 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 Rural School Bus Routes and Bus Stops.

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

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

Performance indicator	Data source(s)
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
Code of Practice – Rural Buses	<a href="https://www.esc.nsw.gov.au/_data/assets/pdf_file/0011/138737/Rural-School-Bus-Routes-and-Bus-Stops-Code-v2.pdf">https://www.esc.nsw.gov.au/_data/assets/pdf_file/0011/138737/Rural-School-Bus-Routes-and-Bus-Stops-Code-v2.pdf</a>
Local Government Act 1993	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030">https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030</a>
Roads Act 1993	<a href="https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1993-033">https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1993-033</a>
Passenger Transport Act 2014	<a href="http://www.legislation.nsw.gov.au/~view/act/2014/46/full">www.legislation.nsw.gov.au/~view/act/2014/46/full</a>
Passenger Transport Regulation 2007	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/sl-2007-0421">https://legislation.nsw.gov.au/view/html/inforce/current/sl-2007-0421</a>
Road Rules (NSW)	<a href="http://www.legislation.nsw.gov.au/#/view/regulation/2014/758">www.legislation.nsw.gov.au/#/view/regulation/2014/758</a>

### Related external references

Name	Link
Office of Local Government	<a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>

NSW Guide to Appointed School Bus Stops 2019	<a href="https://roadsafety.transport.nsw.gov.au/downloads/appointed-school-bus-stop-guide.pdf#:~:text=In%20December%202016%2C%20NSW%20Centre%20for%20Road%20Safety,NSW%20%28TfNSW%29%20and%20Roads%20and%20Maritime%20Services%20%28RMS%29.">https://roadsafety.transport.nsw.gov.au/downloads/appointed-school-bus-stop-guide.pdf#:~:text=In%20December%202016%2C%20NSW%20Centre%20for%20Road%20Safety,NSW%20%28TfNSW%29%20and%20Roads%20and%20Maritime%20Services%20%28RMS%29.</a>
RMS Traffic Signs Database	<a href="http://www.rms.nsw.gov.au/cgi-bin/index.cgi?action=searchtrafficsigns.form">www.rms.nsw.gov.au/cgi-bin/index.cgi?action=searchtrafficsigns.form</a>

## Change history

Version	Approval date	Approved by	Minute	File No	Change
1	26 Jul 2011	Council	11/176	E05.9595	Policy updated & retained (O11/150)
2	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated (start of new Council term)
3	26 Sep 2017	Council	17/317	E16.0297 E06.0375	Reviewed and updated (start of new Council term)
4	TBA	Council	TBA	TBA	Reviewed and updated (start of new Council term) Report GMR17/021.

## Internal use

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