

## Ordinary Meeting

**Meeting Date:** Tuesday, 30 April, 2019

**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra

**Time:** 5.00pm

**Membership** (Quorum - 7)  
All Councillors

**Please note:** The proceedings of this meeting (including presentations, deputations and debate) will be webcast and may be recorded and broadcast under the provisions of the Code of Meeting Practice. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

## Agenda

1. **Acknowledgement of Traditional Custodians**
2. **Opening Prayer**
3. **Australian National Anthem**
4. **Apologies / Leave of Absence**
5. **Confirmation of Minutes**
  - Ordinary Meeting - 26 March 2019
6. **Declarations of Interest**
7. **Call Over of the Business Paper**
8. **Presentation of Petitions**
9. **Mayoral Minute**
10. **Deputations and Presentations**
11. **Notices of Motion / Questions on Notice**

### Notices of Motion / Questions on Notice

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#### Reports

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CCL19.7      Tenders - Shoalhaven Indoor Sports Centre - Trade Package No. 99 -  
Terrace Construction Sub Contract & Budget Status Update

*Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*



## CL19.88      Rescission Motion - MM19.7 Mayoral Minute - Students Global Strike for Climate Change

**HPERM Ref:**      D19/101230

**Submitted by:**    Clr Mitchell Pakes  
                         Clr Andrew Guile  
                         Clr Greg Watson

### **Purpose / Summary**

The following Rescission Motion, of which due notice has been given, is submitted for Council's consideration.

### **Recommendation**

That Council rescind the Motion relating to Item MM19.7 of the Council Meeting held on Tuesday 26 March 2019.

### **Background**

The following resolution (MIN19.145) was adopted at the Ordinary Meeting held Tuesday 26 March 2019.

*That Council*

- 1. Acknowledges the students of the Shoalhaven for their direct action/involvement in the Students Global Strike for Climate Action.*
- 2. Write on behalf of the Students to the NSW and Federal Governments voicing their concerns in respect to more rapid action to reduce carbon pollution and secure a future below 1.5 degrees of warming for our young people, who see their future is at stake.*
- 3. That Shoalhaven City Council endorses the excellent work of parents, students and teachers across the Shoalhaven in preparing children and young people for the leadership roles in business and the community that they will undertake in addressing the challenges of climate change as well as other economic, social and environmental dilemmas that confront our community.*

CL19.88

## CL19.89      Rescission Motion - CL19.56 Notice of Motion - West Culburra Concept Plan

**HPERM Ref:**      D19/101185

**Submitted by:**    Clr Annette Alldrick  
                         Clr Kaye Gartner  
                         Clr Nina Digiglio

### **Purpose / Summary**

The following Rescission Motion, of which due notice has been given, is submitted for Council's consideration.

### **Recommendation**

That Council rescind the Motion relating to Item CL19.56 of the Council Meeting held on Tuesday 26 March 2019.

### **Background**

The following resolution (MIN19.154) was adopted at the Ordinary Meeting held Tuesday 26 March 2019.

*That*

1. *Further to Council earlier action in resolving to support the West Culburra Concept Plan as a matter of policy Council once again reaffirm its decision.*
2. *Council become a third party to the appeal in the Land and Environment Court against the NSW Independent Planning Commission's refusal of the West Culburra Concept Plan DA.*
3. *That Council request that a report come to the D&E Committee once the Statement of Facts and Contentions has been considered.*

### **Note by the General Manager**

Council may apply to the Land and Environment Court to become a party to the appeal/proceedings; the Court would determine this application.

If admitted as a party to the proceedings, and having regard to the fact that Council is not aware of the facts and contentions, nor is it a party to the preparations of such facts and contentions, Council could be placed in a position whereby it is acting contrary to previous submissions made to the Independent Planning Commission, particularly in regard to environmental and hydraulic considerations. For this reason, it is considered prudent to have details of lodged facts and contentions prior to determining to join proceedings.

Council has been advised that facts and contentions are to be provided to the court by 21 May and Section 34 conference has been set down for 14 & 15 November.

CL19.89

## **CL19.90 Notice of Motion - CL19.56 West Culburra Concept Plan**

**HPERM Ref:** D19/101201

**Submitted by:** Cllr Annette Alldrick  
Cllr Kaye Gartner  
Cllr Nina Digiglio

### **Purpose / Summary**

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### **Recommendation**

That Council request that a report come to the Development & Environment Committee once the Statement of Facts and Contentions has been considered.

### **Note by the General Manager**

This Notice of Motion will be dealt with if the presiding Rescission Motion is carried.

CL19.90

## CL19.91      Rescission Motion - DE19.24 Further Update - Possible Heritage Listing - Former Huskisson Anglican Church

**HPERM Ref:**      D19/114555

**Submitted by:**    Clr Mitchell Pakes  
                         Clr John Wells  
                         Clr Joanna Gash

### **Purpose / Summary**

The following Rescission Motion, of which due notice has been given, is submitted for Council's consideration.

### **Recommendation**

That Council rescind the Motion relating to Item DE19.24 of the Development & Environment Committee held Tuesday 2 April 2019.

### **Background**

The following resolution (MIN19.209) was adopted at the Development & Environment Committee held Tuesday 2 April 2019.

*That Council*

1. *Receive the report for information*
2. *Note the letter received from the Heritage Council of NSW on 27 March 2019*
3. *Seek to list the site in the Local Environmental Plan (LEP) as a Local Heritage Item through the formal planning proposal process.*
4. *Authorise staff to endeavour to add this to the next Housekeeping Amendment dealing with Heritage in June 2019.*
5. *Encourage the proponents (i.e. the land owner and the proposed developer) and the community to come together in an endeavour to reach an agreed outcome.*

CL19.91

## CL19.92 Notice of Motion - DE19.24 Further Update - Possible Heritage Listing - Former Huskisson Anglican Church

**HPERM Ref:** D19/114562

**Submitted by:** Cllr Mitchell Pakes  
Cllr John Wells  
Cllr Joanna Gash

### Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### Recommendation

That Council re-affirm its previously resolved position in relation to this site and building.

### Note by the General Manager

This Notice of Motion will be dealt with if the preceding Rescission Motion is carried.

The previous resolutions of Council are listed below:

MIN18.826 (Ordinary Meeting 16 October 2018)

*That Council:*

1. *Reaffirm its strong opposition to the Heritage listing of the abandoned Anglican Church at Huskisson and notify the NSW Heritage Office of the decision, as in Council's opinion nothing has changed.*
2. *Include with the letter a copy of its earlier submission opposing the listing of the item as an item of local significance.*
3. *Call in the determination of the DA relating to the demolition of the Church to the full Council for the reason of public interest.*

MIN19.49 (Development & Environment Committee 5 February 2019)

*That Council:*

1. *Receive the report for information.*
2. *Note the correspondence received from the Heritage Division of the NSW Office of Environment & Heritage dated 2 January 2019.*

Should this Notice of Motion be dealt with, it is suggested that the Recommendation as printed be expanded to clearly state the Council's resolved position to assist staff in actioning the resolution and to provide clarity to the public.

CL19.92

## CL19.93 Notice of Motion - Huskisson Sea Pool

HPERM Ref: D19/107218

Submitted by: Cllr Greg Watson

### Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### Recommendation

That Council trial an extended opening of the Huskisson Sea Pool including winter this year.

### Background

I have received representation from a number of residents who wish to keep swimming in a salt water pool year-round; and they have requested the proposal be trialled at Huskisson. Additionally, because of the high visitation of the area, the pool maintained in working order over the shoulder and winter period would enhance the appearance of the Park dramatically.

### Note by the General Manager

Over the past two years, the Huskisson and Ulladulla Sea Pools' season length has been extended from closing at end of March to closing at end of May, with the costs absorbed through operational budgets.

The proposed "Trial Opening Huskisson Sea Pool over Winter" Notice of Motion will cost an additional estimated \$15,000 (June until October). This will also require a maintenance shut-down period of a minimum two (2) weeks in October, prior to reopening again for the summer season.

It is not unreasonable to assume, with this further extended opening of Huskisson Sea Pool, that members of the Ulladulla community will, likely, request that Ulladulla Sea Pool also be extended, which will take the total required to \$30,000 additional per annum. The current allocation of budget for Huskisson Sea Pool is \$50,000 (which is almost expended). Should Council wish to extend this to an ongoing basis, this will require an additional \$30,000 per annum for both locations.

As there is currently no supervision at the Huskisson and Ulladulla Sea Pools other than early morning cleaning and preopening safety checks, staff will be unable to measure patronage through the proposed winter extension.

CL19.93

## **CL19.94 Notice of Motion - Jet Skis - Jervis Bay**

**HPERM Ref:** D19/130044

**Submitted by:** Cllr Bob Proudfoot

### **Purpose / Summary**

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### **Recommendation**

That Council communicate with the relevant agencies regarding the growing community concerns of the negative impact that jet skis are having on the marine life in Jervis Bay. The communicate would respectfully request that the agencies report to Council on their professional assessment as to the gravity of the situation and as to any future proposals that would go some way to meet community expectations

### **Background**

The conversation has increased considerably regarding the reckless behaviour of far too many jet ski drivers, who have used the waters of Jervis Bay during the past five or so months. This concern is now widely evident and especially obvious in social media commentary.

### **Note by the General Manager**

The matter will be referred to NSW Maritime as the relevant Government Authority.

CL19.94

## CL19.95 Notice of Motion - Aboriginal Tourism

HPERM Ref: D19/130047

Submitted by: Cllr Bob Proudfoot

### Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### Recommendation

That as a general principle, Council supports a greater focus on Aboriginal Tourism in the Shoalhaven, and that our tourism department report back to Council on possible opportunities that may be pursued to support this increased focus. The report would need to include initiatives that have been undertaken in other councils, states, or even overseas countries, as well as a plan to liaise with local aboriginal groups and indeed our own Aboriginal Advisory Committee.

### Note by the General Manager

Shoalhaven Tourism have been working with the Aboriginal Advisory Group for many years and are proud to be continuing to work and support Aboriginal people in our region. Feedback that we have received to date is that projects need to not come from outside our area but be community led and we actively work to support any tourism business opportunities in our region.

Some examples include:

- Shoalhaven was the first council to add a "Welcome to country" in our visitors guide and we actively promote Aboriginal tourism businesses in our region.
- We are actively working to support grant applications for tourism projects identified by two separate land councils.
- Shoalhaven tourism features in the current draft Aboriginal Advisory Committee Strategic Plan, scheduled to be reviewed with the committee in the next few weeks.
- We have actively worked with Destination Sydney Surrounds South in promoting and developing business with a TV series featuring Mark Olive in region.
- Shoalhaven Tourism, in partnership with Council's Aboriginal Liaison Officer, was successful in reviewing a grant for a creative project celebrating our local Aboriginal people's connection to land and will assist as the project develops in partnership with the Aboriginal Advisory Committee.
- Many Aboriginal businesses have been featured in Shoalhaven Stories and we are happy to provide links to all Councillors.
- Furthermore, Shoalhaven Tourism works collaboratively with Destination NSW who have a considerable amount of resources available, you can see a copy of their Action Plan and toolkit here: <https://www.destinationnsw.com.au/about-us/strategies-and-plans/aboriginal-tourism-action-plan>.

It is proposed to continue reporting to Council on this topic through the ongoing review of the Delivery Program and Operational Plan.

CL19.95



## CL19.96 Notice of Motion - Roadworks Coordination Plan

HPERM Ref: D19/130051

Submitted by: Cllr Bob Proudfoot

### Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### Recommendation

That Council staff produce a roadworks co-ordination plan so as to minimise inconvenience to local residents during the construction stage.

### Background

On Monday 15/4/19 the unfortunate situation occurred where roadworks were taking place in three separate locations and yet in little more than one kilometre of each other. These works took place on The Wool Road Old Erowal Bay in two locations, one being near McGibbon Parade and the other adjacent to Coastal Waters. The third location was along Larmer Avenue Sanctuary Point. As a direct result of these works occurring concurrently there were three separate stop/go controllers in operation with the chaotic result being traffic bedlam.

### Note by the General Manager

It is noted that that the situation identified within the NOM did result in a number of works occurring within the same location within a similar time period. Whilst every effort is made to ensure planning minimises the inconvenience faced by residents, in some cases plans may change, particularly when urgent repairs are required.

The works that are the subject of this NOM were identified as follows:

- Intersection widening at the entrance to Coastal Waters Estate. This work was being constructed as part of a development consent and was carried out by a private contractor on behalf of the developer/owner.
- An urgent water main repair on Wool Road.
- Larmer Ave pavement reconstruction which was being undertaken as soon as possible by the contractor to complete and rework failed sections. Given the increased traffic and expected weather conditions the work needed to be completed prior to Easter.

As part of roadwork project planning, staff are required to consider communication strategies at the beginning of projects and to include a range of communication options to ensure community are informed of upcoming roadworks and impacts. Whilst this aims to improve the situation, it is noted that urgent works and works by developers may at times occur and these often fall outside of the planning being undertaken by Council staff.

A consideration of the impacts of external works will be added to the communication strategy as a risk factor to be considered as part of the project plan.

## **CL19.97 Notice of Motion - PCYC - Sanctuary Point**

**HPERM Ref:** D19/130065

**Submitted by:** Cllr Bob Proudfoot

### **Purpose / Summary**

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### **Recommendation**

That Council staff liaise with Nowra P.C.Y.C with a view to establishing a P.C.Y.C at Sanctuary Point, with the current Sanctuary Point Library building being considered as a possible future site. Staff identify funding opportunities and write to the local state member, the Honourable Shelley Hancock, Minister for Local Government seeking her preliminary support.

CL19.97

## CL19.98 Notice of Motion - Australian Surf Life Saving Awards

**HPERM Ref:** D19/130439

**Submitted by:** Cllr Mark Kitchener

### Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### Recommendation

That Council provide certificates of recognition to Sammy Zustovich, Payton Williams, Brock Scrivener, Jack Bridges, Kate Lewis, Ed Macartney, Joe Halsey, members of the Mollymook Surf Lifesaving Club, for their recent achievements in the 2019 NSW and Australian Surf Lifesaving Championships and the 2018 World Surf Championships.

### Background

#### Australian Surf Titles, Broadbeach, Qld. (April 2019)

- Sammy Zustovich won GOLD in the U/17 Male beach sprint, GOLD in the U/17 Beach Flags and SILVER in the Open Male Flags.
- Payton Williams won a SILVER medal in the U/19 Female beach sprint, SILVER in the U/19 Female Flags and was a finalist in the Open Female Flags.
- Brock Scrivener GOLD in the Male U/19 Flags and a finalist in the U/19 Male Beach Sprint
- Jack Bridges won SILVER U/17 Male Flags
- Kate Lewis was a finalist in the Open Female Flags.

#### NSW State Surf Championships, Swansea-Belmont, NSW. (March 2019)

- Sammy Zustovich won GOLD in the Male U/17 Beach sprint, GOLD in the U/17 Flags plus a BRONZE in the Open Male Flags.
- Brock Scrivener won GOLD in the Male U/19 Flags and BRONZE in the U/19 Beach Sprint
- Payten Williams GOLD in the U/19 Female Beach sprint, BRONZE in the U/19 Female Flags and BRONZE in the Open Flags.
- Ed Macartney BRONZE in the 40-44 men's 2km beach run,
- Joe Halsey, BRONZE in the Open Men's 2km run.
- Kate Lewis came 4th in the Open Flags.

#### World Surf Championships, Glenelg SA. (November 2018)

- Sam Zustovich claimed his first World Title in the Youth Male Beach Flags and came 5th in the Youth Male Beach Sprint
- Kate Lewis was a semi-finalist in the Open Female Flags.

## CL19.99 Notice of Motion - Sealing of Woodburn Road Morton

**HPERM Ref:** D19/130445

**Submitted by:** Cllr Mark Kitchener

### Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### Recommendation

That Council commit to sealing Woodburn Road Morton south of Clyde Ridge Road, by confirming the position of sealing Woodburn Road on council's capital work's program and should council staff deviate from the program list that a detailed special report be submitted to the full council for determination.

### Note by the General Manager

Woodburn Road (from Clyde Ridge Road to Brooman Road) is approximately 3km of gravel.

Estimate cost to seal this would be of the order of \$600,000.

Council's long term financial plan allocates an average of \$340,000 to sealing local roads each year. It currently lists two projects;

2019-2020 Wheelbarrow Road \$308,000

2020-2021 Wheelbarrow Road \$316,000

No other projects are identified in the Long Term Financial Plan at this stage, although staff are aware that sites do exist across the region and are in the process of documenting priorities to be incorporated in the Long Term Financial Plan giving consideration to:

- Heavy Traffic - Current and growth
- Light Traffic - Current and growth
- Customer Requests
- Maintenance Effort
- Sharing funding around the regions
- Customer feedback from CCBs and Community Information Nights

Issues like this are best dealt with as part of the budget deliberation process where a commitment to a project can be made in context of Council's other commitments.

Suggested alternative motion that reflects Council's long term financial planning practice and responsible asset management planning would be:

That Council add the sealing Woodburn Road Morton (Clyde Ridge Road to Brooman Road) as two projects in the draft Long Term Financial Plan as follows:

2021-2022 Local Road Sealing - Woodburn Road \$324,000

2022-2023 Local Road Sealing - Woodburn Road \$332,000

CL19.99

Each year when Council considers its Long Term Financial Plan and Annual Budget the priority of these projects can be reviewed to reflect the Council's priorities thinking at that time.

## **CL19.100 Notice of Motion - Development Application - 29 Tindalls Lane, Berry**

**HPERM Ref:** D19/130944

**Submitted by:** Cllr Patricia White

### **Purpose / Summary**

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### **Recommendation**

That Council 'call-in' the following Development Application for determination by the elected Council

1. DA19/1133 for 29 Tindalls Road, Berry due to the public interest expressed at the Berry Forum meeting 11<sup>th</sup> April 2019 with excess of 50 people present and the number of submissions received (over 80).

CL19.100

## **CL19.101 Report of the Development & Environment Committee - 2 April 2019**

HPERM Ref: D19/110724

**DE19.22 Shoalhaven River Estuary Coastal Management Program - Acceptance of NSW OEH Grant - Coast and Estuary Grant Program**

**HPERM Ref:  
D19/82267**

### **Recommendation**

That Council:

1. Accept the NSW OEH grant funds of \$75,000, for the preparation of Shoalhaven River Estuary Coastal Management Program, over two (2) years.
2. Provide matching funds of \$75,000 over two (2) years from the existing coastal management planning budget as previously resolved (MIN17.1087) to match the \$75,000 offered by the NSW Government, to prepare Shoalhaven City Council's Coastal Management Program (CMP) for the Shoalhaven River Estuary.
3. Write to the NSW Minister for Environment, Heritage and Local Government, thanking them for the grant funding offer.

CL19.101

## CL19.102 Report of the Strategy & Assets Committee - 9 April 2019

HPERM Ref: D19/117217

### **SA19.44 Acquisition of Electricity Easement for Pad Mount Substation - Lot 366 DP 821493 New Street, Ulladulla**

**HPERM Ref:  
D19/60133**

#### **Recommendation**

That Council:

1. Compulsory acquire an Electricity Easement 5.5 meters by 2.75 meters for Endeavour Energy over Crown land Lot 366 DP 821493;
2. Pay compensation and costs associated with the acquisition from Holiday Haven's Capital Programs Fund. Compensation determined by the Valuer General to be in accordance with the provisions of the Land Acquisition (Just Term Compensation) Act 1991;
3. Make the necessary application to the Minister for Local Government and the Governor for approval to the acquisition under the Local Government Act 1993; and
4. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

CL19.102

### **SA19.45 Draft Policy - Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land**

**HPERM Ref:  
D19/60437**

#### **Recommendation**

That Council:

1. Resolve to place the draft policy "Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land" on public exhibition for 28 days and seek submissions;
2. Deem this policy adopted at the conclusion of the submissions period, on the provision no submission(s) or submission(s) that would mean minor alteration to the Policy be received;
3. Receive a further report should submission(s) that are considered to have a significant effect on the policy be received.

### **SA19.49 Ratepayer Advance Agreement - Kerb & Gutter Construction - 41 Basin View Pde Basin View**

**HPERM Ref:  
D19/96468**

#### **Recommendation**

That

1. Council amend the resolution of 22 January 2019 to enter into a Ratepayers Advance Agreement, executed under the Seal of Council with:
  - a. D L Mood of 41 Basin View Parade, Basin View (postal address is # 43) in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which



- \$1,859.28 (excluding GST) is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
- b. D L Mood of 43 Basin View Parade, Basin View (same as postal address) in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 (excluding GST) is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
  - c. C J Hobbs of 45 Basin View Parade, Basin View (Postal Address: PO Box 127, St Georges Basin) in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 (excluding GST) is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
2. The Common Seal of Council of the City of Shoalhaven be affixed to any documentation required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to the resolution.

## CL19.103 Report of the Shoalhaven Sports Board - 20 March 2019

HPERM Ref: D19/113460

### SB19.2 Shoalhaven Sports Board Membership

HPERM Ref:  
D18/342467

#### Recommendation

That

1. The following five (5) people be appointed as community member representatives to the Shoalhaven Sports Board for a four-year term, until March 2023:
  - a. Roger Walker;
  - b. David Goodman;
  - c. Elaine Caswell;
  - d. Martin Aicken; and
  - e. Gemma Afflick.
2. All persons who nominated for the positions be thanked for their interest in the Board and its activities.

CL19.103

### SB19.4 Sports Board Terms of Reference

HPERM Ref:  
D19/11488

#### Recommendation

That the Shoalhaven Sports Board – Terms of Reference be amended to add the following new fourth point to clause 3.4:

- Community members may re-apply for nomination at the conclusion of their term.

#### Note by the General Manager:

This additional point provides clarification in support of the recent Council resolution regarding continuity of membership.

### SB19.9 Additional Item - Sporting Hall of Fame Guidelines and Policy Review

#### Recommendation

That Council investigate and review the Sporting Hall of Fame Guidelines and Policy for Award recipients where an offence has been committed by a recipient.

## CL19.104 Report of the Coastal Estuary & Floodplain Management Liaison Group - 27 March 2019

HPERM Ref: D19/124873

### CE19.1 Liaison Group Structure

HPERM Ref:  
D19/92873

#### Recommendation

That Council:

1. Note that the Floodplain Development Manual requires a committee; however the Coastal Management Act does not require a formal committee that requires community engagement for the development of coastal management programs.
2. Adopt an alternative model for floodplain risk management, comprising three (3) Advisory Committees – North, Central and South – that would report to Council.
3. Establish an interim Shoalhaven Coast and Estuary Committee initially comprising Councillors, staff and government agency representatives until such time as the Coastal Management scoping study is completed.
4. Staff provide a report to the Ordinary Meeting outlining the legislative requirements and the reasons for a proposed alternative model for coastal and estuary issues.
5. Conduct focus group workshops to obtain community input during the preparation of the citywide Coastal Management Plan Scoping Study, and review the model for the group after the CMP Scoping Study is complete.
6. Ensure the Shoalhaven Heads Estuary Taskforce will continue independently on the same basis as at present, and be encouraged to participate in delivery of the new model.
7. Initiate a strong communication program to explain how Council is now working in accordance with the Floodplain Development Manual and the new Coastal Management Act.
8. Invite OEH and other relevant government agencies to a Councillor Briefing to explain the planning processes for flood risk management and the Coastal Management Framework.

CL19.104

## CL19.105 Report of the Shoalhaven Traffic Committee - 9 April 2019

**HPERM Ref:** D19/120913

**Attachments:**

- 1. Plans - TC19.18 [↓](#)
- 2. Plans - TC19.19 [↓](#)
- 3. Plans - TC19.20 [↓](#)

*The Shoalhaven Traffic Committee is a technical review committee not a committee of Council under the Local Government Act, 1993.*

*The Roads and Maritime Services has delegated certain powers to Council under the Transport Administration Act 1988 (Section 50). A condition of this delegation is that Council must take into account the Traffic Committee recommendations.*

### **IMPORTANT NOTE:**

*Council cannot amend a Traffic Committee recommendation. The Council can only:*

- 1. Adopt the Traffic Committee recommendation;*
- 2. Not Adopt the Traffic Committee recommendation; or*
- 3. Request the Traffic Committee reconsider the issue.*

*Other issues can be raised as Additional Business at the Ordinary Meeting.*

*The full guide to the delegation to Council's for the regulation of traffic can be viewed at: [RMS Website](#)*

CL19.105

### **TC19.18 Extension of No Stopping Zone - Enterprise Drive South Nowra (PN 3536)**

**HPERM Ref:**  
**D19/108900**

#### **Recommendation**

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed installation of No Stopping from CH0m to 160m on Enterprise Drive, South Nowra, as detailed in the attached plan, subject to a reduction in the number of mid-block No Stopping signs and use of C3 (yellow) edge line marking for the proposed length.

### **TC19.19 Proposed Bridge Closure - Long term closure signage (PN 3538)**

**HPERM Ref:**  
**D19/108965**

#### **Recommendation**

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed works, as detailed in the attached plan.

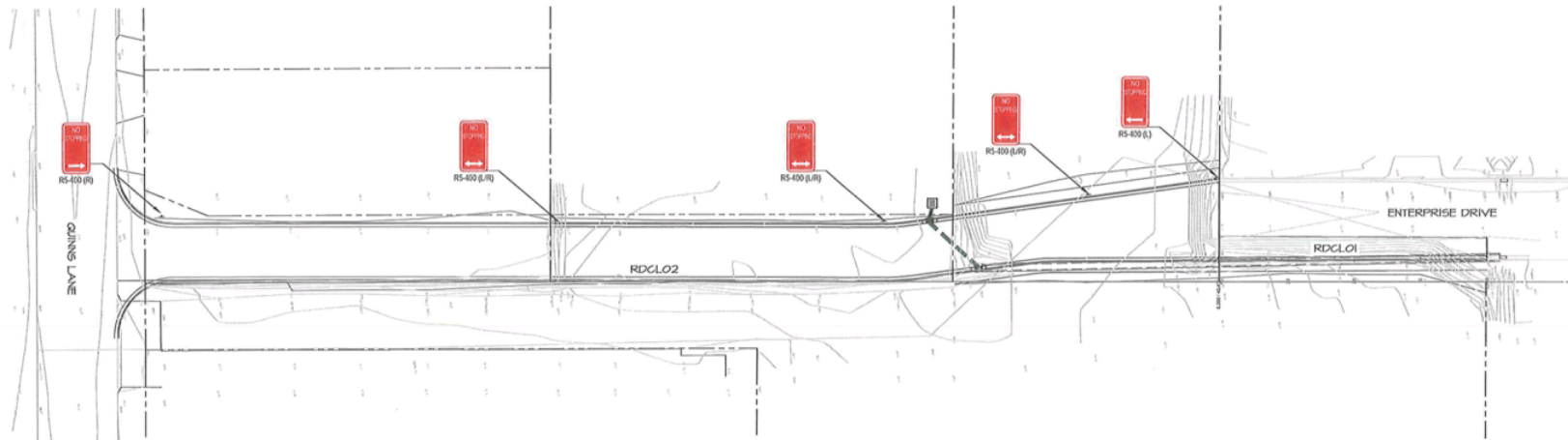
### **TC19.20 Proposed Line Marking - The Lake Circuit Culburra Beach (PN 3539)**

**HPERM Ref:**  
**D19/109042**

#### **Recommendation**

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed line marking works on The Lake Circuit, Culburra Beach from CH0 to 1.065km, as detailed in the attached plan, subject to:

1. Modification of the plan to change existing centreline marking to double barrier (BB) centreline marking where (E1) edge line marking is proposed.
2. Duplication of the 'give way' signage at the intersections of The Lake Circuit and;
  - a. Ingle Ring
  - b. Mowbray Road
3. Installation 'give way' signage and hold line marking at the intersections of The Lake Circuit and;
  - a. Fairlands Street
  - b. West Crescent
4. Modification of the plan to show all existing and proposed signage.



NOT TO BE USED FOR  
CONSTRUCTION

PI3	06-03-18	CJ	TENDER ISSUE						
PI2	30-03-18	CJ	TENDER ISSUE						
PI1	14-06-2006	IRC	TENDER ISSUE						
AMDT	DATE	BY	DESCRIPTION	AMDT	DATE	BY	DESCRIPTION	AMDT	DATE

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**JONES NICHOLSON** PTY. LTD.  
CONSULTING ENGINEERS  
18020009  
ENTERPRISE DRIVE ROAD EXTENSION  
SOUTH NOWRA  
PALMIRA HOLDINGS

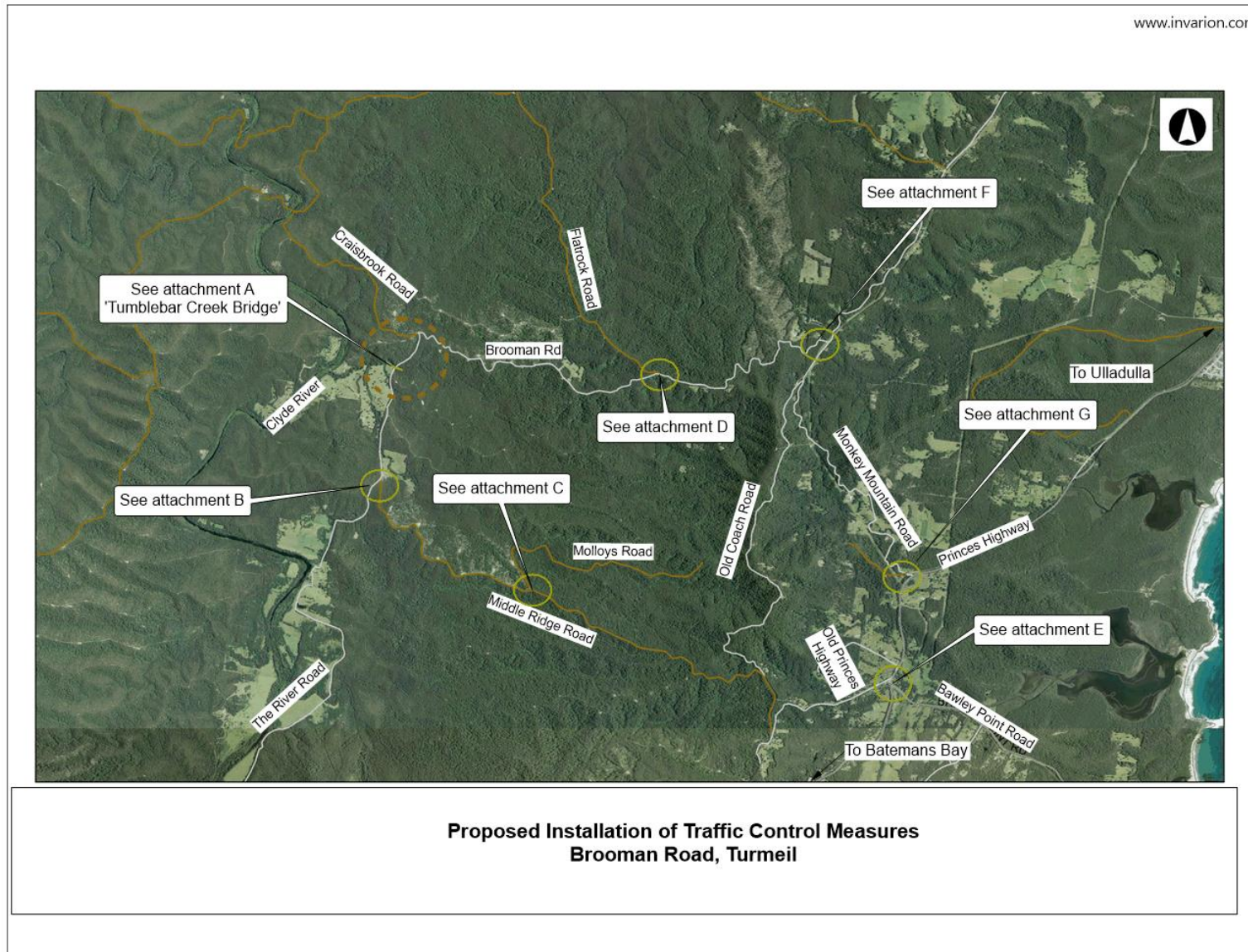
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DRAWN: HK  
DATE: JUNE 2018  
SHEET SIZE: A1  
SCALE: 1:300  
PROJECT NO: SF

**CIVIL DESIGN  
LINE MARKING &  
SIGNAGE PLAN**

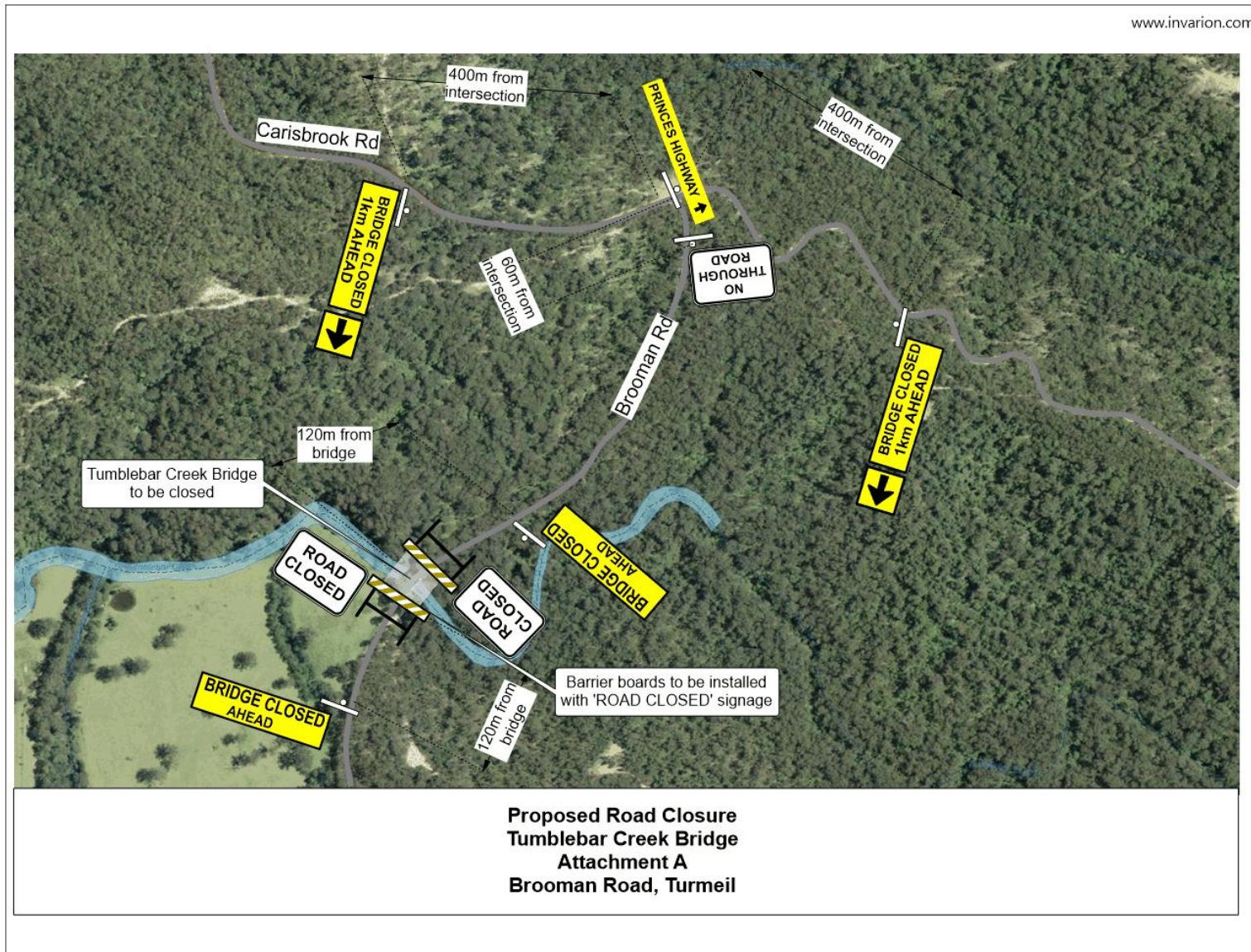
ENTERPRISE DRIVE  
ROAD EXTENSION  
ENTERPRISE DRIVE  
SOUTH NOWRA  
PALMIRA HOLDINGS

**18020009  
C015P3**

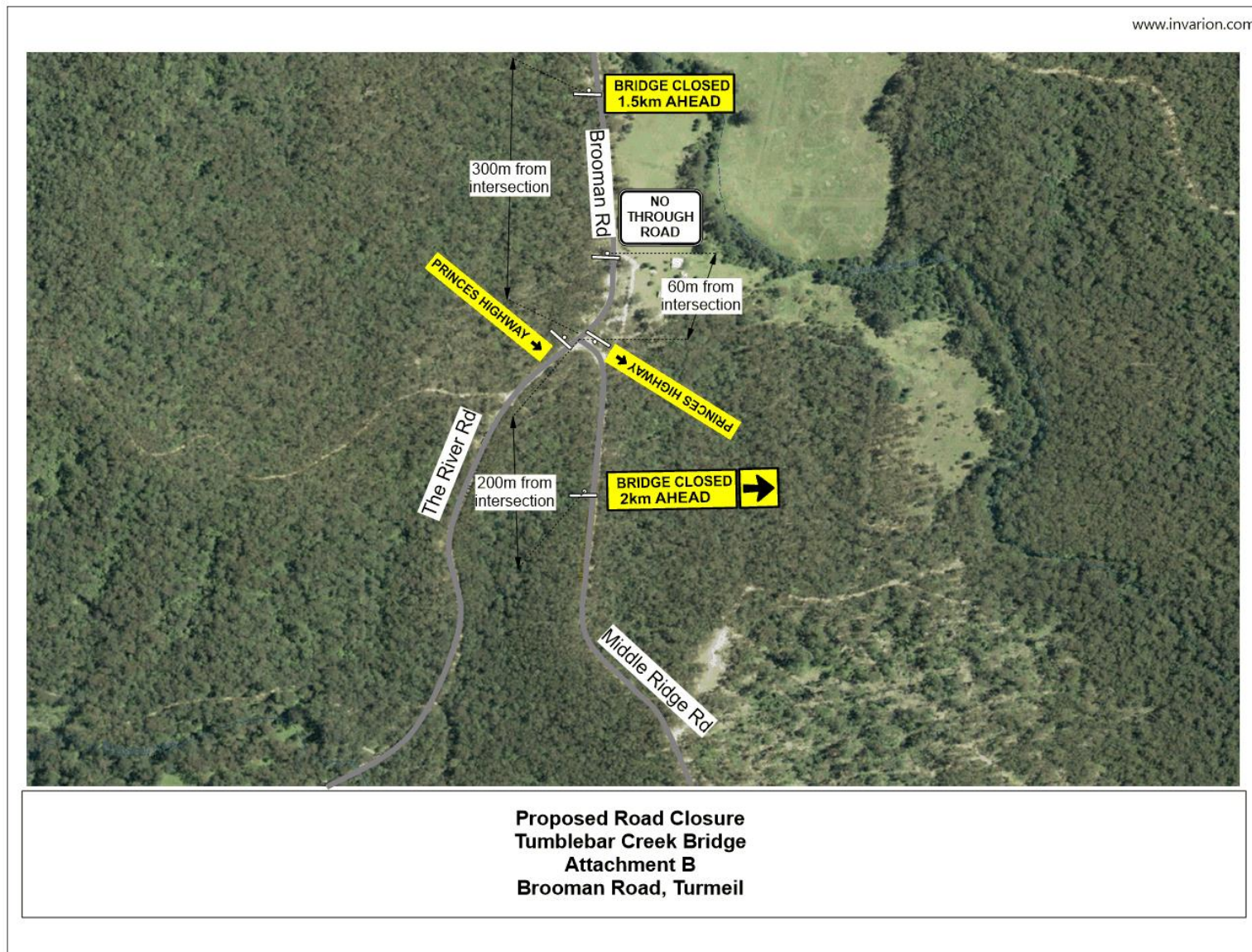




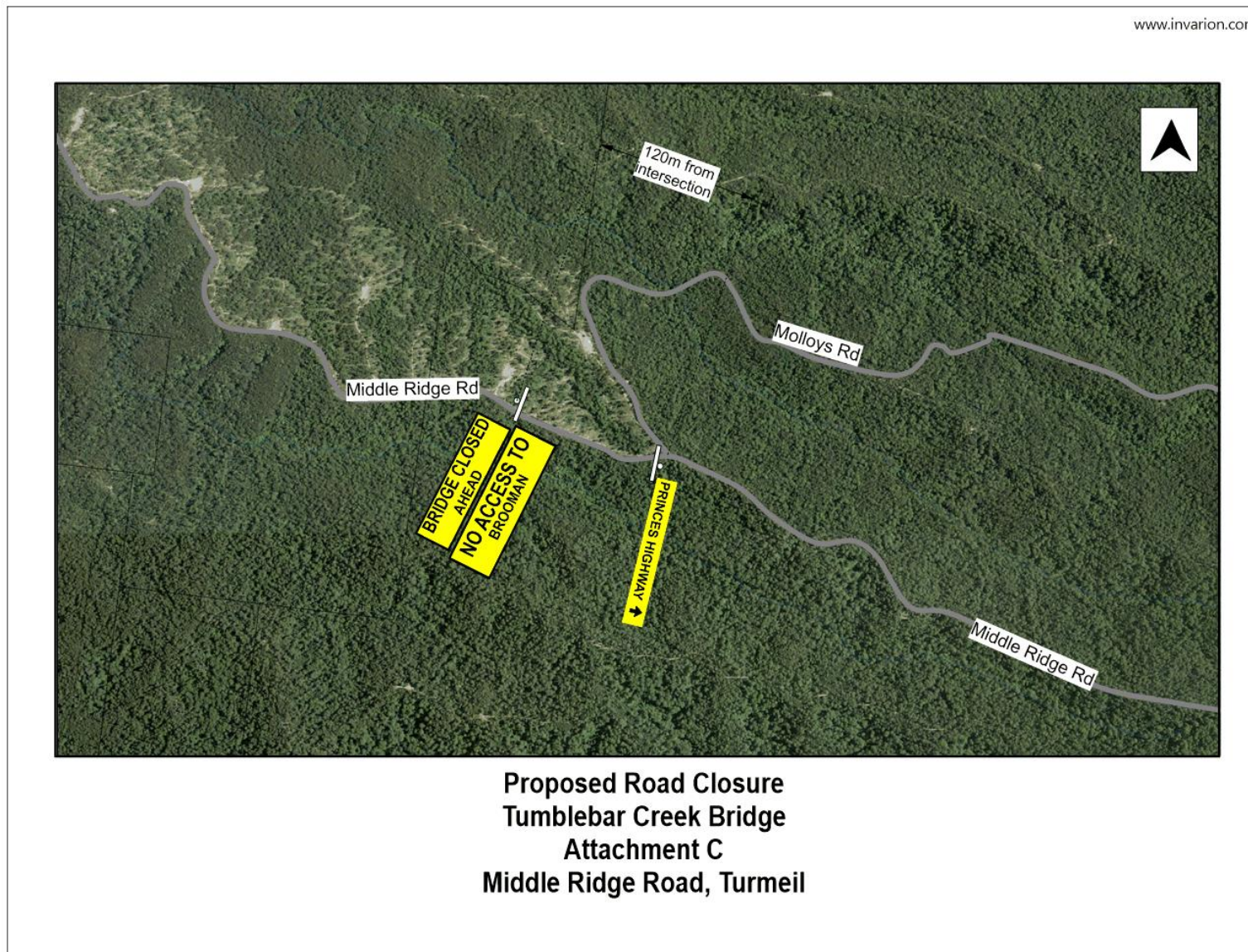




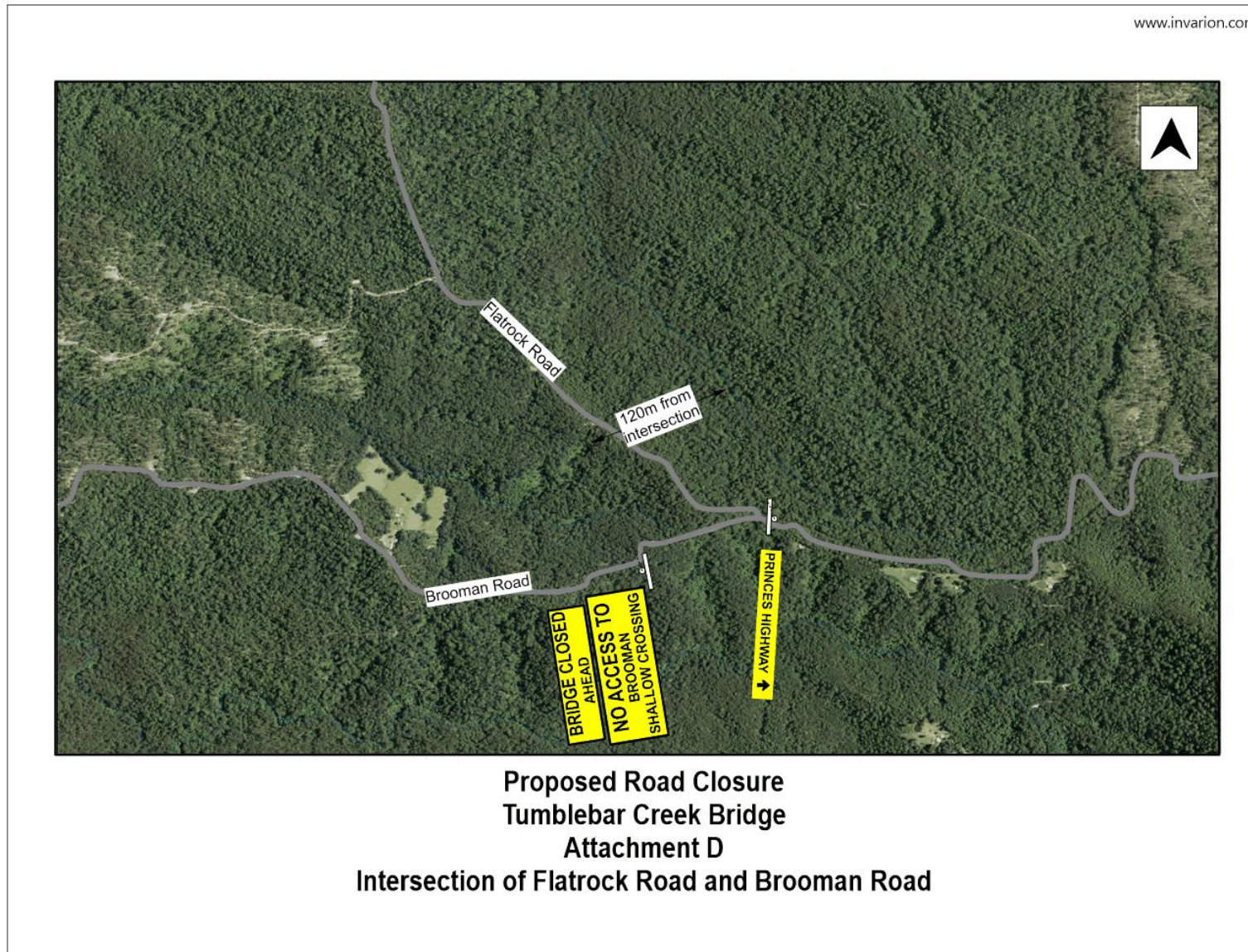




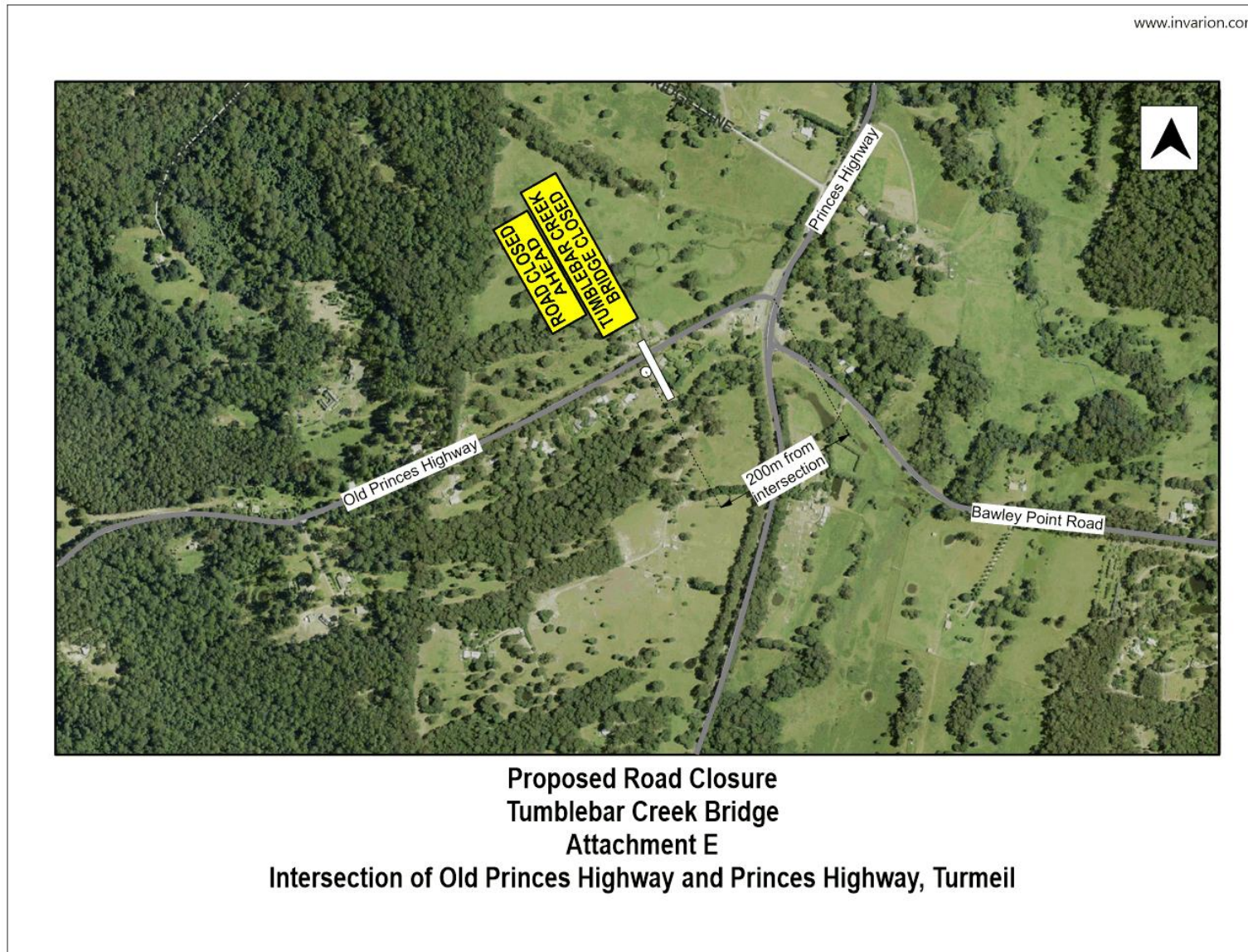




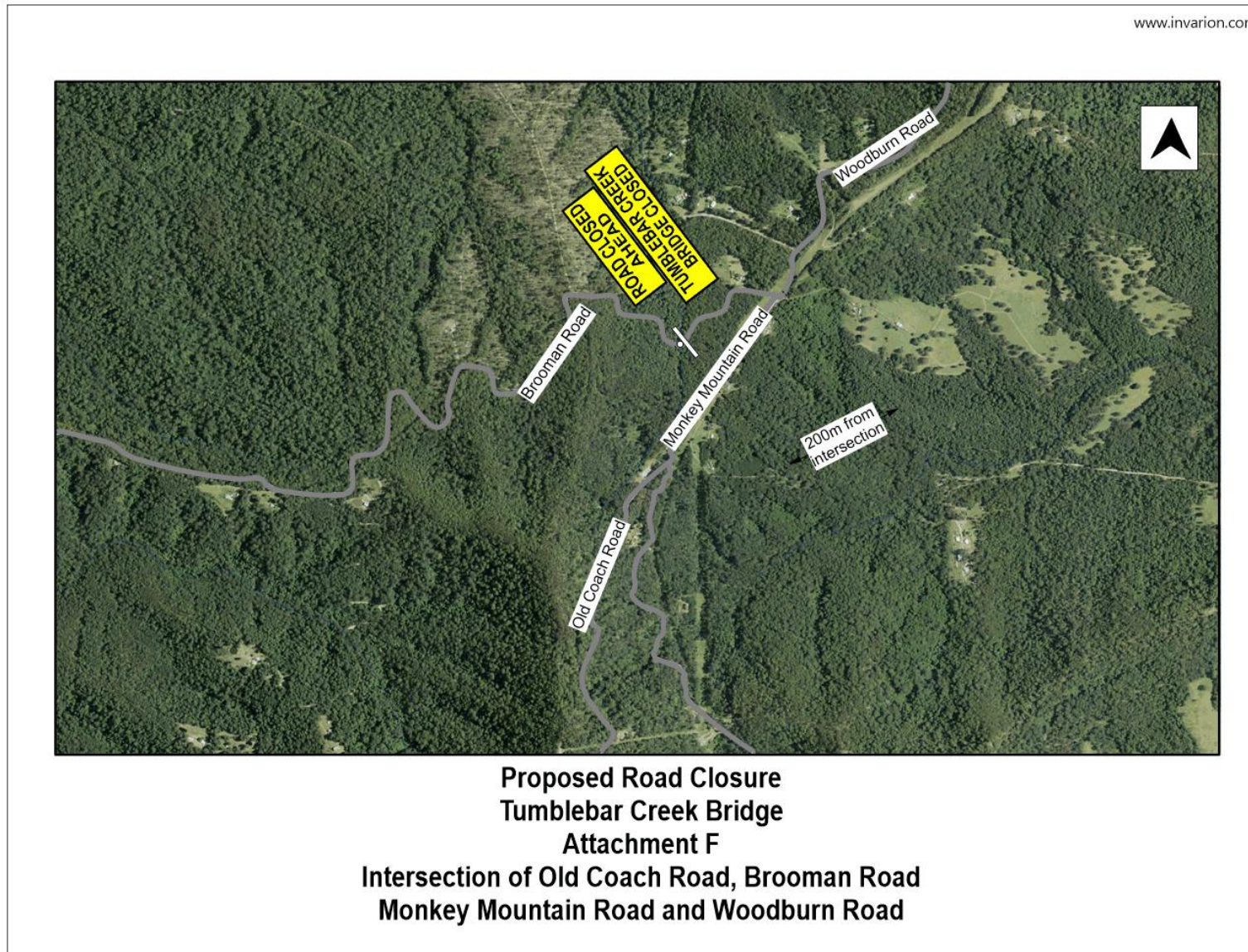




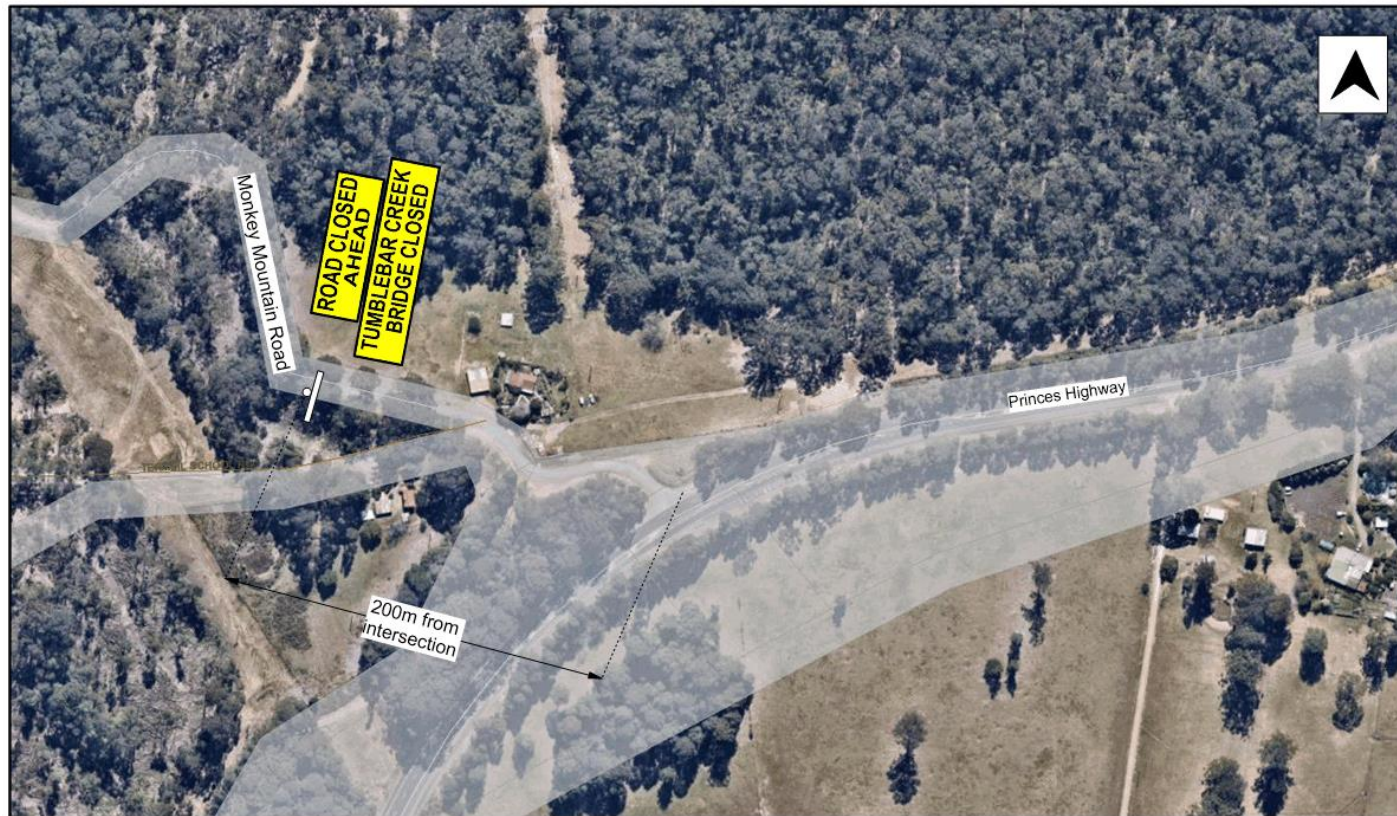






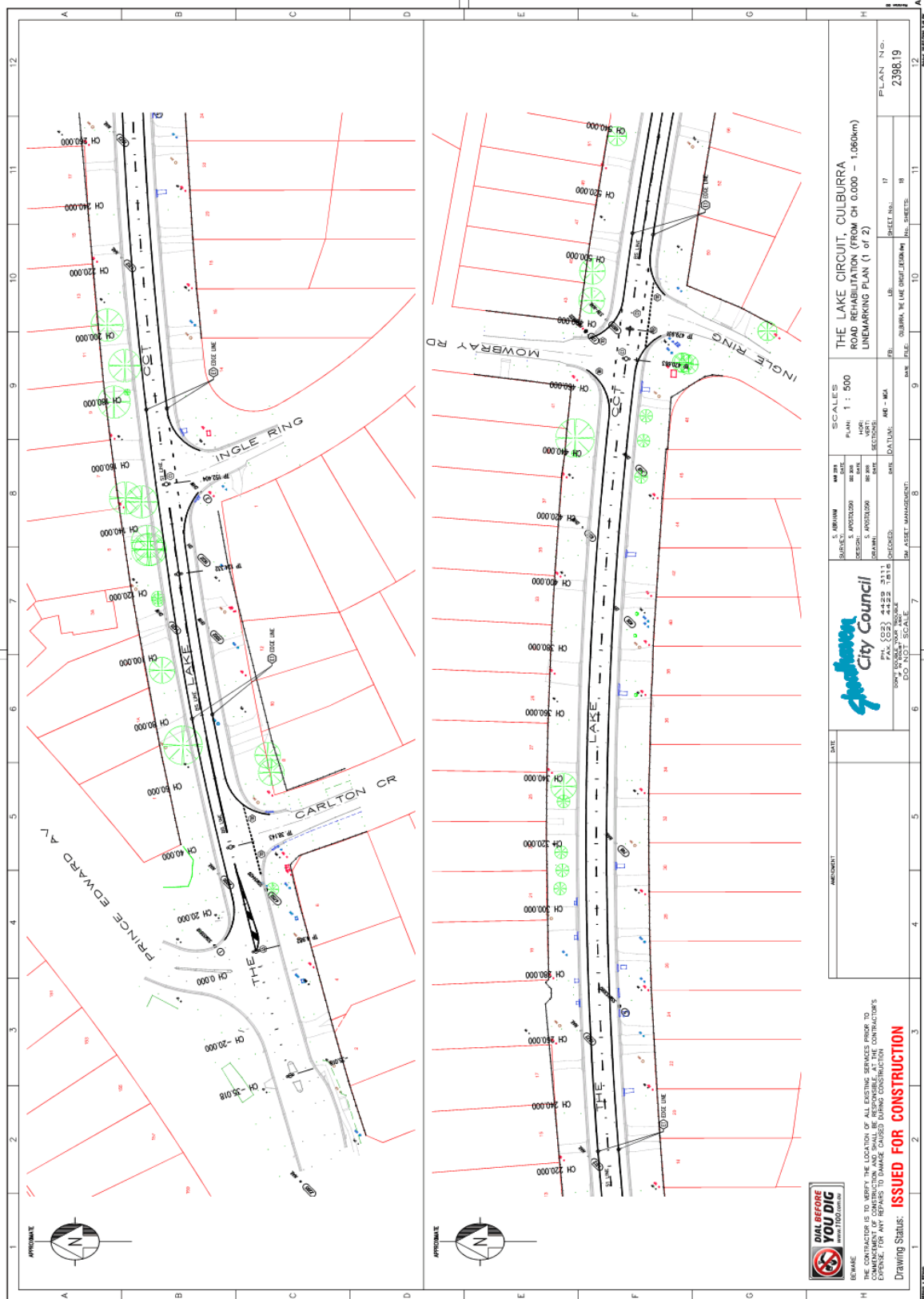




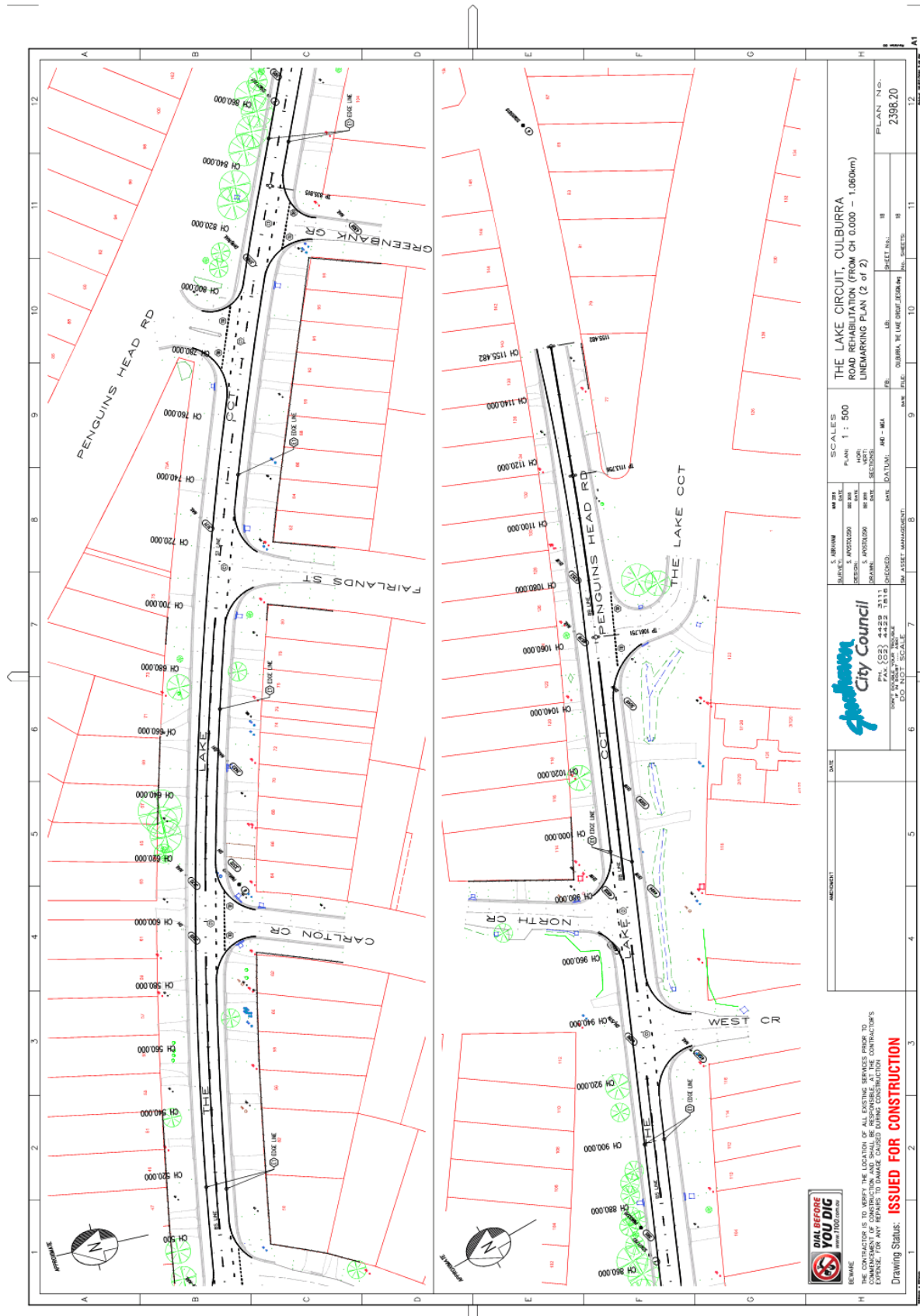


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**Proposed Road Closure  
Tumblebar Creek Bridge  
Attachment G  
Intersection of Old Princes Highway and Princes Highway, Turmeil**



CL19.105 - Attachment 3



# CL19.105 - Attachment 3



## CL19.106 Delivery Program and Operational Plan 2019 - Public Exhibition

**HPERM Ref:** D19/110755

**Group:** General Manager's Group  
**Section:** Executive Strategy

**Attachments:** 1. Draft - Capital Works 2019-2020 (under separate cover) [↗](#)

### Purpose

To provide Council with the Draft Delivery Program and Operational Plan, Draft Fees and Charges and Draft Resourcing Strategy for 2019/20. To seek the endorsement of Council to place these documents on public exhibition, in accordance with legislative requirements.

### Recommendation

That Council:

1. Receive and note the revised format for the Draft Delivery Program and Operational Plan (DPOP), Draft Fees and Charges and Draft Resourcing Strategy for 2019/20.
2. Note the inclusion of the detailed three (3) year Capital Works Program included in the DPOP and presented separately as Attachment 1.
3. Place the Draft Delivery Program and Operational Plan, Draft Fees and Charges and Draft Resourcing Strategy on public exhibition, as soon as possible, for a period of 28 days in accordance with legislative requirements.
4. Use a range of engagement techniques, including Council's Information Nights and other communication methods, to provide information to the community about Council's Draft Delivery Program and Operational Plan (DPOP), Draft Fees and Charges and Draft Resourcing Strategy for 2019/20 and including the Draft Budget for 2019/20.
5. During the exhibition process, consider the projects and items provided by staff and Councillors, that have not been included within the current budget and identify any possible funding sources for these projects.
6. The Acting General Manager include Councillor and staff feedback and the feedback received from the community for any other projects as part of the report on the exhibition period to Council.
7. The Acting General Manager also provide a report back to Council on options and potential funding strategies to enable progression of the Shoalhaven Heads River Road Foreshore precinct rehabilitation project.
8. Note that additional design elements will be added to the suite of Integrated Planning & Reporting documents presented in this report, prior to exhibition, to enhance readability and understanding for the community.

CL19.106

## Options

1. Council resolve to place the Draft Delivery Program and Operational Plan, Draft Fees and Charges and Draft Resourcing Strategy for 2019/20, on public exhibition for 28 days

Implications: This would allow Council to seek public comment about the documents and to allow time for the community to have their say. Any changes received as part of the exhibition process could then be presented back to Council for consideration.

2. Council recommend amendments to be made to the Draft Delivery Program and Operational Plan, Draft Fees and Charges and Draft Resourcing Strategy and resolve to place the amended drafts on exhibition for 28 days

Implications: Any amendments made to the documents now would need to occur within a short timeframe. This is to ensure the documents could be placed on public exhibition, in accordance with legislative requirements. There will be time within the exhibition period to provide comments and changes. There are also several items that will need to be considered as part of the exhibition process and could be added as amendments following exhibition.

3. Council not place the draft documents, as presented, on exhibition

Implications: There is a very limited timeframe in which Council must meet legislative requirements. Council must place the documents on exhibition at some stage to seek public comment prior to submitting to the State Government. Any delay in publishing the document will result in Council not meeting the requirements set for it by the State Government.

## Integrated Strategic Planning Framework- Providing Transparency and Accountability

Each year Council is required to prepare updates to the Integrated Planning and Reporting Framework including the Delivery Program, Operational Plan, Resourcing Strategy and Fees and Charges, in accordance with legislative requirements. This is to ensure Council clearly shows how it is planning and delivering for our community and budgeting within appropriate standards.

Council is embarking on an ambitious program for the future, with a clear direction and detailed actions to be delivered this financial year. This Draft Delivery Program, Budget, Resourcing Strategy and Fees and Charges documentation clearly:

- Provides a significant capital works program with over \$58.2 million in capital spend, including a focus on delivering improved sporting facilities, roads, playgrounds and other community assets.
- Presents a far more transparent three-year Capital Works Program, with proposed future years projects clearly shown and detailed in the Delivery Program (Section 13 Capital Works). The format and content of this Program is a further step towards the improved transparency of Council projects and programs. This program can be found in the Capital Works section of the document and is also provided separately as Attachment 1.
- Focuses on roads and maintenance of assets and improvements to sporting fields, with additional expenditure of \$500,000 on sportsground improvements and \$1million on asset maintenance from the dedicated revenue achieved from the Special Rate Variation.
- Meets the requirement for no deficit cash budgeting.
- Details the plan to achieve improvements to the Fit for the Future ratios and performance measures.

- Outlines \$2.69 million of special rate variation funds for 2019/20 for roads projects
- Provides \$1.6 million drainage and stormwater management projects, \$3.1 million for waste management, \$3.2 million for local road repair programs and \$2.9 million for local road reseal and re-sheet programs
- Details continued rate relief for drought affected farmers
- Provides over \$300,000 of donations to our community for a range of activities, events and programs and over \$660,000 of subsidy/support to community for tourism events, cultural activities, business awards and heritage programs
- Provides for the net cost of the services for the Shoalhaven Animal Shelter and the new Shoalhaven Indoor Sports Centre operations, continued funding for peak tourist period management, construction of the Tomerong public amenities, park enhancements at Old Erowal Bay and Jacobs Drive resurfacing.
- Provides \$940,500 for recreation projects including Regional Skate Park facilities at Vincentia and Council's Park Enhancement Program.

### Council Priorities

The Delivery Program continues to focus on supporting the provision of:

- Resilient, Safe and inclusive communities
- Sustainable, liveable environments
- Prosperous communities and
- Responsible Governance

There also remain ten Goals that Council has set to achieve over the next two years with actions that align with these goals. The document outlines the steps needed to be undertaken to assist in achieving the agreed outcomes for the community. The Goals include:

- Build inclusive safe and connected communities
- Activate communities through arts culture and events
- Support active healthy liveable communities
- Improve and maintain road and transport infrastructure
- Plan and manage appropriate and sustainable development
- Protect and showcase the natural environment
- Maintain and grow a robust economy with vibrant towns and villages
- Provide reliable services that meet daily community needs
- Provide advocacy and transparent leadership through effective government and administration
- Inform and engage with the community about the decisions that affect their lives

### Key Activities and Projects

The Delivery Program contains the actions and projects that will be delivered in the 2019/20 financial year and the budget to support their delivery. Some of the key activities and projects that have been identified to deliver on Council's goals include:

- Progress the development of the new District Library at Sanctuary Point
- Commission the fit out and operation of the new Shoalhaven Indoor Sports Centre
- Complete the stormwater drainage program and Local Road Repair Program identified in the Capital Works Program
- Prepare and maintain a range of strategies and plan for growth of the City including the review of the Shoalhaven Growth Management Strategy
- Continue to deliver the REMS project

- Develop Boongaree District Park
- Renew Nowra Showground
- Complete the Milton Ulladulla Croquet project
- Undertake continued Industrial Land Development
- Delivery of a number of toilet and park facilities including the Tomerong toilets and Erowal Bay Playground
- Undertake the Coastal Management Program
- Deliver a new Community Engagement Strategy including the requirements of the new State Government Community Participation Plan

### **Response to Community Feedback – Document Enhancements**

Annually Council also measures the progress on delivering the programs and actions contained within this framework via the annual Community Survey. In 2018 the survey results indicated that the provision of information about Council's decision making was a top priority for the community and an area that needed improvement. The need to provide more transparency and accountability in the decision-making process was a common theme throughout the feedback provided to Council.

In response to this feedback, this year the format of the Integrated Strategic Planning documentation has been streamlined. Replacing the chapter based Integrated Strategic Plan is now three individual draft documents including the:

- Draft Delivery Program and Operational Plan: which contains the budget, financials, activities and goals to be delivered by Council in the 2019/20 financial year
- Draft Fees and Charges: which contains all the fees and charges that are charged for our services and facilities
- Draft Resourcing Strategy: which contains the Workforce Strategy, Asset Management Strategy and the Long Term Financial Plan. For the purposes of this iteration, only the Long Term Financial Plan is required to be updated and reconsidered by Council.

This year focus has also been placed on improving the content, layout and design of the documents to ensure that can be more easily understood by the community. Significant improvements to the presentation of the documents for the exhibition period have been undertaken, with the inclusion of enhanced graphic design elements and infographics. This is in line with many other councils and further enhances the readability of the documents. Some additional formatting and editing is still to occur, and this will be finalised prior to any exhibition of the documents.

A detailed engagement strategy has also been prepared, to assist in promoting and informing the community about these documents. Efforts will also be made to clearly inform the community about their ability to provide feedback to Council about the activities and budget contained within the documents.

### **Budget Details- General Fund**

The Operating Result for 2019/20, excluding capital grants, is a deficit of (\$3,104K), compared to the estimated deficit of (\$2,482K) as reported to IPART. When capital grants are included, the net operating result is a surplus of \$15,006K. There is no net impact on the cash flow result for unrestricted general fund, that is, the budget conforms to the requirement for no cash deficit budgeting.

Table 1: General Fund Result

	2019/20 \$'000	2020/21 \$'000
Net Operating Result - surplus / (deficit)	15,006	12,337
Net Operating Result excluding Capital Grants and Contributions	(3,104)	2,152
Net Unrestricted General Fund Cash Movement	0	(968)

### Capital Works Program- General Fund

Capital expenditure of \$58.2 million has been allocated in the Draft Budget for 2019/20. The total includes the following significant projects/programs:

- \$4.3 million for SRV Road Renewals
- \$3.1 million for Waste Management
- \$3.2 million for Local Road Repair Programs
- \$2.9 million for Local Road Reseal and Re-sheet

In addition, several large projects are funded by expected Government Grants, as shown below:

- Local Road Repair (Roads to Recovery) \$1,713,475\*
- Fire Stations (unallocated) \$624,000
- Footpaths \$594,000
- Regional Road Repair Program \$343,000

\* Calculated as one-fifth of the five-year program

Table 2 below summarises the overall Capital Works Program and the focus of funding allocations:

Table 2: Capital Works Program

	2019/20 \$'000	2020/21 \$'000
Buildings and Property	2,592	6,539
Commercial Undertakings	6,511	8,843
Economic Development	3,370	1,270
Environmental Management	918	927
Fire Protection and Emergency Services	624	636
Internal Corporate Services	5,940	6,520
Land Use Planning	26	27
Open Space, Sport and Recreation	1,546	4,604
Regulatory Services	52	53
Roads and Transport	32,666	25,547
Waste and Recycling Program	3,755	8,295
Communications Towers	208	459
<b>Total</b>	<b>58,210</b>	<b>63,720</b>

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### Budget Inclusions- Councillor Notices of Motion

There are also a number of items that have been included within the budget as a result of Council Notices of Motion. For the 2019/20 budget these include:

Minute /Report	Group	Title	Requested Amount	Funding Obtained	Comment	Outstanding
MIN 18.92	Finance & Corporate	Old Erowal Bay - Playground, BBQ Area & Amenities	\$100,000	\$100,000	Included in 19/20 Draft Budget	\$0
MIN 18.290	Assets & Works	Huskisson Traffic Control - roundabout intersection Owen/Sydney/Tomerong Streets	\$800,000	\$25,000 in 18/19	June 2018 QBR - for development design of roundabout	\$775,000
MIN 18.303	Assets & Works	Public Toilets - Tomerong	\$170,000	\$170,000	Included in 19/20 Draft Budget	\$0
MIN 18.983	Finance & Corporate	Boongaree - provide initial budget allocation of \$200K	\$200,000	\$219,475	MIN16.791 provided \$52K; June 2017 QBR provided \$2,475; 2017/18 Budget provided \$165K	\$0

CL19.106

Funding for the installation of solar panels to Shoalhaven Entertainment Centre is also currently being identified and will be the subject of a report to the May Council meeting.

### Special Rate Variation- Revenue and Expenditure

In February 2018, Council submitted a Special Rate Variation application to IPART. On 15 May 2018, IPART approved Council's application in full; that is:

- Maintaining the 13.2% from the 2017/18 SRV as a permanent increase and an additional 5% in 2018/19 (includes the announced rate peg of 2.3%)
- 5.0% in 2019/20 (including announced rate peg of 2.7%, based on the increase in the Local Government Cost Index for the year to June 2018)
- 5.0% in 2020/21 (including estimated rate peg of 2.5%).

As detailed in the IPART submission, the additional revenue is being used to:

- improve Council's financial sustainability,
- reduce its infrastructure backlog,
- reduce its operating deficit and
- fund asset renewal and maintenance.

As indicated last year, part of the SRV will be applied to the owners of properties in the Verons Small Lot Estate to repay the loan for infrastructure construction.

A total of \$11.271M will be raised in 2019/20 through the SRV approval. This increases to \$13.467M in 2020/21.

This additional revenue is being utilised for increased maintenance expenditure in 2019/20 and is allocated as follows:

- \$615,000 Roads
- \$205,000 Buildings
- \$205,000 Parks and Reserves

The following additional amounts (Table 4) will also be spent on asset renewals from the SRV revenue received:

Table 4: SRV Asset Renewals

	2019/20 \$'000	2020/21 \$'000
Roads	1,676	3,995
Building and Facilities	1,000	2,081
Sports Ground Upgrades	513	525
City Wide Streetscapes	525	538
<b>Total</b>	<b>3,715</b>	<b>7,140</b>

The baseline budget, excluding the impact of the Special Rate Variation approved by IPART, contains salary savings. However, as part of this approval IPART also acknowledged the need for additional resources in certain areas critical to the operational delivery of priority projects and improvements. As a result, the approval provided by IPART for the SRV also included a component of the additional revenue that could be specifically allocated to providing additional staff within these priority areas.

This allocation allows for the use of \$1 million funding allocation for 2018/19 and a further \$1 million in 2019/20. In accordance with the requirement of the SRV approval additional Rangers, a Grants Officer, Bushcare Officers, additional engineers – including three Graduate Engineers, a Principal Electrical Engineer and a Floodplain Engineer – and positions supporting community development, natural areas asset management, disability inclusion, environmental sustainability, capital works portfolio analysis and support positions in GIS, web development, recruitment, WHS and records have been funded in this year's budget directly from the SRV funds.

The remainder of additional revenue will fund ongoing current operations and support the improvement of the financial position of Council, in accordance with the IPART approval. In this regard it is important to note that 100% of the SRV revenue to be raised in 2019/20 is allocated in the draft Budget to works and services consistent with the IPART approval.

### Special Rate Variation – 2014/15

There is also a continuation of the Special Rate Variation of 4.6% from 2014/2015. This additional revenue continues to be spent on priority roads projects. The road projects that are proposed to be funded by this SRV for the 2019/20 financial year are as follows:

Table 5: SRV Road Projects

Description	2019/20 Budget
Warrain Cres	\$200,000
Ellmoos Ave	\$300,000
Bawley Point Rd	\$500,000
Narang Rd	\$100,000
Broughton St	\$315,000
Milton Showground roads	\$300,651
BTU Rd	\$637,300
Murramarang Rd Bawley Pt	\$200,000
Sydney St	\$17,500
Tomerong St	\$15,000
Donlan Rd	\$20,000
Village Dr	\$30,000
Lake Conjola Entrance Rd	\$30,406
Artie Smith Oval Carpark	\$25,000
<b>Total</b>	<b>\$2,690,857</b>

CL19.106

### Additional Budget Considerations – Exhibition Period

Whilst some requested projects and programs have been included within the draft budget for 2019/20, there remain a number of additional requests that have been provided through staff budget bids and also through the Councillor briefing process.

A total of 32 operational budget bids and 32 capital budget bids were received from staff to address newly legislated requirements (some of which will need to be funded), asset management planning, business systems transformation and to support expanded or new projects to better support Council to serve the community. These bids await further review by senior management and by Council during the public exhibition period.

The following Council resolutions and reports have also been noted as priority items for consideration/inclusion in future budgets. They are not currently funded through this year's budget.

Minute / Report	Title	Requested Amount	Funding Obtained	Comment	Outstanding
MIN17.797	Hoarding & Domestic Squalor (emergency cleaning, incidents, etc.)	\$50,000			\$50,000
MIN18.204	Warden Head Lighthouse Ulladulla co-contribution	\$75,000			\$75,000
MIN17.739	LP406 - Falls Ck / Woollamia Deferred areas planning proposal	\$400,000			\$400,000
MIN18.290	Huskisson Traffic Control - roundabout intersection Owen/Sydney/Tomerong Streets	\$800,000	\$25,000 in 18/19	June 2018 QBR - for development design of roundabout	\$775,000
CL18.123	Repay Land Decontamination Reserve (Berry RFS)	\$400,000			\$400,000
MIN18.695	Berry Heritage Investigation Project	\$40,000			\$40,000
MIN18.982	Bomaderry Basketball Stadium - Investigation & Consultation re future use	\$30,000			\$30,000
MIN18.982	SCARP - Amend Master Plan & develop preliminary Quantity survey, cost benefit analysis & business case	\$150,000			\$150,000

During the budget briefing process Councillors also identified other areas for future focus, should budget be available. These projects and programs include:

- The repair and/or replacement Ulladulla Boardwalk
- A range of small improvement projects in Bawley Point
- Road improvements at Duffy Corner and Mt Scanzi Rd Budgong
- Jetty and boat ramp maintenance at Shoalhaven Heads
- Development of a plan for provision of parking along Explorer Blvd Shoalhaven Heads
- Upgrade of boat ramp at Callala Bay
- Resurface of Jacobs Drive and improvements to footpaths and cycleways Sussex Inlet
- Repairs of Lake Tabourie boardwalk
- Works on the entry road and footpath into Holiday Haven at Lake Tabourie
- Replacement of the tables and chairs on Council reserve area in front of general store at Lake Conjola and include new shade structure

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- Bendalong Masterplan
- Sealing of Hay Ave Boat Ramp Car park

Whilst the listed projects have not been included within the current budget, every effort will be made to include these projects as part of any identified savings or through other funding sources that become available in either 2018/19 or 2019/20.

### **Potential Funding Opportunity**

It has already been identified that there is \$600,000 in restricted interest budget allocations, that has arisen from funds that were set aside for projects that have since been deleted from the Section 7.11 Contributions Plan. This interest revenue, which is currently recorded in the budget as restricted from use for other purposes, could be used to fund some of the projects identified above. Staff have sought advice to ensure that there is no legal requirement to retain this interest revenue in restricted funds and, therefore, make it available for reallocation. An update will be provided once the advice is received.

### **Shoalhaven Heads River Road Foreshore Precinct Rehabilitation Project**

The foreshore restoration works to reconstruct part of the embankment along the northern side of the Shoalhaven River, Shoalhaven Heads, has been previously reported to Council. The project design and works are being managed by Council's Project Delivery team and community consultation and grant administration managed by the Natural Resources & Floodplain Unit in conjunction with Project Delivery.

Grant funding for the work was approved on 10 April 2018 from Infrastructure NSW, and Council received formal notification from NSW Treasury that the project had been executed on 26 September 2018. Council will be contributing towards the project from the stormwater levy, coastal infrastructure reserve and coastal maintenance budgets.

To date the Coastal Engineering consultant, appointed through a formal request for quotation process, has prepared the 95% detailed design drawings and documents. In the lead up to this, a number of consultation sessions were held with Shoalhaven Heads Estuary Taskforce (SHET), which resulted in some design changes to address community issues.

With the benefit of the 95% detailed design, a revised cost estimate has now been prepared. This revised estimate indicates that the project exceeding original estimates. Council will need to secure further funding prior to going to tender, as per the Office of Local Government guidelines and the Local Government Act/Regulations. Staff are currently investigating options in this regard and will report back as part of budget considerations.

### **Salary System Review**

Council resolved (MIN18.939) at its 4 December 2018 Extra Ordinary Meeting to authorise the General Manager to negotiate with Unions and the Staff Consultative Committee to establish a new salary system capped to an overall increase at the equivalent of a 4% increase in annual employee costs (excluding annual Award increases) and to provide a further report of the outcome of the negotiations and the funding strategy.

Two salary table options have been presented to staff, unions and the Staff Consultative Committee, being Option 1 as recommended by staff in the Confidential Report to the Senior Staff Contractual Matters Committee Meeting of 13 November 2018 and Option 2 which reflected an adjusted table prepared in response to Councillor feedback at the 4 December 2018 Meeting. The feedback received from the staff information sessions, United Services Union Yard Meetings and feedback received by HR and Consultative Committee members is that the overall staff preference is for Option 2 which provides adjustments across the complete salary table.

The 2019/20 budget shows the impact of this increase from August 2019, as follows:

Waste Services	\$190,000
General Fund	\$2,376,667
Total General Fund	\$2,566,667
Water / Sewer Funds	\$590,447
TOTAL	\$3,157,114

In order to fund this proposal, and to ensure that a similar balance of cash reserves is maintained for General Fund, i.e., no cash deficit budgeting, the following budget strategies have been adopted:

- In line with the funding sources identified in the earlier Council report, salaries for Economic Development have been charged direct to their operations, resulting in a cost to Industrial Land Reserve for 2019/20 of \$297,331
- Water and Sewer Funds will support increases within their existing operating surplus
- Waste Services will support increases within existing budget
- The remainder of the proposed increase has been absorbed through ensuring that there are no increases to budgets for non-salary items (excluding known contracts and maintenance) in 2019/20 and utilisation of increased general revenue and new sub-divisions rates income.

The draft 2019/20 budget demonstrates that the salary system review does not impact on the cash result for the 2019/20 budget. Most importantly to note is that the salary system review is not funded through any SRV dedicated funds.

## Council Rating Structure

The proposed rating structure for the calculation of rates is outlined in table 6 below.

Table 6: Rating Structure

Category	Sub-Category	No of Assessment	Land Value	Ad Valorem (c in \$)	Base Rate Amt	Base Rate % age	Yield Base Rate	Yield Ad Valorem	Total Rate Yield (\$)
Residential	Ordinary	53,893	\$14,390,640,977	0.24006	\$641	50.00%	\$34,545,439	\$34,546,173	\$69,091,611
	Non-Urban	964	\$25,633,950	0.24006	\$50	43.92%	\$48,200	\$61,537	\$109,737
Farmland	Ordinary	730	\$680,354,730	0.20826	\$641	24.83%	\$467,930	\$1,416,907	\$1,884,837
	Dairy Farmers	129	\$165,313,000	0.10678	\$641	31.90%	\$82,689	\$176,521	\$259,210
Business	Ordinary	160	\$1,996,960	0.34945			\$0	\$6,978	\$6,978
	Commercial /Industrial	1,736	\$775,621,037	0.33644	\$641	29.90%	\$1,112,776	\$2,609,499	\$3,722,275
	Nowra	364	\$168,691,000	0.73460	\$641	15.85%	\$233,324	\$1,239,204	\$1,472,528
		<b>57,976</b>	<b>\$16,208,251,654</b>				<b>\$36,490,358</b>	<b>\$40,056,819</b>	<b>\$76,547,177</b>

## Rate Relief for Drought-Affected Farmers

In September 2018, Council gave public notice of proposed financial assistance measures for drought affected farmers. It was proposed that the City be defined as drought-affected while its parishes are identified by the Department of Primary Industries' Combined Drought Indicator (CDI) as being in the 'Drought Affected (weakening)' phase or worse. As at 31 March 2019, 12 parishes were identified as experiencing Intense Drought, 19 parishes as experiencing Drought and 17 parishes as Drought Affected.

Given the continuation of drought conditions in the City, Council proposes to continue its drought assistance measures, except for the Mayor's Relief Fund "Drought" appeal, for another year.

CL19.106

## Loan Program

The draft General Fund Budget for 2019/20 includes loan funding of \$3.16M for major capital works projects. Council's proposed General Fund Loan Program for the next two years is as follows:

Table 7: Loan Program

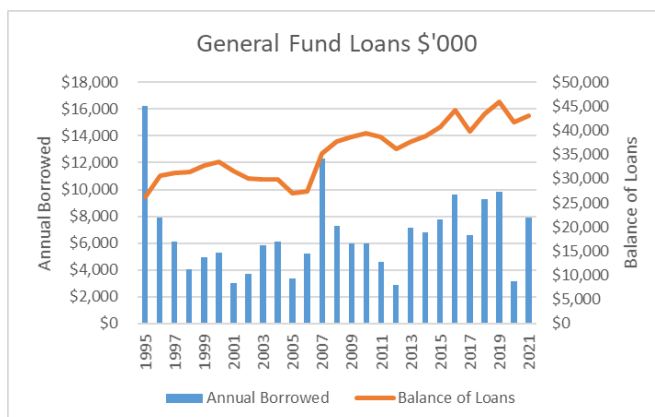
Projects	2019/20	2020/21
Caravan Park Development	\$1,528,500	\$1,565,000
Sanctuary Point Library	\$88,613	\$1,038,533
Huskisson Town Centre Service Lanes	\$1,545,000	
Bomaderry Pool Rehabilitation		\$2,000,000
Sporting Fields - Planning Area 5		\$335,400
Waste Management		\$3,000,000
<b>Total</b>	<b>\$3,162,113</b>	<b>\$7,938,933</b>

Council's projected loan repayments (principal and interest at 4%) for future years – including the above proposed borrowings are:

Table 8: Borrowings

Fund	2019/20 \$'000	2020/21 \$'000
General	7,446	6,661
Water	0	0
Sewer	7,735	8,164
<b>Total</b>	<b>15,181</b>	<b>14,825</b>

Total loan balances for General Fund are shown Graph 1 below:



## General Fund - Strategic Projects Reserve Strategy

It is proposed to transfer the whole of the dividend from Shoalhaven Water to the Strategic Projects Reserve, as is undertaken each year. Transfers to and from the Strategic Projects Reserve and the estimated balances are indicated in Table 9 below:

Table 9- Strategic Projects Reserve

	2019/20 \$'000	2020/21 \$'000
Estimated Opening Balance	173	137
Transfers to Reserve	1,754	3,088
Transfers from Reserve	1,790	2,177
<b>Closing Balance</b>	<b>137</b>	<b>1,048</b>

The recurring transfers from the Reserve include the repayment of loans for the construction of Braidwood Road and a transfer to the Coastal Management and Infrastructure Reserve.

It should be further noted that, given the extensive capital works program for Shoalhaven Water's Sewer Fund, there will be no sewer dividend for three (3) years from 2017/18.

### Shoalhaven Water – Water and Sewer Fund

Table 10 below summarises the capital programs for the water and sewer fund and include:

#### Shoalhaven Water – Water Fund

Table 10- Water fund

	2019/20 \$'000	2020/21 \$'000
Chargeable Private Works	100	103
New Works (Asset Enhancement)	8,510	6,015
New Works Growth	3,163	4,939
Other Asset Purchases	3,049	1,591
Renewal / Replacement Works	7,385	3,260
<b>Total</b>	<b>22,207</b>	<b>15,909</b>

#### Shoalhaven Water – Sewer Fund

Table 11- Sewer fund

	2019/20 \$'000	2020/21 \$'000
Chargeable Private Works	150	155
New Works (Asset Enhancement)	6,828	3,636
New Works Growth	3,209	13,007
Other Asset Purchases	1,635	1,133
Renewal / Replacement Works	2,589	968
<b>Total</b>	<b>14,411</b>	<b>18,899</b>

### Shoalhaven Water Operating Budget

The Operating Results for the Water Fund are budgeted to be:

Table 12- Operating results -Water Fund

	2019/20 \$'000	2020/21 \$'000
Net Operating Result - surplus / (deficit)	1,221	1,388
Net Operating Result excluding Capital Grants and Contributions	721	875
Net Water Fund Cash and Investment Movement	(11,282)	(6,589)

The Operating Results for the Sewer Fund are budgeted to be:

Table 13- Operating Results-Sewer Fund

	2019/20 \$'000	2020/21 \$'000
Net Operating Result - surplus / (deficit)	8,770	9,982
Net Operating Result excluding Capital Grants and Contributions	8,020	9,213
Net Sewer Fund Cash and Investment Movement	(5,942)	(7,119)

### Draft Fees and Charges

A summary of changes to proposed Fees and Charges for 2019/20 was presented to Councillors at the Councillor Briefing held on 28 March 2019 and included:

- A list of proposed new fees and charges, including those that may replace previous fees or charges.
- A list of fees and charges where there has been a decrease or increase above 5%

The Draft Fees and Charges document has been updated to reflect the current adopted fees of Council.

### Water and Sewer Charges

A report on proposed water and sewer charges is being presented as a separate report to this Ordinary Meeting. Below is a summary of the charges:

Charge	2018/19	2019/20	% Change
Water Access	\$82.00	\$82.00	0.0%
Water Usage (NWC National Benchmark 200kL)	\$422.00	\$422.00	0.0%
Sewer Access	\$848.00	\$864.00	1.9%
<b>Total Charges</b>	<b>\$1,270.00</b>	<b>\$1,286.00</b>	<b>1.3%</b>

### Resourcing Strategy

The Resourcing Strategy contains the Workforce Strategy, Asset Management Plan and the Long Term Financial Plan. This Resource Strategy has previously been provided to the community for comment. Changes have been made to the Long Term Financial Plan to reflect updated financials for the future years. The Long term financial plan demonstrates

Council's commitment to continuing to meet the Fit for the Future benchmarks and shows Council's continued commitment to supporting a sustainable financial future.

### Community Engagement

A comprehensive community engagement strategy has been prepared to ensure that the community can be informed about the contents of the Draft Delivery Program and Operational Plan and Council's budget.

The engagement strategy includes a range of communication activities including advertising, media opportunities, digital and hard copy promotions and information distribution, contact through CCBs and Business Chambers and through Council's community engagement portal "Get Involved".

Council will also hold several drop-in information sessions to enable the community to speak in person about the plans and budget. Like last year these information sessions will also include a range of other Council projects and plans that the community may be interested in understanding and making comment about.

The information sessions will be held as follows:

Date	Location
Thursday 9 May 2019	Nowra – School of Arts
Thursday 16 May 2019	Berry – School of Arts
Tuesday 21 May 2019	Ulladulla – Civic Centre
Wednesday 22 May 2019	Culburra Beach – Banksia Hall

Submissions will be able to be provided to Council in person, online through our community engagement page, via email or in written form.

All CCBs and Business Chambers have been notified of these meetings and the community will be notified through advertising over the next few weeks.

### Financial Implications

Council's (one year) Operational Plan is a critical document that allocates funding towards works and services delivered by Council to its community to achieve the goals and objectives set in the Community Strategic Plan and Delivery Program.

Council's fees and charges make up a significant proportion of Council's total revenue. Ensuring that all fees and charges are set at the appropriate level is an important exercise to recover costs and ensure patronage of Council facilities.

The full budget document from the Delivery Program and Operational Plan is provided within the Councillor Information Folder and distributed to Councillors in hard copy. Any changes Council may wish to make to the budget that are not resolved tonight can be considered for inclusion in conjunction with submissions received during the public exhibition period.

## CL19.107 Sale of Council Employment Land - Proposed Lot 22 Mussel Way, Woollamia

**HPERM Ref:** D19/124986

**Group:** General Manager's Group  
**Section:** Economic Development

### Purpose / Summary

To confirm and approve the sale of Council land within the Woollamia Industrial Estate.

### Recommendation

That

1. Council's employment land (Proposed Lot 22, Mussel Way, Woollamia) be sold for \$500,000 (plus GST) to Ilinga Management Pty Ltd;
2. The General Manager be authorised to sign the contracts for Sale; and
3. The Transfer to complete the Contracts for Sale be executed under the Seal of Council.

### Options

1. To sell Proposed Lot 22, Mussel Way, Woollamia
2. Not to sell Proposed Lot 22, Mussel Way, Woollamia

### Background

The sale of the proposed lots within Stage 5 of the Woollamia Industrial Estate have been negotiated in accordance with Council resolution MIN18.360 which set the minimum sale prices for this lot as part of Council's portfolio of industrial land.

Special conditions applicable to this sale will be:

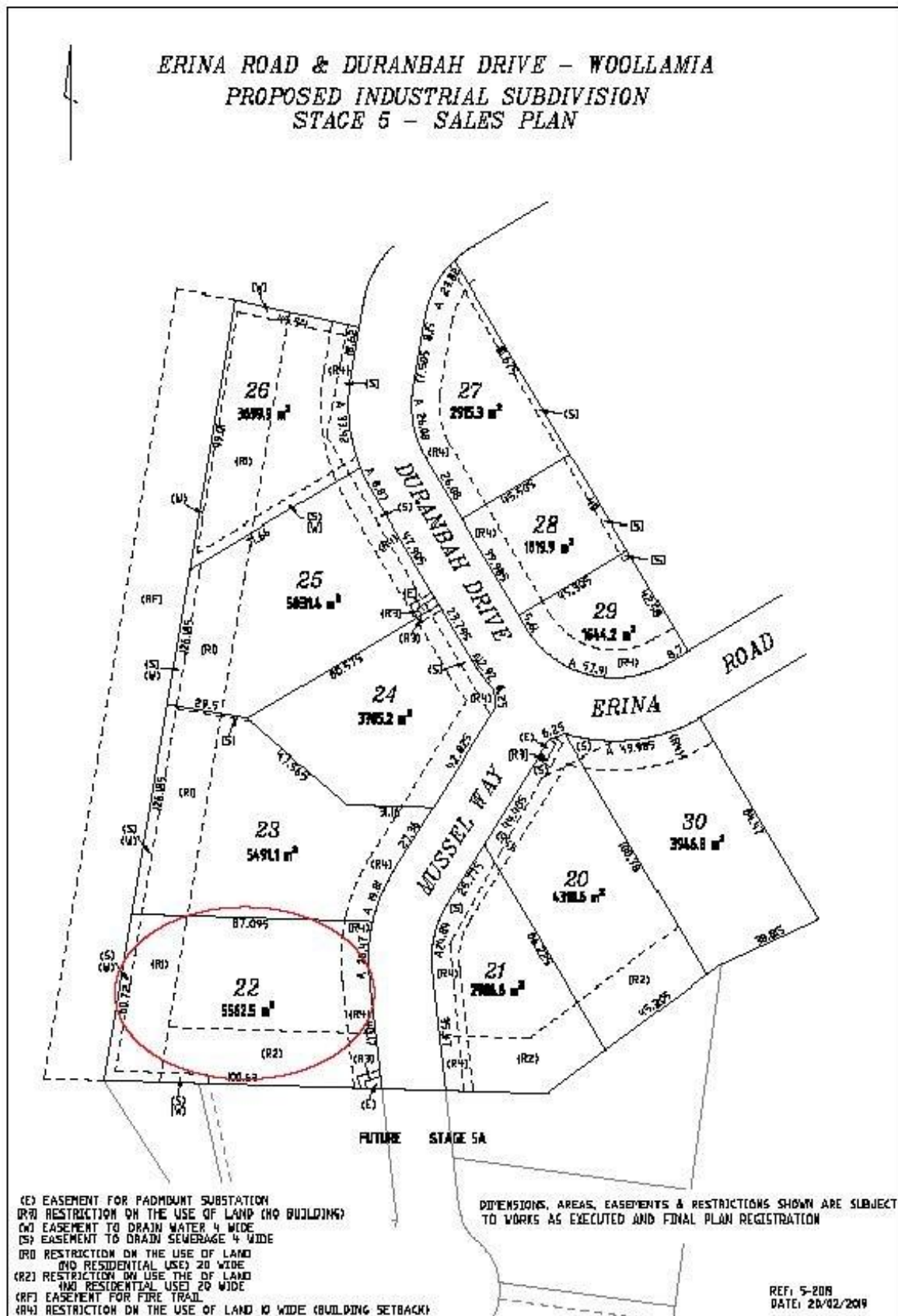
- Buyback condition – 2 years to build a factory
- Settlement to be 28 days following registration of the plan

The plan of Stage 5 of the subdivision is shown on the next page.

### Financial Implications

The proceeds of the sale will be deposited into the Council's Industrial Land Development Reserve for reinvestment into future industrial land development.

CL19.107



CL19.107



## CL19.108 Sale of Council Employment Land - Proposed Lot 24 Duranbah Drive, Woollamia

**HPERM Ref:** D19/125604

**Group:** General Manager's Group  
**Section:** Economic Development

### Purpose / Summary

To confirm and approve the sale of Council land within the Woollamia Industrial Estate.

### Recommendation

That

1. Council's employment land (Proposed Lot 24, Duranbah Drive, Woollamia) be sold for \$370,000 (plus GST) to CBKC Pty Ltd;
2. The General Manager be authorised to sign the contracts for Sale; and
3. The Transfer to complete the Contracts for Sale be executed under the Seal of Council.

### Options

1. To sell Proposed Lot 24, Duranbah Drive, Woollamia
2. Not to sell Proposed Lot 24, Duranbah Drive, Woollamia

### Background

The sale of the proposed lots within Stage 5 of the Woollamia Industrial Estate have been negotiated in accordance with Council resolution MIN18.360 which set the minimum sale prices for this lot as part of Council's portfolio of industrial land.

Special conditions applicable to this sale will be:

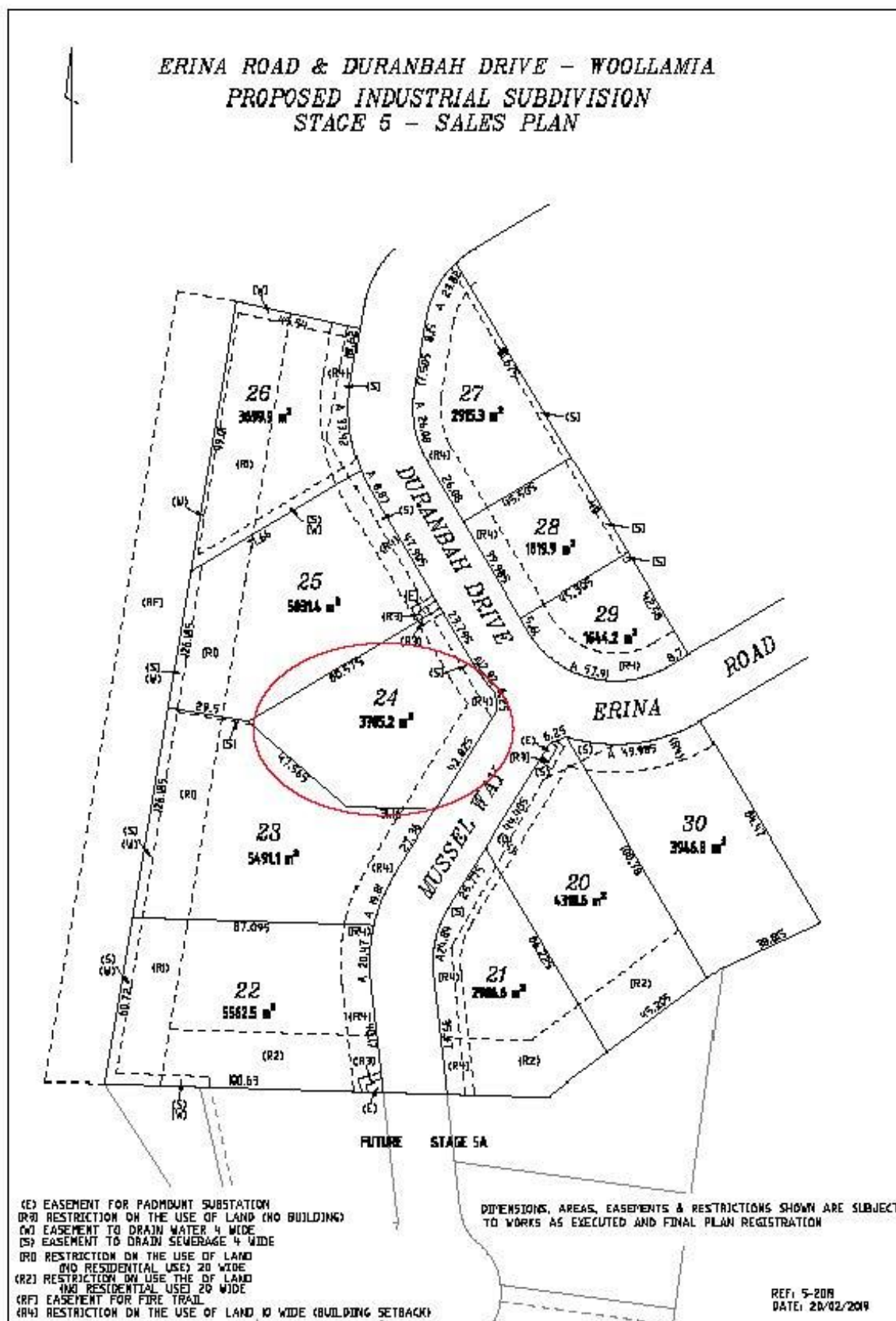
- Buyback condition – 2 years to build a factory
- Settlement to be 28 days following registration of the plan

The plan of Stage 5 of the subdivision is shown on the next page.

### Financial Implications

The proceeds of the sale will be deposited into the Council's Industrial Land Development Reserve for reinvestment into future industrial land development.

CL19.108



CL19.108

## CL19.109 Sale of Council Employment Land - Proposed Lot 25 Duranbah Drive, Woollamia

**HPERM Ref:** D19/125633

**Group:** General Manager's Group  
**Section:** Economic Development

### Purpose / Summary

To confirm and approve the sale of Council land within the Woollamia Industrial Estate.

### Recommendation

That

1. Council's employment land (Proposed Lot 25, Duranbah Drive, Woollamia) be sold for \$470,000 (plus GST) to Indigo Love;
2. The General Manager be authorised to sign the contracts for Sale; and
3. The Transfer to complete the Contracts for Sale be executed under the Seal of Council.

### Options

1. To sell Proposed Lot 25, Duranbah Drive, Woollamia
2. Not to sell Proposed Lot 25, Duranbah Drive, Woollamia

### Background

The sale of the proposed lots within Stage 5 of the Woollamia Industrial Estate have been negotiated in accordance with Council resolution MIN18.360 which set the minimum sale prices for this lot as part of Council's portfolio of industrial land.

Special conditions applicable to this sale will be:

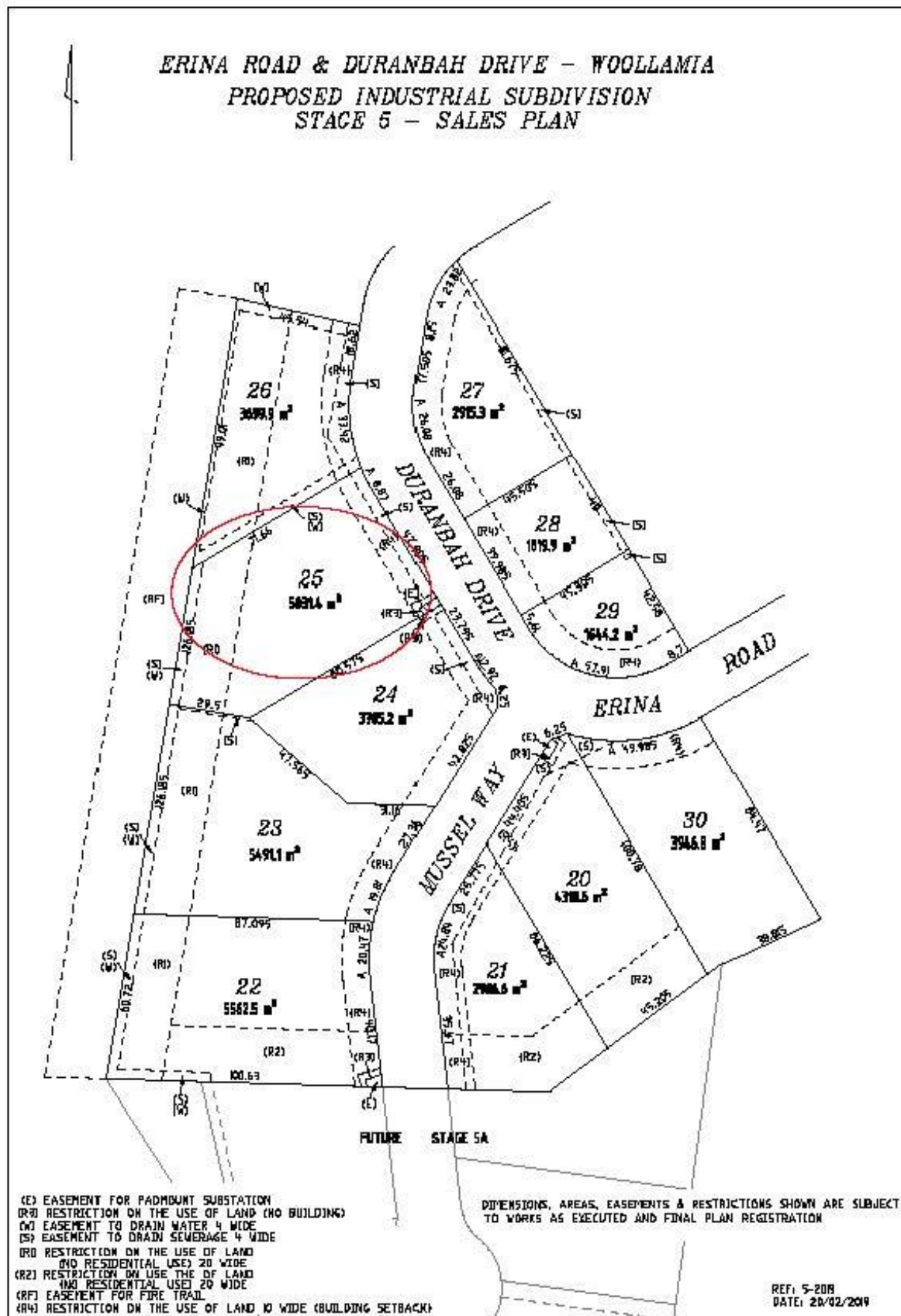
- Buyback condition – 2 years to build a factory
- Settlement to be 28 days following registration of the plan

The plan of Stage 5 of the subdivision is shown on the next page.

### Financial Implications

The proceeds of the sale will be deposited into the Council's Industrial Land Development Reserve for reinvestment into future industrial land development.

CL19.109



CL19.109

## CL19.110 Sale of Council Employment Land - Proposed Lot 27 Duranbah Drive, Woollamia

**HPERM Ref:** D19/125649

**Group:** General Manager's Group  
**Section:** Economic Development

### Purpose / Summary

To confirm and approve the sale of Council land within the Woollamia Industrial Estate.

### Recommendation

That

1. Council's employment land (Proposed Lot 27, Duranbah Drive, Woollamia) be sold for \$325,000 (plus GST) to AAA Storage Jervis Bay Pty Ltd;
2. The General Manager be authorised to sign the contracts for Sale; and
3. The Transfer to complete the Contracts for Sale be executed under the Seal of Council.

### Options

1. To sell Proposed Lot 27, Duranbah Drive, Woollamia
2. Not to sell Proposed Lot 27, Duranbah Drive, Woollamia

### Background

The sale of the proposed lots within Stage 5 of the Woollamia Industrial Estate have been negotiated in accordance with Council resolution MIN18.360 which set the minimum sale prices for this lot as part of Council's portfolio of industrial land.

Special conditions applicable to this sale will be:

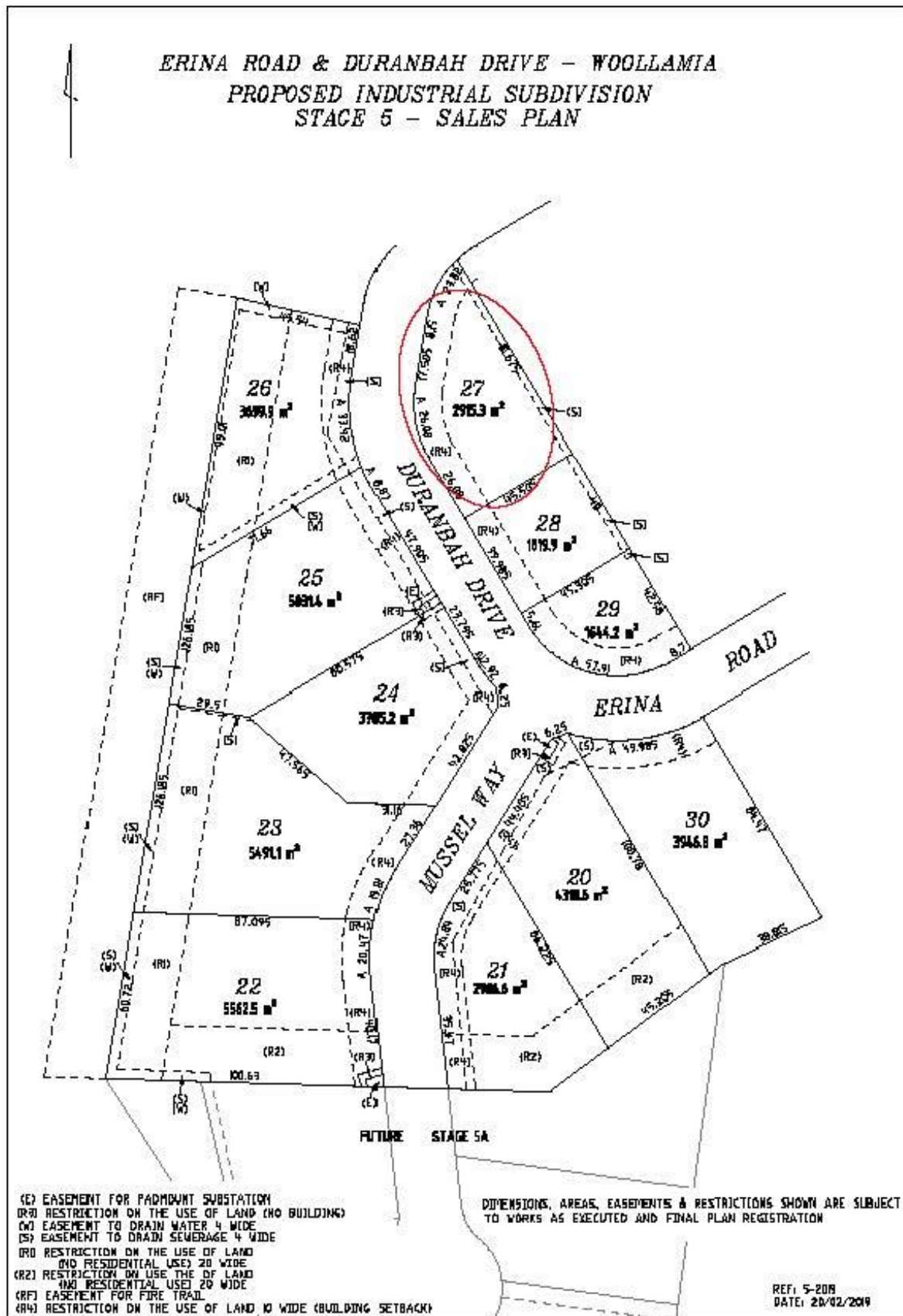
- Buyback condition – 2 years to build a factory
- Settlement to be 28 days following registration of the plan

The plan of Stage 5 of the subdivision is shown on the next page.

### Financial Implications

The proceeds of the sale will be deposited into the Council's Industrial Land Development Reserve for reinvestment into future industrial land development.

CL19.110



CL19.110

## CL19.111 Sale of Council Employment Land - Proposed Lot 28 Duranbah Drive, Woollamia

**HPERM Ref:** D19/125654

**Group:** General Manager's Group  
**Section:** Economic Development

### Purpose / Summary

To confirm and approve the sale of Council land within the Woollamia Industrial Estate.

### Recommendation

That

1. Council's employment land (Proposed Lot 28, Duranbah Drive, Woollamia) be sold for \$230,000 (plus GST) to Stallard Constructions Pty Ltd;
2. The General Manager be authorised to sign the contracts for Sale; and
3. The Transfer to complete the Contracts for Sale be executed under the Seal of Council.

### Options

1. To sell Proposed Lot 28, Duranbah Drive, Woollamia
2. Not to sell Proposed Lot 28, Duranbah Drive, Woollamia

### Background

The sale of the proposed lots within Stage 5 of the Woollamia Industrial Estate have been negotiated in accordance with Council resolution MIN18.360 which set the minimum sale prices for this lot as part of Council's portfolio of industrial land.

Special conditions applicable to this sale will be:

- Buyback condition – 2 years to build a factory
- Settlement to be 28 days following registration of the plan

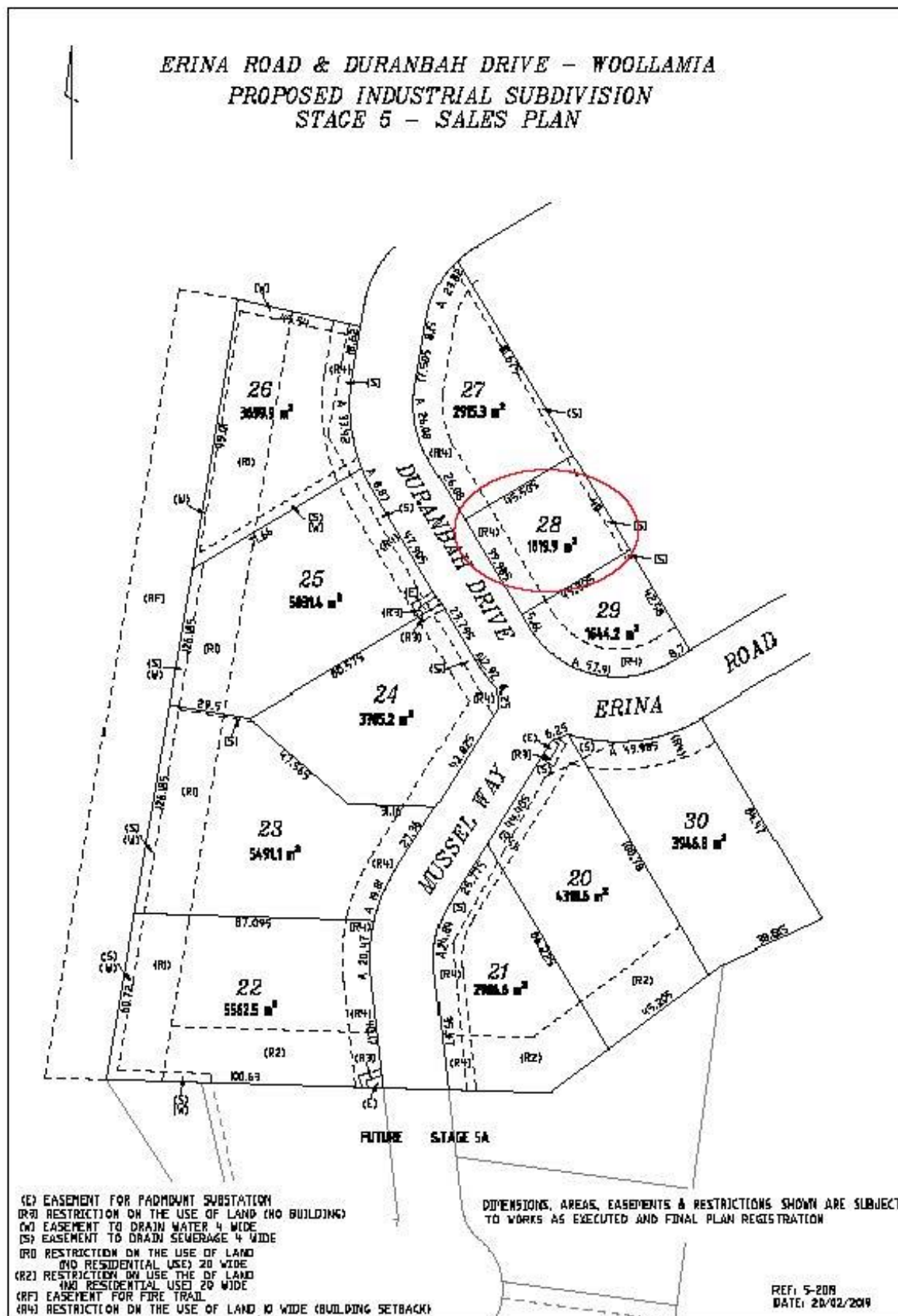
The plan of Stage 5 of the subdivision is shown on the next page.

### Financial Implications

The proceeds of the sale will be deposited into the Council's Industrial Land Development Reserve for reinvestment into future industrial land development.

CL19.111





CL19.111



## CL19.112 Sale of Council Employment Land - Proposed Lot 29 Erina Road, Woollamia

**HPERM Ref:** D19/125663

**Group:** General Manager's Group  
**Section:** Economic Development

### Purpose / Summary

To confirm and approve the sale of Council land within the Woollamia Industrial Estate.

### Recommendation

That

1. Council's employment land (Proposed Lot 29, Erina Road, Woollamia) be sold for \$200,000 (plus GST) to Pubwalker Pty Ltd;
2. The General Manager be authorised to sign the contracts for Sale; and
3. The Transfer to complete the Contracts for Sale be executed under the Seal of Council.

### Options

1. To sell Proposed Lot 29, Erina Road, Woollamia
2. Not to sell Proposed Lot 29, Erina Road, Woollamia

### Background

The sale of the proposed lots within Stage 5 of the Woollamia Industrial Estate have been negotiated in accordance with Council resolution MIN18.360 which set the minimum sale prices for this lot as part of Council's portfolio of industrial land.

Special conditions applicable to this sale will be:

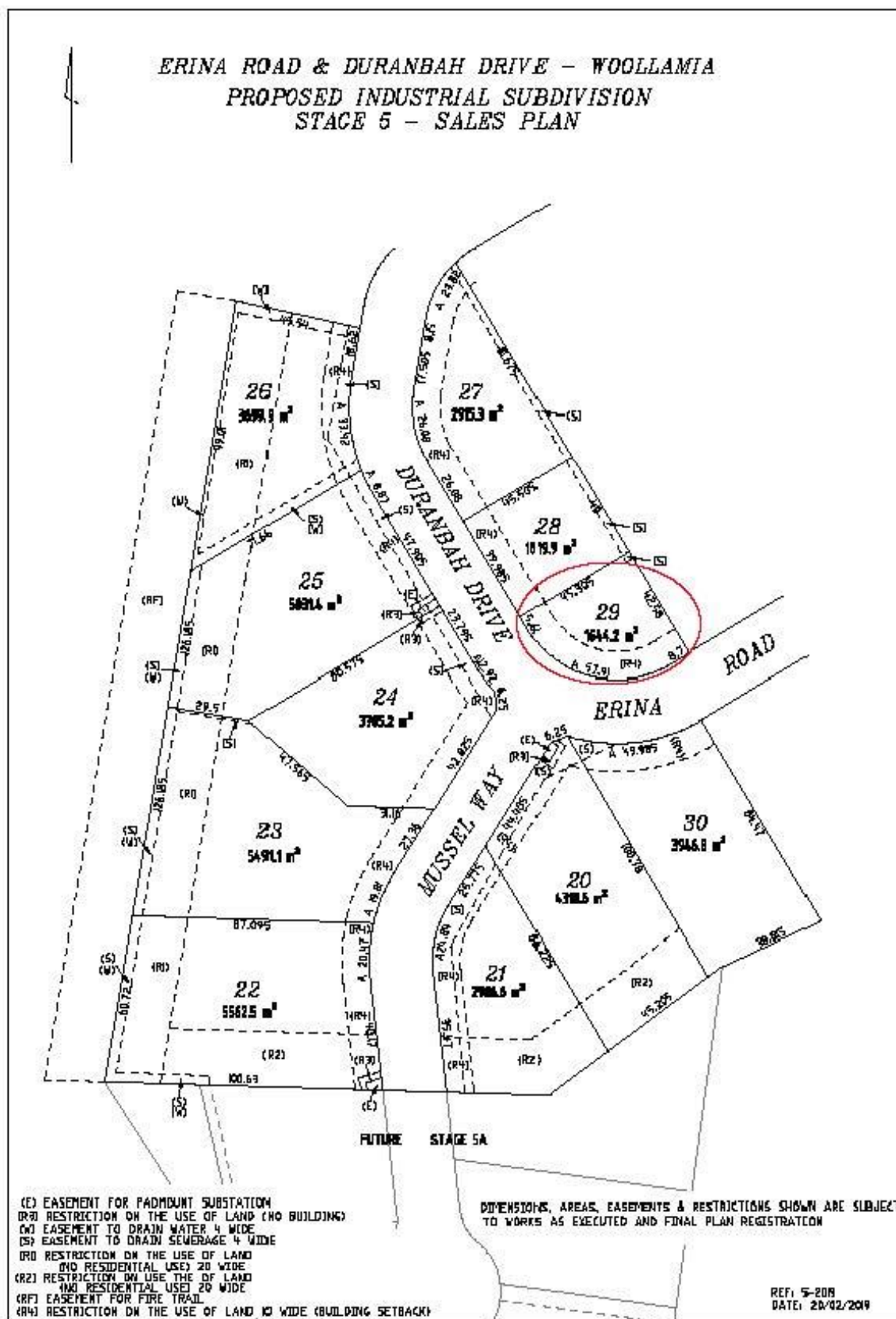
- Buyback condition – 2 years to build a factory
- Settlement to be 28 days following registration of the plan

The plan of Stage 5 of the subdivision is shown on the next page.

### Financial Implications

The proceeds of the sale will be deposited into the Council's Industrial Land Development Reserve for reinvestment into future industrial land development.

CL19.112



CL19.112

## CL19.113 Review of POL19/11 Revenue Stormwater Management Policy

**HPERM Ref:** D19/109548

**Group:** Finance Corporate & Community Services Group  
**Section:** Finance

**Attachments:** 1. Revenue - Stormwater Management [↓](#)

### Purpose / Summary

Council's Revenue – Stormwater Management Policy POL18/12 is to be reviewed before each rating year.

### Recommendation

That Council:

1. Adopt the unamended POL19/11 Revenue – Stormwater Management Policy

### Options

1. Adopt the recommendation, as written.

Implications: Nil

2. Not adopt the recommendations and give further instruction to staff.

Implications: Staff will need to redraft the policy.

### Background

The Policy Revenue – Stormwater Management Policy enables councils to make and levy the annual charge for Stormwater Management Services for each parcel of rateable land for which a Stormwater Management Service is provided. It is required to be reviewed before each rating year and submitted to Council for adoption.

The Revenue – Stormwater Management Policy - POL18/12, has been reviewed and there are no changes necessary under Local Government (General) Regulation 2005, Section 125AA.

### Community Engagement

There is no statutory requirement to publicly exhibit any of the policies contained in this report. Council may choose to do so should they consider any changes of significance.



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Phone: (02) 4429 3111 - Fax: (02) 4422 1816

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Website: [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au)

For more information contact the Finance Corporate & Community Services Group

## Revenue - Stormwater Management Policy

**Policy Number:** POL19/11 • **Adopted:** 19/01/2016 • **Amended:** 15/08/2017, 15/05/2018 • **Minute Number:** MIN16.19, MIN17.701, MIN18.353 • **File:** 2973E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:** 1/06/2020

### 1. PURPOSE

Councils have primary responsibility for stormwater management within their local government area. This includes managing both stormwater quality and quantity in their area and ensuring that potential negative stormwater impacts are not transferred across council boundaries.

In 2006, the addition of Section 496A to the Local Government Act 1993, made by the Local Government Amendment (Stormwater) Act 2005, enabled councils to make and levy an annual charge for Stormwater Management Services for each parcel of rateable land for which a Stormwater Management Service is provided. The charge applies to parcels of land categorised for rating purposes as "Residential" or "Business" (including all sub categories), not being vacant land or land owned by the Crown, or land held under a lease for private purposes granted under the Housing Act 2001 or The Aboriginal Housing Act 1998 or as defined further in this Policy.

### 2. STATEMENT

This policy provides the guidelines for administering the levying of the Stormwater Management Charge on eligible properties within the Shoalhaven City Council area in accordance with Section 496A of the Local Government Act 1993 and clauses 125A and 125AA of the Local Government (General) Regulation 2005.

### 3. PROVISIONS

Increasing urbanisation has resulted in a significant increase in impervious surfaces and has significantly increased the volume of stormwater flowing into urban waterways. These flows contribute substantial loads of litter, sediment and chemicals to urban waterways, as well as causing flooding in some areas.

Therefore, appropriate asset management (through maintenance and replacement of drains and stormwater treatment measures) and the harvesting and reuse of stormwater is becoming increasingly important. Stormwater management involves the use of structural (e.g., physical infrastructure and treatment techniques) and non-structural (e.g., education programs and monitoring) measures to both improve stormwater quality and mitigate excessive flows. This

*Shoalhaven City Council - Revenue - Stormwater Management Policy*

contributes to pollution abatement, protection of aquatic ecosystems health and flood mitigation.

The purpose of the Stormwater Management Charge is to allow council to raise additional revenue to cover some or all of the costs of providing new/additional stormwater management services within the local government area (LGA). The Stormwater Management Charge will cover costs additional to those which have been previously funded from Council's general income.

**3.1 Stormwater Management Charge restrictions:-**

- The charge cannot be levied when Council has a stormwater related special rate or special variation in place for stormwater management or a drainage charge.
- The charge must not exceed the estimated cost of implementing any new/additional stormwater measures.
- The charge cannot be used for dealing with stormwater run-off from public land.

**3.2 Land Eligible to be charged the Stormwater Management Charge**

Shoalhaven City Council will apply the charge to parcels of rateable land categorised as Residential or Business under the Local Government Act 1993 within an urban area, that benefit from proposed new/additional stormwater management services. For this purpose "Urban" means land within a city, town or village. This may differ from the description of urban contained in Council's LEP. Shoalhaven City Council has identified cities, towns and villages by plotting such areas within Council's GIS mapping system. This system will be updated regularly by the Property Unit to accommodate newly created subdivisions and urban creep.

**3.3 Land Exempt from the Stormwater Management Charge**

- Public land, such as:
  - Crown land
  - Council owned land
- Land held under lease for private purposes granted under the Housing Act 2001 or the Aboriginal Housing Act 1998
- Vacant land, as in land containing no buildings, car parks or large areas of material such as concrete (i.e., no impervious surfaces)
- Rural residential or rural business land (i.e., land not located within a city, town or village)
- Land belonging to charities and public benevolent institutions
- Parcels of land already contributing to a drainage charge through a special rate or special variation where the primary purpose of the charge is stormwater management.

**3.4 Change of Status part way through the year**

If a parcel of land is vacant at the start of the rating period and a building is constructed on the land during the year, the charge will be applied from the commencement of the next rating quarter. Should the subject property be rated as a 'supplementary levy' in the current year, all rates and charges will be apportioned accordingly.

**3.5 Charges to Apply**

Limits are set as per the Local Government (General) Regulation 2005, Section 125AA:

*Shoalhaven City Council - Revenue - Stormwater Management Policy*

- A flat fee for urban Residential and Business properties at \$25
- A flat fee for urban Residential and Business strata units at \$12.50

**4. IMPLEMENTATION**

The responsibility for the implementation and review of this policy shall be with the Director of Finance Corporate and Community Services.

**5. REVIEW**

The Finance Corporate & Community Services Group will review this policy:

- Directly prior to the Rate Levy for each new rating year; or
- As a result of a change in legislation that affects this policy

**6. APPLICATION OF ESD PRINCIPLES**

Apply Council's ESD principles in accepting appeals from ratepayers who believe they have been incorrectly charged for Stormwater Management due to the property's locality not being within an urban area or the ratepayer is able to adequately demonstrate management of their own stormwater through harvesting, private pipes or storage tanks.

**7. APPENDIX**

- Section 496A Making and levying of annual charges for stormwater management services (*extracted from the Local Government Act, 1993*)
- Section 125A Annual charges for stormwater management services (*extracted from the Local Government (General) Regulation, 2005*)
- Section 125AA Maximum annual charge for stormwater management services (*extracted from the Local Government (General) Regulation, 2005*)



#### **496A Making and levying of annual charges for stormwater management services**

- (1) A council may, in accordance with the regulations, make and levy an annual charge for the provision of stormwater management services for each parcel of rateable land for which the service is available.
- (2) Subsection (1) does not authorise or permit a council to make or levy an annual charge for the provision of stormwater management services for rateable land that is:
  - (a) owned by the Crown, and
  - (b) held under a lease for private purposes granted under the *Housing Act 2001* or the *Aboriginal Housing Act 1998*.

**Note.** Section 555 (1) (a) provides that land owned by the Crown is not rateable land unless it is held under a lease for a private purpose.

#### **125A Annual charges for stormwater management services**

- (1) For the purposes of section 496A of the Act, a council may make or levy an annual charge for stormwater management services only in respect of urban land that is categorised for rating purposes as residential or business.

**Note.** Part 3 of Chapter 15 of the Act allows a council to categorise each parcel of land within its area.

- (2) A council may not make or levy an annual charge for the provision of stormwater management services in respect of a parcel of land if:
  - (a) the parcel of land is vacant land, or
  - (b) the parcel of land is subject to a special rate or charge that has been made for or towards meeting the cost of any works, services, facilities or activities the primary purpose of which is the provision of stormwater management services.
- (3) A council may not make or levy an annual charge for the provision of stormwater management services if the council has received an instrument from the Minister under section 508 or 508A of the Act which specifies the percentage by which the council may vary its income and the instrument imposes a condition with respect to that variation to the effect that the primary purpose of the variation is to fund stormwater management services.
- (4) A council may not make or levy an annual charge for the provision of stormwater management services for a parcel of land that exceeds:
  - (a) if the anticipated cost of providing stormwater management services to the parcel of rateable land is less than the maximum annual charge in respect of the parcel of rateable land—the anticipated cost, or
  - (b) if the anticipated cost referred to in paragraph (a) is equal to or greater than the maximum annual charge in respect of the parcel of rateable land—the maximum annual charge for the parcel of rateable land.
- (5) In this clause:

**maximum annual charge**, in respect of a parcel of land, means the maximum annual charge that may be made or levied by a council in respect of the parcel of rateable land in accordance with clause 125AA.

**urban land** means land within a city, town or village.

*Shoalhaven City Council - Revenue - Stormwater Management Policy***125AA Maximum annual charge for stormwater management services (section 510A)**

- (1) The maximum annual charge for stormwater management services that may be levied in respect of a parcel of rateable land is:
  - (a) for land categorised as residential (other than land referred to in paragraph (b))—\$25, and
  - (b) for a lot in a strata scheme that is categorised as residential—\$12.50, and
  - (c) for land categorised as business (other than land referred to in paragraph (d))—\$25, plus an additional \$25 for each 350 square metres or part of 350 square metres by which the area of the parcel of land exceeds 350 square metres, and
  - (d) for a lot in a strata scheme that is categorised as business—the greater of the following:
    - (i) \$5,
    - (ii) the relevant proportion of the maximum annual charge that would apply to the land subject to the strata scheme if it were a parcel of land subject to paragraph (c).
- (2) In this clause, the relevant proportion, in relation to a lot in a strata scheme, is the proportion that the unit entitlement of that lot in the scheme bears to the aggregate unit entitlement of the scheme.
- (3) Words and expressions used in this clause have the same meanings as they have in the *Strata Schemes Management Act 1996*.

## CL19.114 Investment Report - March 2019

**HPERM Ref:** D19/121148

**Group:** Finance Corporate & Community Services Group  
**Section:** Finance

**Attachments:** 1. March 2019 Investment Report (under separate cover) [↗](#)

### Purpose / Summary

In accordance with section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation, a written report is provided to Council setting out the details of all money it has invested.

### Recommendation

That the report of the General Manager (Finance, Corporate & Community Services Group) on the Record of Investments for the period to 31 March 2019 be received for information.

### Options

1. The report on the Record of Investments for the period to 31 March 2019 be received for information.

Implications: Nil

2. Further information regarding the Record of Investments for the period to 31 March 2019 be requested.

Implications: Nil

3. The report of the Record of Investments for the period to 31 March 2019 be received for information with any changes requested for the Record of Investments to be reflected in the report for the period to 30 April 2019.

Implications: Nil

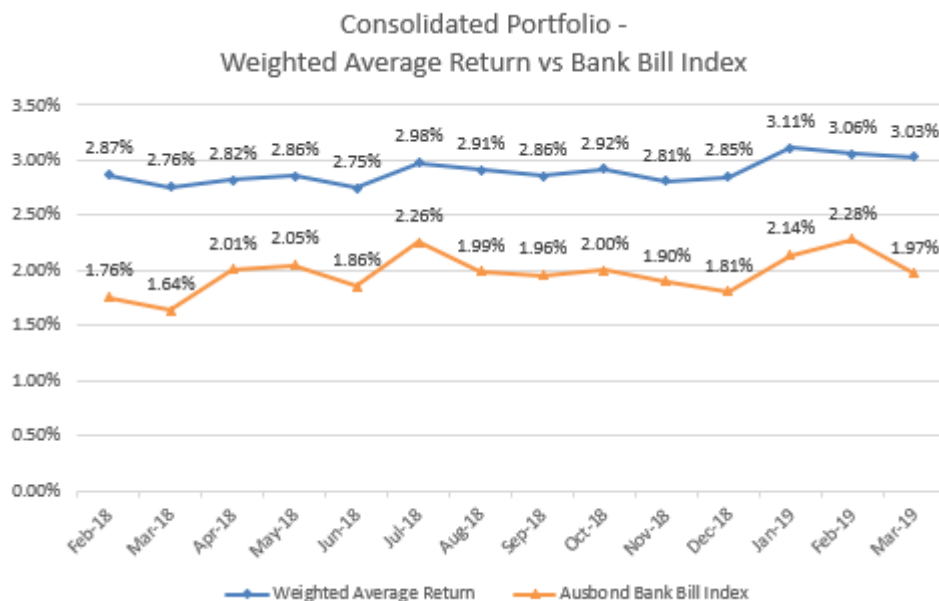
### Background

Please refer to the attached monthly report provided by Council's Investment Advisor, CPG Research and Advisory Pty Ltd. As previously noted in the January Report, the investment advisors again have specifically commented on issues relating to Council's inability to increase investments with non-fossil fuel institutions. A Councillor Briefing with CPG is proposed to explore these issues in more detail.

Council's investment portfolio returned a strong 3.03% for the month of March 2019, exceeding the benchmark AusBond Bank Bill Index (1.97% pa) by 106 basis points (1.06%).

The following graph shows the performance of Council's investment portfolio against the benchmark on a rolling twelve (12) month basis. As can be seen, performance has consistently exceeded benchmark.

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The interest earned to the month of March was \$4,674,595; 81.27% of the current full year budget.

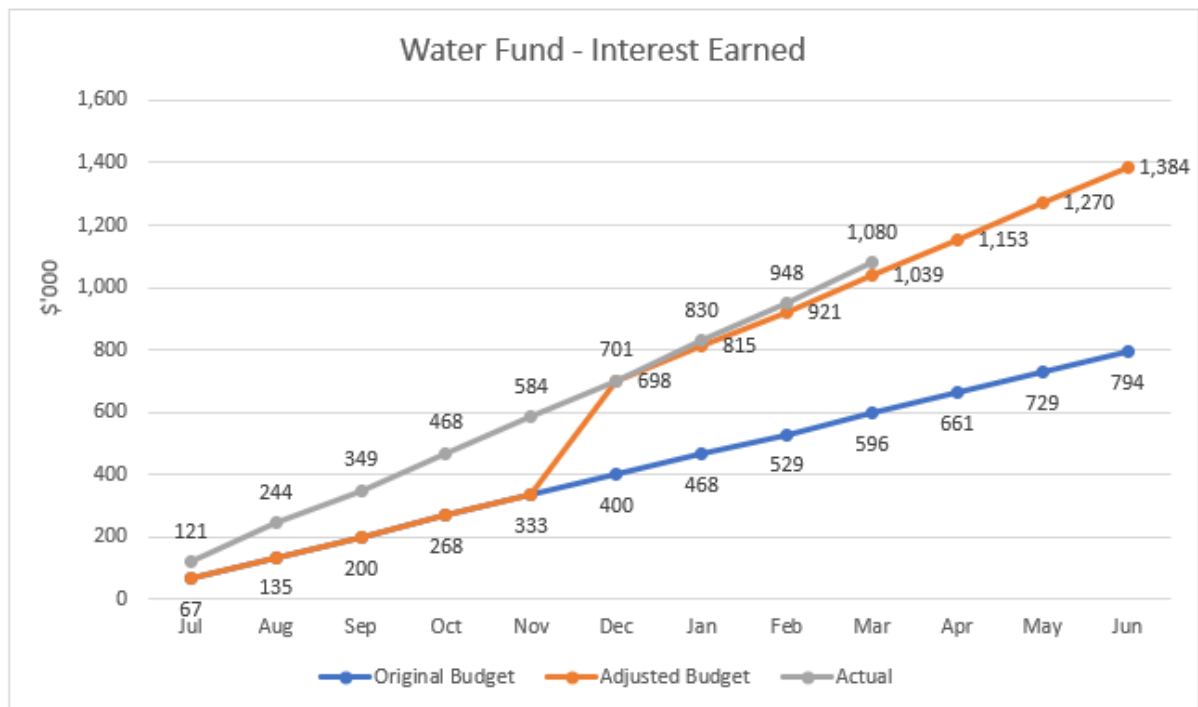
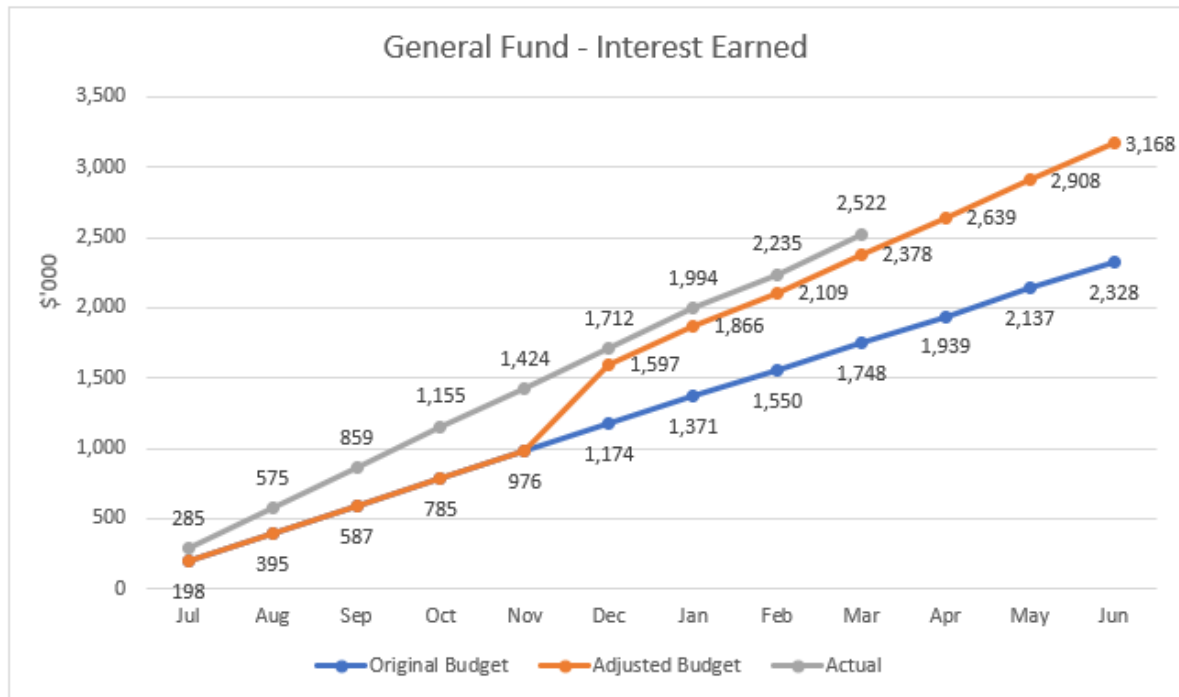
Fund	Original Budget	Actual	%	Revised Budget	Revised %
General	\$2,328,000	\$2,521,523	108.31%	\$3,168,000	79.59%
Water	\$794,000	\$1,080,083	136.03%	\$1,384,000	78.04%
Sewer	\$900,000	\$1,072,989	119.22%	\$1,200,000	89.42%
<b>Total</b>	<b>\$4,022,000</b>	<b>\$4,674,595</b>	<b>116.23%</b>	<b>\$5,752,000</b>	<b>81.27%</b>

The interest earned for the month of March was \$542,255, which was \$53,729 above the current budget.

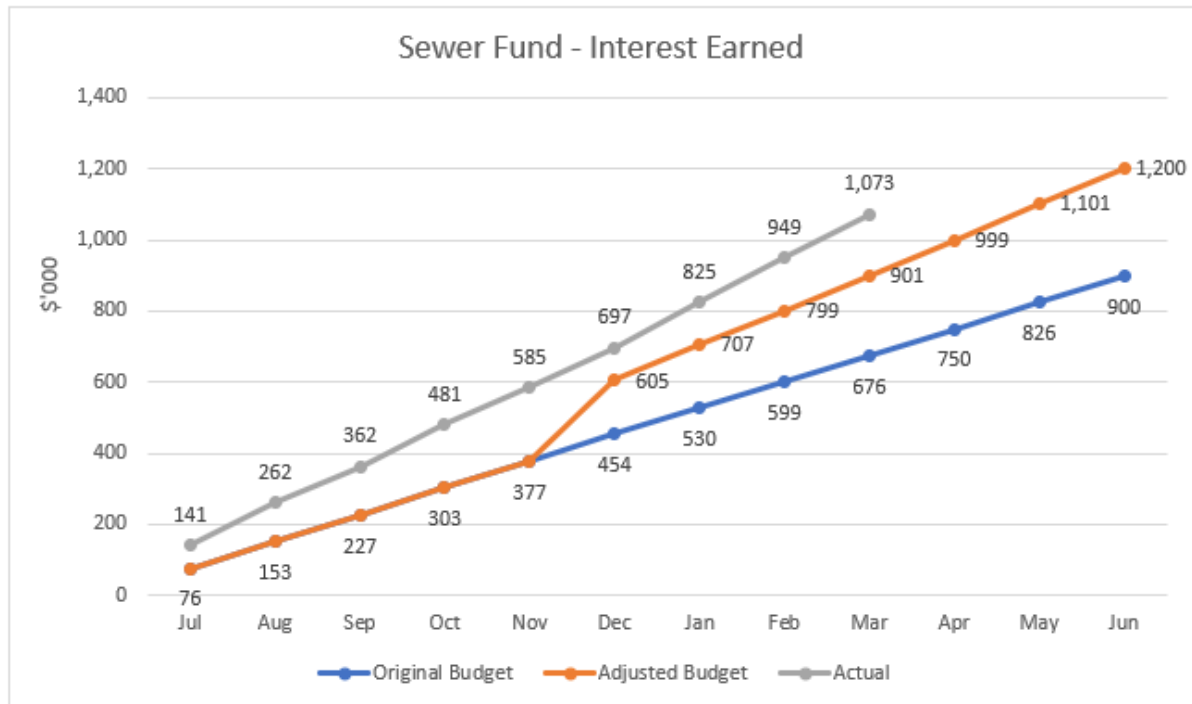
Fund	Original Monthly Budget	Actual	Difference	Revised	Revised Difference
General	\$197,721	\$286,893	\$89,172	\$269,063	\$17,830
Water	\$67,436	\$131,868	\$64,432	\$117,545	\$14,322
Sewer	\$76,438	\$123,495	\$47,056	\$101,918	\$21,577
<b>Total</b>	<b>\$341,595</b>	<b>\$542,255</b>	<b>\$200,661</b>	<b>\$488,526</b>	<b>\$53,729</b>

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The graphs below illustrate the cumulative interest earned for the year for each fund against original and adjusted budgets.



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**RECORD OF INVESTMENTS**  
**Cash and Investment Balances**

	March 2019	February 2019
<b>Cash And Investments Held</b>		
Cash at Bank – Transactional Account	\$4,315,882	\$9,853,073
Cash at Bank – Trust Fund	\$0	\$0
Cash on Hand	\$38,940	\$50,890
Other Cash and Investments	\$200,111,917	\$199,026,200
	<b>\$204,466,738</b>	<b>\$208,930,164</b>
Fair Value Adjustment	\$262,062	\$99,194
Bank Reconciliation	-\$371,259	\$132,892
	-\$109,197	\$232,086
<b>Book Value of Cash and Investments</b>	<b>\$204,357,541</b>	<b>\$209,162,250</b>
<b>Less Cash &amp; Investments Held In Relation To Restricted Assets</b>		
Employee Leave Entitlements	\$8,136,913	\$8,136,913
Land Decontamination	\$1,090,193	\$1,122,717
Critical Asset Compliance	\$2,032,029	\$2,061,115
North Nowra Link Road	\$457,228	\$457,929
Other Internal Reserves	\$8,705,532	\$7,707,263
Section 7.11 Matching Funds	\$311,169	\$311,169
Industrial Land Development Reserve	\$6,481,785	\$6,826,866
Plant Replacement	\$2,808,332	\$2,831,722
Financial Assistance Grant	\$1,554,366	\$1,554,366
S7.11 Recoupment	\$1,877,282	\$1,878,629
Commitment To Capital Works	\$2,770,316	\$2,943,914
Property Reserve	\$639,921	\$678,431
<b>Total Internally Restricted</b>	<b>\$36,865,067</b>	<b>\$36,511,034</b>
Loans – General Fund	\$4,411,972	\$4,772,656
Self Insurance Liability	\$1,313,081	\$1,302,802
Grant reserve	\$9,495,955	\$8,249,544
Section 7.11	\$32,565,165	\$32,455,311
Storm Water Levy	\$1,248,277	\$1,207,454
Trust – Mayors Relief Fund	\$86,693	\$86,684
Trust – General Trust	\$3,852,907	\$4,082,242
Waste Disposal	\$7,309,873	\$7,818,130
Sewer Fund	\$46,999,142	\$49,032,082
Sewer Plant Fund	\$2,637,473	\$2,537,765
Section 64 Water	\$18,890,053	\$18,867,427
Water Fund	\$26,750,272	\$26,628,796
Water Communication Towers	\$1,794,990	\$1,500,905
Water Plant Fund	\$2,776,851	\$2,601,393
<b>Total Externally Restricted</b>	<b>\$160,132,704</b>	<b>\$161,143,191</b>
<b>Total Restricted</b>	<b>\$196,997,771</b>	<b>\$197,654,225</b>
<b>Unrestricted Cash And Investments</b>		
General Fund	\$7,359,770	\$11,508,025

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The table below lists the major movements:

Total Cash and Investments	-\$4,804,709	
Grant Reserve	1,246,411	Receipt of grant income in advance of expenditure
Waste Disposal	-\$508,256	March was not a rates instalment month
Sewer Fund	-\$2,032,940	Expenditure on REMS 1B
Unrestricted General Fund	-\$4,148,254	March was not a rates instalment month

### Financial Implications

It is important for Council to be informed about its investments on a regular basis. Revenue from interest forms a vital part of Council's revenue stream.

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulations 2005 and Council's Investments Policy number POL18/57.



Michael Pennisi  
Chief Financial Officer

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## CL19.115 Donations Policy

**HPERM Ref:** D19/113275

**Group:** Finance Corporate & Community Services Group  
**Section:** Human Resources, Governance & Customer Service

**Attachments:**

1. Summary of Submissions - Exhibition of Draft Donations Policy [↓](#)
2. Revised Draft Donations Policy [↓](#)
3. Draft Donations Application Form [↓](#)
4. Full copies of Submissions received - Donations Policy Exhibition (councillors information folder) [↗](#)

### Purpose / Summary

To provide an overview of submissions received during the public exhibition and a revised Draft Donations Policy for adoption.

### Recommendation

That Council

1. Note the details of the submissions received during the public exhibition period as outlined in the report.
2. Adopt the Revised Draft Donations Policy and Application Forms provided as attachments to the report.
3. Determine that contributions for the following projects/programs be administered by the Council separately from the Donations Policy given they are ongoing arrangements which have other eligibility requirements, and which are paid to all like organisations in the Shoalhaven.
  - a. Community Consultative Bodies (\$500 each per year)
  - b. School Citizenship Awards (\$100 each per year)
  - c. Surf Life Saving Clubs providing Patrolling services (\$5,000 each per year)
  - d. Illawarra Academy of Sport (\$15,000 per year)
4. Advise all current recipients of the changes to the Donations Policy and timetable for applications for 2019/2020.

### Options

1. As recommended

Implications: The new Donations Policy will achieve greater transparency and accessibility to donations by community organisations and groups across the Shoalhaven, in alignment with the Council's Community Strategic Plan. The policy will be implemented immediately, and applications called for the 2019/2020 to allow determination by Council by the end of the current financial year.

2. The policy is adopted with further amendments

Implications: Not known

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3. Not adopt the Policy at this time

Implications: Should the Council not adopt a new policy at this time, direction will be required as to how the donation funding for 2019/2020 will be dealt with under the current Policy (POL12/299).

### Background

At the Meeting of the Strategy and Assets Committee held on 12 March 2019, Council considered a report outlining the Draft Policy and resolved (MIN19.13)

*“That:*

- 1. The Draft Donations Policy and Procedures (Attachment 1 to the report) be placed on public exhibition for a period of four (4) weeks to obtain community feedback on the proposed Policy*
- 2. All current recipients of donations be advised in writing of the public exhibition and their ability to make comment.*
- 3. A report be provided at the completion of the exhibition period, outlining the submissions received and a Final Draft Policy and Procedures for adoption by the Council.”*

As outlined in the previous report to the Strategy and Assets Committee, the amendments to the policy are the result of previous resolutions of the Council and calls for a thorough review of the Policy. They aim to achieve greater transparency and accessibility to funding by community organisations and groups across the Shoalhaven and in alignment with the Council’s Community Strategic Plan.

The Draft Donations Policy was exhibited from 14 March to 12 April 2019. During this time current recipients were advised of the Draft Policy and invited to make submissions.

During the submission period the draft policy was viewed 238 times by 183 different people. Seven (7) submissions were received via the website and a further five (5) were received separately, amounting to 12 submissions in total. Two (2) of the submissions were from Council Staff and all other submissions were from those who have received donations from Council in previous years.

Some applications for funding have been submitted early for 2019/2020 funding as part of, and during the submission process. Where relevant comments about the new policy have been included with applications these have been noted in the submission table. Those applications for funding are being held in abeyance until a Policy decision is made by Council.

### Submissions:

A table outlining the submissions and staff comments received during the exhibition period have been provided as **Attachment 1** to this report, with the original copies of the submissions provided for Councillors as **Attachment 4** (Under Separate Cover).

In summary, the submissions cover the following main points:

- *Comments about continued, guaranteed and ongoing funding*  
Five (5) of the submissions referred to the preference for funding for a number of years or permanently, rather than on an annual basis. Some expressed concern that the Allocated Donations that their organisations have relied upon in past years would no longer be guaranteed under the new policy. It was felt that this uncertainty has the potential to disincentivise volunteers and affect the sustainability of ongoing projects.

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An annual applications process proposed in the policy is a distinct difference to current practice. The reason for the proposed amendment to the process is to achieve the most effective use of donation funds arising from being able to compare all eligible applications for projects/services in the Shoalhaven.

Under the present policy the Allocated Donations are not technically “recurring”; as they are voted for annually by the Council during the adoption of the DP/OP and therefore are not guaranteed from year to year.

It is acknowledged that reliability of recurrent funding for some applicants for a number of years would assist with their planning and resourcing, but in doing so the benefit to those organisations has to be weighed against accessibility and equity of funds to other organisations.

Should Council so resolve, donations could be granted for more than one (1) year (depending on the organisation meeting acquittal and other policy requirements prior to subsequent funding being paid). If Council determines to do so and move away from the recommended annual application process, Council will need to specify in the policy:

- To which category/ies of donations the recurring funding would be made available,
- The number of financial years which the recurring funding may be made available should the applicant meet acquittal and other policy requirements. This period of time should not extend into financial years past the current term of the Council.

When contemplating these issues as an ongoing Policy directive, Council needs to not only consider those organisations who have received donations in the past, but also those that haven’t, and what may be the optimal outcome for Shoalhaven residents from the available budget.

One (1) submission from the City of Shoalhaven Eisteddfod commented on the donations program being based on a financial year, as this was reported as creating a delay in funding for those organisations which work on a calendar year. The proposed policy does not alter funding timing for those organisations which have received ‘allocated donations’ in the past. Whilst this issue is acknowledged, there are requirements for the Council to work on a financial year for budgeting purposes and the donations will apply for any project or activity within a financial year. Forward planning will be required by organisations, particularly by those which have events in the beginning of the calendar year.

- *Comments about wording of the policy*  
Some of the submissions sought clarification on specific provisions of the policy, highlighting that some clarifying amendments were required.

The revised Draft Policy, including those highlighted amendments is provided as **Attachment 2** to this report

Those amendments (highlighted in yellow in the Policy) are as follows:

- Amendment to point Four (4) under the Funding Limitations (page 2 of Policy) to clarify that Applicants in receipt of Council donations or grants (whether funds or in-kind) in a given financial year are not eligible to apply for further Council donations or grants for the same project or program in that same year.
- Amendment to point Five (5) under the Conditions to clarify that a failure to comply with requirements may limit consideration for funding in subsequent years.

- *Comments about the application form – length and complexity.*

At the Ordinary meeting of 26 March 2002, Council resolved to “Adopt the draft policy and guidelines and apply it to all requests for financial assistance, including those organisations identified in the Management Plan”, i.e. the now DP/OP (MIN. 282/2002).

Over time the implementation of this requirement has been relaxed, with a consequent loss of transparency and accountability. The present proposal to require written applications of all organisations seeking funds marks a return to Council’s original position and improve the governance around the expenditure of the funds.

In response to submissions from three (3) organisations and comments made by Councillors at the March Strategy and Assets Meeting, the application form has been amended to make applications simpler and clearer.

The amended Draft Application Form is now provided as Attachment 3 to this report. The amendments are indicated in the Draft Form and in summary the amendments are:

- Reformatting the location of questions within the form to a more logical and easier to follow arrangement of questions,
- The provision a checklist at the back of the form,
- Breaking up the form into more distinct parts for the different categories,
- Rewording of a number of questions to ‘plain English’,
- Removal of questions that were identified as not essential,
- The Budget Form has been moved to the back as an example of a Budget to be submitted. This will allow the applicants to submit existing documentation they have on their budgets without having to transpose into the Council form.

It is acknowledged that the form requires more detailed information than that which has been required by Council to secure funding in the past.

The application form needs to strike a balance between simplicity and obtaining enough details to make fair and informed decisions on the allocation of public funds. The information requested is sought to give Council sufficient understanding why the funding is sought from Council and the project/activity being funded and will limit assumptions being made in the assessment of competing applications for funding.

Information sessions will be arranged, and guidance made available to assist donation applicants, and where an application is submitted that is insufficient in detail, the application will be afforded an opportunity to address those issues.

#### Separation of Ongoing Funding Programs

As outlined in the report to the March Strategy and Assets Committee, the policy is not proposed to apply to those current ‘Allocated’ donations where the Council has traditionally provided funding to all providers of a service function in the Shoalhaven. They include

- School Citizenship Awards (\$100 each per year)
- Surf Life Saving organisations providing volunteer patrol services (\$5,000 each per year)
- Recognised Community Consultative Bodies (\$500 each per year)
- Illawarra Institute of Sport. (\$15,000 per year)

This is in recognition of the Council’s commitment to provide ongoing funding for those activities where all of the providers of the activity or service within the Shoalhaven have been given the same level of funding for an activity which clearly aligns with the objectives of Council.



Process and timetables for the 2019/2020 Donation and further years.

<i>Action</i>	<i>When</i>
Adoption of Policy	30 April 2019
Correspondence to all current recipients	W/E 3 May 2019
Applications Open /Advertising commences	3 May 2019
Information/Drop in Sessions for applicants	6-17 May 2019
Applications Close	24 May 2019
Review of Applications – Report to Strategy and Assets Committee for determination	11 June 2019

For 2020/2021 onwards, the Application period will commence in February each year and remain open for an extended period of six weeks. A report will be provided to the Council determining donation recipients prior to the end June each year.

### **Community Engagement**

Once Council has adopted the Policy a range of communication mechanisms will be utilised to inform current recipients and others of the opening of the application process. Guidance and support will be offered to potential applicants to assist in the transition to the new arrangements.

### **Policy Implications**

It is noted that in addition to donations, there are a number of grants and opportunities for funding provided by Council. The draft Donations Policy is framed to re-work the current 'allocated' and 'unallocated' donations.

It is suggested that resourcing should be provided to present a combined presence or portal facilitating the sharing of information on all grant and funding opportunities made available by the Council and how access to those funds.

### **Financial Implications**

It is envisaged that the budget for donations (\$309,880) will remain at the current levels, with the funding being split across the categories within the Policy.

**Draft Donations Policy – Summary of Submissions Received and Responding Comment.**

Respondent	Comment	Staff Comment
Coast and Country Community Services Ltd. [Shoalhaven Community Transport Service]	The 3 categories should be advertised with a dollar value to the amount the organisation can apply for in each of those categories.	It is intended that Council will move to allocated amounts for each type of donation once the Policy is finalised as a measure. There is a risk that setting an upper limit may encourage bids to the maximum, rather than considering project budget needs, and for this reason upper limits are not supported at this time.
	It will be difficult for an organisation to apply with a different project each year as some organisations only supply one type of service. This means it will limit the organisation ability to apply again.	The Draft Policy does not impose such a limitation. The only stipulation is that applicants in receipt of Council donations or grants may not apply for further funding for the same project in the same financial year.
	The first dot point under 2.2 A (Community Development Projects) has to meet all 3 criteria items. Meeting all 3 points criteria items will be difficult and could out way the benefit of the project.	It was not intended that all of the 3 points needed to be covered. The Draft Policy has been amended to clarify.
	Under 2.2. A what does community development, training, education and awareness activities mean? Please give an example.	These are considered activities that benefit the community – examples might be driver education, IT courses, healthy cooking classes or other community education programs.
	Is council willing to give examples of what projects they would support under the Culture, Community and Environment?	These are projects that would support the key priorities of the Community Strategic Plan. Examples in previous years include the Small Museum Grants, Milton Follies, Bird Haven Festival, and Aboriginal People in Custody Literary Award. Supporting information and information sessions will provide examples.

Shoalhaven Heads Chamber of Commerce Tourism Inc	Asks Council to retain the annual donations for "permanent" or recurring events, such as their NYE Fireworks, as locked-in and built into the budget. They rely on the yearly SCC donation in order to make the annual event viable.	The Allocated Donations currently are required to be voted for annually by the Council in the DP/OP and therefore are not guaranteed from year to year. Recipients are reminded of this when they are notified of the donation being confirmed by the Council. The reliability of funding for some applicants has to be weighed against accessibility and equity to ensure the optimal use of funds in accordance with identified needs.
Karen Patterson, Shoalhaven Entertainment Centre Manager	Will there be a dedicated Donations budget with an annual limit? If not, it could leave a business unit open to absorbing the costs of a donation.	The Donations budget is set as separate item in the budget and will remain unchanged. Council will determine the budget each year and allocate funding accordingly.
	Business units/departments of Council need to be formally alerted to all Donations. Often, community groups ask the SEC to discount without disclosing how many different sources of Council funding they have already accessed.	This is an acknowledged issue. A solution could be to create a database of all donations, held in TRIM. Where a donation application / fee waiver is anticipated to impact on another business unit, that unit will be consulted by the Governance team.
	For major events it would be good to see: Project/business plans including forecast pre-event budgets and actual budgets within acquittals Sponsorship packages/offers detailed in business/project plans and acquittals Applications and acquittals to document Council's financial support over the previous three years Selection criteria to include the applicant's plans for reaching financial and environmental sustainability.	The application form requests information on draft budgets, other sources of funding and previous Council funding. Acquittal reports will be included in the assessment of donation requests.  Environmental sustainability is addressed in Council's Events Policy, which applies to donation-funded events. Further consideration will be given to how the need for sustainability is communicated to applicants
	Venue hire – this should reference the Waiver or Reduction of Fees information published as part of the User Fees & Charges.	The new waiver information and Fees & Charges documents will be referenced;

		however, this is a matter for staff in dealing with an application.
	Criteria should be weighted.	Agreed – the weighting will be considered by the Application Review Panel/s and will be included in reports to Council about donations.
Greg Pullen, Economic Development Manager	A list of alternate sources of funds for small grants to community groups should be included as an annexure.	Our overall goal is to centralise information on all funding opportunities available to the community (both Council and external) via the website, this would enable a current list or linkages to other funding provided by other sections of the Council.
CTC (Community Technology Centre) Sussex Inlet	A requirement to apply annually for rental subsidy carries the risk that funding might not be granted, jeopardising the viability of their service which is vital to the local community. Could Council lengthen the times of submission of the donation to 3-5 years?	The reliability of funding for some applicants has to be weighed against accessibility and equity to ensure the optimal use of funds in accordance with identified needs. Any donations provided should be limited to the term of the Council.
	The application form is lengthy and onerous for volunteers to complete. The requirements of some of the questions are too involved and ambiguous. Once Council holds this information only yearly updates should be required where necessary.	Council will offer workshops and/or guidance to assist applicants. Council needs to strike a balance between simplicity and obtaining enough details to make fair and informed decisions on funding. The Application form has been amended in response to this feedback.
	The proposal to hold workshops for applicants may make significant demands on volunteers' time and resources for travel.	Guidance on the application process will be made available on the website.
	The questions could be rephrased in layman's language to make them less daunting and more easily understood.	The Application form has been amended in response to this feedback.

	Raised concern that information about the Policy review had not been received by their organisation.	It was subsequently confirmed that the notification had been received at the organisation's official email address.
Gail Drummond - Sussex Inlet and District CCB	Community Consultative Bodies are not for profit organisations and do untold hours of volunteer work in communication to the community on behalf of the Council. They work to better the lives of the residents and ratepayers and visitors by communicating the concerns, needs, wants, aspirations and problems of the Shoalhaven Community to Council and other appropriate bodies. If there were no subsidy in future, Sussex Inlet and District CCD would have to charge a membership fee to cover cost such as rental of meeting rooms, website up keep etc. To charge a membership fee would discourage membership by those most in need of the support CCBs offer. CCBs ought to retain the \$500 annual subsidy through annual application or at least have free rent of Council properties for meetings.	It is anticipated that CCB subsidies will be among the annually committed donations – that is, the funding will be secure (i.e. will not be expended before the application is received). The report recommendation if adopted will achieve this funding as long as an organisation remains a recognised CCB of the Council.
	Councillors being able to fund even small donation amounts could result in political preference and therefore may not be either fair or acceptable.	Donations proposed under the Councillor Discretionary Fund will be presented to Council for resolution, will require Conflict of Interest declarations and will thus be appropriately scrutinised.
Tony Lund - Currarong Community Association	We welcome a fair and transparent policy on Council donations. In reviewing the draft donations policy we would make the following points: that the burden of "red tape" is kept to a minimum given all work is undertaken by volunteers and previous donations/applications are taken into account or form the bases of new applications (eg applying each year for a fee waiver for an annual event).	Intention is to minimise administrative burden, however Council should be making informed decisions on the projects and financial positions of applicants when making decisions to fund.  The reliability of funding for some applicants has to be weighed against accessibility and equity to ensure the optimal use of funds in accordance with identified needs.

	That the criteria concerning applicants being not eligible for donations because they can self fund be modified to take into account the need to hold financial reserves for annual and unforeseen expenses (eg insurances, electricity costs, building maintenance and unexpected major repairs, etc.).	Council recognises the necessity of maintaining adequate operational reserves. The intention of this stipulation is to prioritise funding for applicants whose projects would be significantly impacted by an absence of Council funding.
Jeff Thomas - Lions Club of Jervis Bay Inc.	I am assuming existing rent subsidy agreements for Council facilities will be continued, or do they need new applications to be completed each year? If applications need to be resubmitted, will Council provide notice of those submissions?	It is intended that annual applications be required for rent subsidy applicants, within the same parameters of fairness and transparency as other categories. Application deadlines will be widely advertised in traditional and social media. Also, should Council so resolve, donations could be granted for multiple years. Any donations provided should be limited to the term of the Council.
Callala Bay Community Association Inc	Please note the CBCA from time to time may ask Council for donations or grants for community projects such as the annual Australia Day Breakfasts, Seniors Events or similar activities. Council also provides an annual grant of \$500.00 to support the admin costs of the CBCA	Noted.
Suzanne Hill - The Lay Missionary of Charity Soup Kitchen	As we are not dealing with money as such we are not able to provide financial statements and budgets. An ABN in our case would also not be possible. We are able to fill out the necessary documentation, but would not be able to provide the financial details and budget that are to be requested, as outlined in the draft policy. As a service we are in a unique category and situation and feel part of your proposed policy does not adequately address us as an organisation. We may need some sort of exemption clause added for our case.	Exemptions from specific criteria can be made if the reasons are explained on the application form. The Assessment Panel is able to make a judgement based on the merits of the overall application.
	We would also like to know when the application needs to be submitted for this financial year.	Applications for 2019/20 will be invited as soon as the Council resolution on the Policy is confirmed, with a closing date of 24 May. This



		information is on the 'Get Involved' page where the feedback form was located.
Marie De La Torre - Albatross Musical Theatre Company	Organisation submitted a description of their project and acknowledgement of Council's support.	This is not strictly feedback on the policy
Susanne O'Neill - City of Shoalhaven Eisteddfod Inc.	I note that, in the draft policy, an annual application will have to be submitted - a backward step I would suggest since community organisations generally are looking for certainty of funding for, ideally, at least three years in advance. It is difficult to do any effective future planning otherwise. Applications for funding every three years would, I suggest be less onerous for both Council administration and community organisations.	The reliability of funding for some applicants has to be weighed against accessibility and equity to ensure the optimal use of funds in accordance with identified needs.  Should Council so resolve, donations could be granted for multiple years depending on meeting acquittal and other requirements. Any donations provided should be limited to the term of the Council.
	Related to this, is the issue of whether an organisation operates on a calendar year or July-June financial year. In the case of the Eisteddfod, we operate on a calendar year, with the greatest outlays in May-June (prize monies, venue hire, adjudicator fees, etc.) whereas Council operates on a financial year calendar. The delay in funds allocation can lead to running at a loss or worst case scenario being insolvent during the operational year.	Disbursement of annual funds will still take place in July or August after the Council votes the donations in June. There will be no delay this year. An organisation can apply for funding and retain it in their account until it is required.
Tina Zalacos, Helping the Homeless Soup Kitchen	Organisation submitted a description of their service and acknowledgement of Council's support.	Per the comment for the Lay Missionaries of Charity above, funding decisions will be made on merit.



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Email: [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au)

Website: [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au)

For more information contact the Finance & Corporate Services Group

## DONATIONS POLICY DRAFT

**Policy Number:** POL001 • **Adopted:** 26/03/2002 • **Reaffirmed:** 28/09/2004 • **Amended:** 27/04/2010, 28/06/2011, 21/06/2013 • **Minute Number:** MIN02.282, MIN04.1165, MIN10.450, MIN11.609, MIN13.589 • **File:** 4306E •  
**Produced By:** Finance & Corporate Services Group • **Review Date:**

### 1. OBJECTIVES

The objectives of the policy are:

- To detail the principles whereby Council provides financial assistance (donations, sponsorships and subsidies) in a consistent, equitable and transparent manner that meets the requirements of the Local Government Act, 1993 and other legislative provisions;
- To consider financial assistance by way of donation, sponsorship and subsidies to local service, cultural, sporting, charitable or non-profit organisations who
  - operate within or provide benefit to the residents of the Shoalhaven City or
  - conduct quality cultural, sporting and community service programs and activities in the Shoalhaven-and who cannot attract sufficient funds from other sources;
- To address targets specified within the Community Strategic Plan or other Strategic strategic Documents objectives as well as objectives including access and usage of community resources, services and facilities, and equity of access for special needs groups;
- To consider funding to encourage and enable broad community participation in cultural, sporting and community service activities;
- Detail the principles whereby Council grants donations, sponsorships and subsidies to organisations;
- To eEstablish an application process including guidelines and procedures for use by organisations in applying for donations, sponsorships or subsidies (including 'in kind' support).

### 2. STATEMENT

Subject to budget allocations each year, Council is committed to provide funding annually to meet the objectives of this policy.

Shoalhaven City Council - Donations Policy

## 2.1. Scope

This policy applies to applications for financial assistance and 'in kind' support by way of donations, sponsorships and subsidies granted by Council to organisations. It does not deal with Fee Waivers that are dealt with under the Fee Waivers, Subsidies and Support Policy ~~Fee Support Policy~~ ~~Council Managed Public Reserves & Facilities Policy~~ and the Fees – Waiving of Development Application and other Fees by Charitable Organisations and Community Groups Policy.

## 2.2. Categories

Applications should be submitted within one of the categories nominated below.

### A. General Donations (Culture, Community & Environment)

These may include:

- community development projects that meet an identified community need, have been developed in consultation with the community and encourage community participation in the development of the project.
- heritage / environment projects.
- community development, training, education and awareness activities.
- co-funding for large or new cultural and community projects.

### B. Sponsorship of Local Events

These may include:

Festivals and special activities which enhance community spirit.

### C. Subsidised Rental, Rates and Use of Council Facilities

Rent subsidies or Council rates relief may be available for:

- community, charity and not for profit activities on public open space/reserves.
- community, charity and not for profit organisations' use of Council owned and controlled facilities.

In addition, a Councillor Discretionary Fund of \$1500 per Councillor per annum will be allocated to provide the opportunity for each Councillor to use a nominal annual budget towards supporting requests for financial assistance for activities that provide, or have the potential to provide, benefit to the community.

- ~~community development projects — projects that meet an identified community need, have been developed in consultation with the community and encourage community participation in the development of the project.~~
- ~~support for a locally based voluntary community service or program not funded from any other source — i.e. only source of income is fundraising.~~
- ~~festivals and special activities which enhance community spirit.~~



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- ~~community, charity and not for profit activities on public open space/reserves (ie cost of ground hire only).~~
- ~~community, charity and not for profit organisations' use of Council owned and controlled facilities including halls, School of Arts, meeting rooms, pavilions, change rooms and civic centres, etc.~~
- ~~community development, training, education and awareness activities.~~

### 2.3. Guidelines and Procedures for Applicants

This policy must be read in conjunction with Council's adopted Guidelines and Procedures for Financial Assistance (Annexure 1 below) ~~Guidelines and Procedures for Annual Donations, Sponsorships and Subsidies – Refer Annexure 1.~~ The Guidelines set out the eligibility criteria

A written application form for applicants is appended to Council's adopted Guidelines and Procedures for Financial Assistance. ~~An application will only be considered as lodged once all required information has been submitted. Guidelines and Procedures for Annual Donations, Sponsorships and Subsidies.~~

### 3. PROVISIONS

- The granting of all donations, sponsorships and subsidies are made pursuant to Section 356 of the Local Government Act, 1993 subject to the constraints outlined in Section 377 of the Act.
- The granting of all financial assistance ~~from the Unallocated Donations Budget will may~~ be subject to a fresh written application being lodged with Council for each donation period/year.
- ~~Generally applications may be submitted for consideration by Council for inclusion in the ensuing financial year's operational plan and budget.~~
- Applications should be submitted in one of the categories nominated above; however, Council may at its discretion determine to assess an application under a more appropriate category. Applications will be invited annually in March.
- Applications which do not meet the criteria in the attached guidelines shall be advised that the request is not eligible for consideration under this policy.
- Staff reserve the right to assess any application (not fitting the criteria for assessment) on its merits according to Council's Policies and Procedures and Community Service Outcomes.
- Applications for financial assistance will generally not be considered where the application also meets the criteria for other grants/donations provided by Council through the Shoalhaven Arts Board, the Shoalhaven Tourism Advisory Group Board and/or, the Shoalhaven Sports Board and/or Council's Community Development Grant Program. In these cases, applications will be sent directly to the appropriate area for consideration Board.

Shoalhaven City Council - Donations Policy

- It is a condition of funding that an acquittal of any prior funding allocated under this policy is provided to Council before any further request is considered.
- Donations will be limited to funding from the Annual Budget directed by the Council.
- The General Manager has delegated authority to approve any out of policy requests for donations of up to \$1000 for exceptional circumstances/requests which align with Council's strategic objectives.

**4. SUSTAINABLE EVENTS POLICY**

All community events funded under this policy will be required to comply with Council's ~~Sustainable Events Policy ((POL16/266POL12/54) as part of the WASIP Program.~~

**5. IMPLEMENTATION**

Council's ~~Donations Assessment Panel will receive and assess applications for funding and report to Council. Council's Finance Corporate & Community Services Group will respond to written requests for financial assistance. Finance and Corporate Services Group will receive, report to Council or Board (if appropriate) and respond to written requests for financial assistance.~~

**6. REVIEW**

This policy statement will be reviewed within one year of the election of every new Council.

**7. APPLICATION OF ESD PRINCIPLES**

None Applicable

## Guidelines and Procedures for Financial Assistance – Donations Policy

Each financial year, Shoalhaven City Council makes funds available under its Annual Donations Program for local not-for-profit community groups and organisations. The aim is to support a wide range of activities that build community capacity, foster social networks and information exchange, facilitate cooperation and build on existing community strengths, and reflect the priorities of the Council's Strategic Planning documents.

Applications will be sought through advertising and on Council's website between February and March each year. Applications are to be made on the relevant form, and address all criteria outlined in these Guidelines.

The Annual Donations Program has the following categories that can be applied for:

A. General (Culture, Community and Environment) Donations Program

B. Sponsorship of Local Events

C. Subsidised Rental, Rates and Use of Council Facilities

These guidelines should be read in conjunction with Council's adopted Donations Policy.

### Definition

These guidelines are designed to assist applicants in the preparation of, and Council in the assessment of requests for ~~General~~ Donations which enhance the cultural, social, sporting or community services provision within the City.

The Annual Donations Program is funded and expended on a financial year basis, i.e. 1 July to 30 June.

The Donations Assessment Panel comprises representatives from Council and will be convened by Council's Governance Manager. Staff representatives will be selected from the appropriate functional areas of Council to reflect the applications received. The Panel will recommend to Council those applications to receive financial assistance.

~~Persons making applications which do not meet these guidelines shall be advised that the request is not eligible for consideration.~~

~~These guidelines should be read in conjunction with Council's adopted Donations Policy.~~

### Application Procedure Expressions of Interest for Funding

The Application for Financial Assistance Form with required supporting information~~The attached application for financial assistance form~~ should be submitted to Council by 5.00pm on the advertised closing date for consideration within Council's Annual Donations Program ~~at least three (3) months in advance of the date of the project or event to enable sufficient time for Council to consider the application.~~

The application form must be accompanied by supporting documents listed in the included checklist. ~~If the an application form is not completed, or insufficient information is included in~~



*Shoalhaven City Council – Donations Policy – Application for Financial Assistance/Donation*

~~the application, it an application form~~ will be returned for completion and re-submission to Council.

Applicants may be required to provide additional information.

Subject to funding being available in the budget after funds have been allocated under the Annual Donations Program, Council may consider a qualifying application outside of the Program if it can demonstrate that:

- It could not have been foreseen in time to meet the Annual Donations Program deadline;
- There is a significant public interest or demand for the project, event or service;
- That funding is required prior to the donation program funding being available.

~~A financial statement for the organisation must accompany applications.~~

~~A project budget must accompany applications.~~

~~A copy of the applicant's constitution should accompany the application.~~

Upon receipt of ~~the an~~ application, it will be submitted to Council's Donations Assessment Panel for consideration, or forwarded to another Board or area if appropriate.

Applications to be considered under this Policy will be assessed by a Donations Assessment Panel against the criteria listed below and with reference to the annual Donations budget. The Panel will make its recommendations to Council for determination, following which applicants will be advised whether they have been granted funding.

Persons or organisations making applications which do not meet these guidelines shall be advised that the request is not eligible for consideration.  
~~either determined by staff or a report will be submitted to Council for consideration for inclusion in the current or ensuing financial year's budget, depending on the date of application.~~

~~Subject to funding available in the budget, Council will consider applications as they are received.~~

#### **Funding Limitations**

- Council resources are limited and not all applications will be funded.
- Council does not guarantee to fund any application and does not guarantee to fund any application to the full amount requested.
- Applicants are encouraged to seek further sources of funding.
- Applicants in receipt of Council donations or grants (whether funds or in-kind) in a given Financial Year are not eligible to apply for further Council donations or grants for the same project or program in that same year.

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- Where Council funding is approved, this is not to be taken as an on-going commitment to funding for any following years.

~~• Council will normally require consideration of any additional costs associated with the application including full or partial cost recovery of fixed costs such as lighting, wages, waste removal, cleaning costs and the like.~~

**Projects/Events NOT Eligible for Funding**

- where benefit is primarily to an individual
- duplication of service or project already existing within the Local Government Area
- projects occurring outside the Shoalhaven Local Government Area
- projects that are retrospective
- projects which do not meet policy guidelines or which do not align with Council's Strategic Planning documents
- where applicants are in a position to self fund the project
- where a more applicable funding source is available
- where applicants are government departments or agencies
- where application is for capital funds (e.g. building and building maintenance costs)
- where a project will financially benefit a profit making organisation, individual or a government department
- projects and facilities or services controlled through Council appointed management committees (where these projects, facilities or services are not under Council's direct care and control)
- where the proceeds or entry fee from a project or event is being donated to another organizationorganisation
- where there is no direct benefit to Shoalhaven City residents

**Criteria for Assessment**

- ~~• Does the application meet the eligibility criteria?~~
- ~~• What policy objectives does the project/event meet?~~
- ~~• Who and how many benefit from the project/event (target group)?~~
- ~~• To what degree is the group/or project self financing?~~
- ~~• Has the need for the project/event been demonstrated?~~

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- ~~Has the need for funding or subsidy been demonstrated?~~
- ~~Is the organisation able to make a contribution either in monetary funds or in kind, eg labour, materials, etc?~~
- ~~What efforts have been made to seek funds from other sources?~~
- ~~Who and how many will benefit from the donation?~~
- ~~Who and how many use the facility?~~
- ~~For what purpose is the facility used?~~
- ~~Does the application have a broad community focus?~~
- ~~Is it a 'one-off' request or likely to be a recurring request?~~
- ~~If the project/event has a regional focus what benefit will occur for Shoalhaven residents?~~
- ~~What effect would a donation/subsidy only to the project/event make to the outcome?~~
- ~~Are there any other facilities or venues available or more suitable for the project/event?~~

**Procedure**

- ~~The attached form must be completed and submitted to Council in accordance with the directions of any advertising. Late applications will not be accepted.~~
- ~~An application form will be forwarded upon request for completion and lodgement with Council.~~
- ~~Applicants may be invited to attend an interview as part of the application process.~~
- ~~A financial statement for the organisation must accompany applications.~~
- ~~A project budget must accompany applications.~~
- ~~A copy of the applicant's constitution should accompany the application.~~
- ~~Upon receipt of applications outside of advertising referred to above, assessment and reports will be submitted to Council for consideration for inclusion in the current or ensuing financial year's budget, depending on the date of application.~~
- ~~An allocation for contingencies will be submitted for Council's consideration each financial year.~~
- ~~Council may refer the application to a Board or other Committee as considered appropriate.~~

**Conditions**



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- Funds should be expended within the financial year of the ~~grant~~, sponsorship, donation or subsidy. Any unexpended funds must be returned to the Council. Should the applicant not be in a position to expend the funds, the applicant should prepare a written explanation, and proposed time frame for the grant expenditure.  
This may allow those funds to be reallocated to another group in that year.
- If an organisation wishes to modify its request or alter the proposed project, or event, the applicant should make this request in writing. It is at the discretion of the General Manager to determine whether that the intention of the modified project meets Council's objectives of the original grant made by Council; and if not, the actions that are required.
- Recipient groups will be required to give public recognition to the donations, sponsorships and subsidies received from Council and acknowledge Council's financial assistance on any related promotional or other material. Failure to do so may result in the disqualification of the group or its affiliates from further funding.
- Recipients must provide an acquittal and/or evaluation report, where specified in the applicable category, by the end of the financial year in which the funding was provided. If acquittals/reports have not been received by the end of the financial year, the Council may not consider applications submitted by that applicant in the next round of funding.
- The failure of any group to comply with these conditions may disqualify them from consideration for funding in a subsequent year, for the following year.
- Where the request is for funds for an event, evidence (i.e. Certificate of Currency) of public liability insurance to a minimum value of \$20 Million, noting the interests of Council with an Insurer approved by the Australian Prudential
- Regulatory Authority. This provision is applicable where the activity or event is being conducted on Council owned and controlled land or facility.
- Events that receive donation funding from Council remain the property of the recipient organisation(s). Organisers retain responsibility for obtaining relevant permits, event logistics, marketing, and administration relating to planning and holding the event. The provision of funding by Shoalhaven City Council does not imply any ownership or management responsibility for the event being accepted by Council.
- Council may impose an additional condition on grant recipients, which encourages links to major festivals or events, displays or performances.
- Applicants are reminded of the impact ~~Impact~~ of GST (refer Appendix A)

**Delegation**

In accordance with Section 377 of the Local Government Act, 1993 the General Manager may authorise payment of a donation, sponsorship or subsidy voted by Council, other than where it is a decision under Section 356(2) to contribute money or otherwise grant financial assistance to an individual. Payment to an individual must be authorised by a Council resolution and following a 28 day public exhibition period, if applicable.

The General Manager has delegated authority to approve any out of policy requests for donations of up to \$1000 in exceptional circumstances/requests which align with Council's strategic objectives and do not require a resolution under Section 356(2) of the Local Government Act.

### **Categories**

#### **A. General Donations (Culture, Community & Environment)**

##### **Assessment Criteria**

Applications should demonstrate how the project or program aligns with one or more of the Community Strategic Plan Key Priorities, as appropriate:

- 1.1 Build inclusive, safe and connected communities
- 1.2 Activate communities through arts, culture and events
- 1.3 Support active, healthy liveable communities
- 2.3 Protect and showcase the natural environment
- 3.1 Maintain and grow a robust economy with vibrant towns and villages

Applications will be assessed against the following considerations:

- What CSP Priorities does the project meet?
- Does the application have a broad community focus?
- If the project has a regional focus what benefit will occur for Shoalhaven residents?
- Who and how many will benefit from the donation?
- Does the project have the potential to contribute to the community's sense of belonging?
- Where applicable, does the project have the potential to improve the natural environment or the community perception of the natural environment?
- Does the project have the potential to contribute to tourism, education, business and/or employment in the Shoalhaven?
- Has the need for the project been demonstrated?
- To what degree is the group or project self financing?
- Has the need for funding or subsidy been demonstrated?
- Is the organisation able to make a contribution either in monetary funds or in kind, e.g. labour, materials, etc.?
- What efforts have been made to seek funds from other sources?
- Is it a 'one-off' request or likely to be a recurring request?
- If the application is by an individual, is it accompanied by evidence of an agreement with a suitable auspicing organisation?



- If applying under the Large Project Grants subcategory, does the applicant confirm they will co-contribute at least 25% of the anticipated project cost?

## **B. Sponsorship of Local Events**

Event organisers will be invited to apply to Council's Annual Donations Program for sponsorship funding of events that correspond to relevant Key Priorities of the CSP, particularly:

1.2 Activate communities through arts, culture and events

3.1 Maintain and grow a robust economy with vibrant towns and villages

Successful applicants will be advised of Council's sponsorship including conditions of sponsorship and the Sponsorship Agreement. This includes requirements for:

- Acknowledgement of Council (including logo) equivalent to other similar amount sponsors and/or as stated within Council's Sponsorship Agreement;
- The applicant to obtain and comply with all certificates and approvals required by law or Council policy to hold the proposed event;
- Council to have the opportunity to display banners (as supplied by Council) at events;
- Council to have the opportunity for a stall at all events.

Requests for in-kind sponsorship will be assessed based on the criteria outlined in this policy and will be given a dollar costing at the normal rate of Council for such services or facilities. This value will be considered by the Donations Assessment Panel along with all other sponsorship applications.

All applicants will be required to abide by Council's Events Policy, and be responsible for obtaining all necessary permits and insurance policies and for payment of all fees and bonds that may be incurred by facilities bookings. Recipients of sponsorship funding are not eligible to apply for waivers of hire fees or other related charges for the same event.

### Funding levels:

- Major events with the potential to attract significant (1000+) attendance by local residents: maximum sponsorship \$10,000 (subject to variation by Council)
- Events which focus on participation within a local community: maximum sponsorship \$3,000 (subject to variation by Council)

### Assessment Criteria

Applications should demonstrate how the project or program aligns with one or more of the Community Strategic Plan Key Priorities, in particular:

1.2 Activate communities through arts, culture and events

3.1 Maintain and grow a robust economy with vibrant towns and villages

Applications will be assessed against the following considerations:

- What CSP Priorities does the event meet?

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- Does the application have a broad community focus?
  - If the event has a regional focus what benefit will occur for Shoalhaven residents?
  - Who and how many people will attend the event?
  - Does the event have the potential to contribute to tourism, education, business and/or employment in the Shoalhaven?
  - To what degree is the group or event self financing?
  - Has the need for the event been demonstrated?
  - Has the need for funding or subsidy been demonstrated?
  - Is the organisation able to make a contribution either in monetary funds or in kind, e.g. labour, materials, etc.?
  - What efforts have been made to seek funds from other sources?
  - Is it a 'one-off' request or likely to be a recurring request?
  - If the application is by an individual, is it accompanied by evidence of an agreement with a suitable auspicing organisation?
  - Does the application include all required supporting documentation, such as permits and insurance coverage?
- Determination of funding as a major event:
- Does the event offer the potential to attract significant (1000+) attendance by residents of the Shoalhaven Local Government Area?
  - Is the event a duplication of other existing or planned events?
  - Is there evidence of the applicants' track record of successful event planning on this scale?
- Events not eligible for funding:
- Events already receiving support through another Shoalhaven City Council funding program;
  - Local events that only target a specific sector or group and do not actively engage the general broader community;
  - Fetes;
  - Conferences/Dinners;
  - Award presentations;
  - Political events;
  - Fundraising and charity events where the majority of funds raised go outside the Shoalhaven area;
  - Any event with sponsorship assessed as actual, potential or perceived conflict of interest between Council and the applicant or another sponsor.

**C. Subsidised Rental, Rates and Use of Council Facilities**

CL19.115 - Attachment 2



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Not-for-profit users of Council facilities (or other premises, subject to assessment) may apply to Council's Annual Donations Program for rental, hire fees or rates subsidies, where use of the premises aligns with the relevant Key Priorities of the CSP, namely:

- 1.1 Build inclusive, safe and connected communities
- 1.2 Activate communities through arts, culture and events
- 1.3 Support active, healthy liveable communities
- 3.1 Maintain and grow a robust economy with vibrant towns and villages

Applications will be invited for rates or rent charges that fall due in the following financial year.

Rates Subsidies and Donations for Hire Fees incurred for use of Council facilities are disbursed through internal journal transfers within Council, and are not paid direct to the recipients.

Successful Rates Subsidy applicants at premises which receive domestic waste services will be provided with tip vouchers as part of their donation.

Rental Assistance: Applicants must be a not-for-profit organisation or community group to apply for Rental Assistance. Applicants must demonstrate that the activities or programs to be conducted at the premises provide benefit (or have the capacity to benefit) for the Shoalhaven community. Applications may not be eligible if the premises are being or will be rented at reduced or special hire rates.

Rates Subsidies: Council will consider donations towards rates levied on community halls which are used as public halls in a particular area, or other rateable premises which are solely used for charitable purposes. Applicants are required to submit evidence of use of the premises for charitable or not-for-profit purposes.

Facilities Hire: Organisations may apply for a Facilities Hire donation for use of a Council Facility that is able to be hired by the public, as outlined in Council's annual fees and charges. Applicants must be a not-for-profit organisation or community group to apply for a Facilities Hire donation. Applicants must demonstrate that the activities or programs to be conducted at the facility provide benefit (or have the capacity to benefit) for the Shoalhaven community.

Applications will be considered for venue hire only and not for related Council services such as bonds, staffing or equipment hire.

Applicants must have made a tentative booking for Council's facilities. Applicants must complete the application form and attach the booking confirmation to the application. Additional documentation should be provided, including a copy of:

- Public Liability Insurance Certificate of Currency (minimum \$20,000,000 coverage), listing Council as an interested party, current for the term of the hires.
- Proof of not-for-profit status;
- Supporting documents, including project budget, marketing material, event plan, or membership documents.

Details of the venue hire requirements are set out in the Public Reserve/Building Hire

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Application Form available on the Council website.

Organisations in receipt of any previous donation or grant funding from Shoalhaven City Council must have submitted an acquittal report by the due date. Applications will not be considered for additional Facilities Hire funding for an activity or program where the organisation is already in receipt of a donation or grant covering venue hire for the same project.

Assessment Criteria

Applications should demonstrate how the project or program aligns with one or more of the Community Strategic Plan Key Priorities, as appropriate:

- 1.1 Build inclusive, safe and connected communities
- 1.2 Activate communities through arts, culture and events
- 1.3 Support active, healthy liveable communities
- 3.1 Maintain and grow a robust economy with vibrant towns and villages

Applications will be assessed against the following considerations:

- What CSP priorities objectives does the use of the premises meet?
- Does the application have a broad community focus?
- Who and how many will benefit from the donation?
- Who and how many use the facility/premises?
- How frequently will the premises be used?
- For what purpose is the facility/premises used?
- How is the activity taking place on the premises funded?
- Are the participants required to pay a fee for the activity held on the premises?
- Has the need for the use of the premises been demonstrated?
- Has the need for funding or subsidy been demonstrated?
- What efforts have been made to seek funds from other sources?
- What effect would a donation/subsidy only to the project make to the outcome?
- If the application is by an individual, is it accompanied by evidence of an agreement with a suitable auspicing organisation?

**D. Councillor Discretionary Fund**

A Councillor Discretionary Fund will be allocated to provide the opportunity for each Councillor to use a nominal annual budget, adopted by Council, towards supporting requests for financial assistance for activities that provide, or have the potential to provide, benefit to the community.

The purpose of the Fund is to provide a framework which enables Councillors to provide financial assistance for small financial requests from community groups. The Fund is intended to regularise Councillors' requests for unallocated donations submitted as Notices of Motion.



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Applications need not be assessed by the Donations Assessment Panel but must be reported to and funded via a resolution of Council.

The annual allocation is set at \$1500.

- One donation per financial year may be expended from each Councillor's allocation, to the maximum amount stipulated.
- Donation recipients must complete an Application for Financial Assistance Form.
- The applicable donations category criteria above are applicable.
- Recipients of funding will be required to provide an acquittal report within 12 months of receipt. Failure to do so will affect eligibility for future applications.
- Elected Council members, Council staff and their immediate family (parent, spouse, partner or children) are ineligible to apply for funds.

### **Preparation of Application**

Applicants are required to complete a written application form entitled "Application for Financial Assistance/Donation" (Refer Appendix C)

### **Checklist of Documents to be Forwarded with Application**

- For first time applicants, a copy of their organisation's constitution and if that constitution changes then an updated copy of it is to be forwarded with any subsequent application
- A copy of the project's proposed budget, detailing anticipated costs, with quotes if applicable
- A copy of the most recent annual report (including financial statements of income and expenditure) preferably audited
- Copy of notification of ABN No. and GST registration (if applicable) from the Australian Tax Office. (see Appendix A)
- Evidence of Incorporation if applicable
- A copy of the applicant's current liability insurance policy (i.e. Certificate of Currency)
- Where the applicant is a registered public charity, a copy of the registration certificate
- Where the applicant is an individual, evidence of a formal auspicing agreement with a suitable auspicing organisation.

### **Appendices**

Appendix A: Impact of GST

Appendix B: Statement by Supplier

Appendix C: Application for Financial Assistance/Donation

**Appendix A**



**Application for Financial Assistance / Donation**

File 4771E

Financial Year 2019 / 2020

- Please refer to the Donations Policy before completing this application form.  
This information is the minimum required for an application.
- Please attach additional information as requested in the Checklist of documents to be forwarded with application, as listed at the end of this form.
- Applications are due at close of business on 24 May 2019.
- Please contact the Governance Team on 4429 3316 for further details if required.

**AMOUNT REQUESTED**

1. Category  
☐ General Donations (Culture, Community, Environment)  
☐ Sponsorship of Local Events  
☐ Subsidised Rental, Rates and Use of Council Facilities  
☐ Other / Not sure .....
2. Amount of assistance being sought: \$ .....
3. What is the minimum amount of funding from Council required to proceed with the project or event? \$ .....

**Commented [A1]:** Categories and amount of donation are included at the beginning to facilitate administration and assessment.

**Commented [A2]:** New question, to establish the 'bottom line' requirement in case Council's budget is exceeded.

**PART A: APPLICANT DETAILS**

4. Name of Applicant / Organisation responsible for the event/activity: .....  
 .....  
 Contact person: .....
5. Mailing address: .....
6. Email: .....
7. Phone: .....
8. Type of Organisation (please tick all that apply):  
☐ Not for Profit                      ☐ Registered Charity  
☐ Incorporated                      ☐ Commercial undertaking  
☐ Other (please specify) .....

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9. Is the project or organisation **Auspiced by another organisation?** If YES, please state:

**Commented [A3]:** Auspicing details have been added – only to be completed where applicable.

Organisation: .....

Contact details: .....

10. Please describe **your organisation's principal objectives:**

**Commented [A4]:** The previous form did not have fields for a description of the applying organisation.  
The field for Office Bearers has been removed as this information will be contained the submitted Constitution (also required in the previous version - see Checklist at end).

.....

.....

11. Please describe the services or activities your organisation provides to Shoalhaven residents:

.....

.....

.....

.....

**PART B: PROJECT DETAILS**

12. Title of Project or Event: .....

13. Please give a brief description of the project or event for which assistance is sought:

.....

.....

.....

.....

14. **Why is this project or activity important? How is it different to others in the Shoalhaven?**

**Commented [A5]:** The following questions replace the section in the previous version relating to meeting the Policy Objectives. The wording of these Objectives does not 'translate' well to the form and the responses often replicate each other. They have been replaced with simpler questions that reference the relevant key priorities of the Community Strategic Plan.

.....

.....

.....

15. How will this project, activity or event provide benefit specifically to the residents of the Shoalhaven?

.....

.....

.....

.....

*Shoalhaven City Council – Donations Policy – Application for Financial Assistance/Donation*

16. Which of the following Community Strategic Plan Key Priorities will be met?

- ☐ 1.1 Build inclusive, safe and connected communities
- ☐ 1.2 Activate communities through arts, culture and events
- ☐ 1.3 Support active, healthy liveable communities
- ☐ 2.3 Protect and showcase the natural environment
- ☐ 3.1 Maintain and grow a robust economy with vibrant towns and villages

17. Who will the target audience or participants be?

.....  
.....  
.....

18. Will there be a fee, charge or contribution payable by participants? ☐ YES ☐ NO

If so, please give details: .....  
.....  
.....

Commented [A6]: These finance questions have been grouped together after the qualitative questions, as it is felt that if they appear as the first item they make the form appear more overwhelming in detail than it is.

19. Total cost of the event or project: \$.....

20. Funds held by the organisation that will be used to support the event or project: \$.....

Commented [A7]: Previously worded 'Funds available at present to go towards event' – clarification added.

21. Has Council previously assisted your organisation with an event or project? ☐ YES ☐ NO

If YES, what was the amount of the assistance from Council?

Year .....	Amount \$.....
Year .....	Amount \$.....
Year .....	Amount \$.....

Commented [A8]: This question, and the next, are retained from the previous version but reformatted for clarity.

22. Have you applied for funding for this event or project from others? ☐ YES ☐ NO

If YES, please state:

a. Other funding from Council:

<u>Source</u>	<u>Amount</u>	<u>Successful?</u>
.....	\$.....	<input type="checkbox"/> YES <input type="checkbox"/> NO
.....	\$.....	<input type="checkbox"/> YES <input type="checkbox"/> NO

b. Funding from other organisations:

<u>Source</u>	<u>Amount</u>	<u>Successful?</u>
.....	\$.....	<input type="checkbox"/> YES <input type="checkbox"/> NO
.....	\$.....	<input type="checkbox"/> YES <input type="checkbox"/> NO

If any applications were successful, what was the total amount allocated? \$.....

*Shoalhaven City Council – Donations Policy – Application for Financial Assistance/Donation*

23. Is it anticipated this event/project will be self-funding in the future? ☐ YES ☐ NO

If YES, please provide details: .....

24. What will the **impact be on this activity if the full amount of requested funding is not provided?** .....

Commented [A9]: New question intended to assess the risk to the project.

25. How do you intend to give public recognition to the financial assistance received from Council and acknowledge Council's financial assistance on any related promotional or other material? .....

26. Please provide any other relevant information in support of this application. ....

• If your application does not relate to an event, please skip to PART D.

**PART C: Category – Sponsorship of Local Events**

27. Title of Event: .....

28. Date/s of the proposed event: .....

29. Where will this event take place? .....

30. **How many attendees / participants are expected?** .....

31. Has this event been held or run **previously?** ☐ YES ☐ NO

32. Please provide details (when and where) .....

33. Is this proposed to be an annual or recurring event? ☐ YES ☐ NO

34. Name of Public Liability Insurer: .....

35. Amount of insurance **cover** \$ .....

36. Will the proceeds of this event **be donated to another organisation or charity?** ☐ YES ☐ NO

If YES, please specify: .....

Commented [A10]: Category-specific questions have been grouped to make it clear they do not have to be completed if not applicable.

Commented [A11]: The projected scale of the event will determine whether it is eligible for Major or Local levels of funding.

Commented [A12]: This new question will help consideration of an event's future sustainability.

Commented [A13]: This information is required by Council's Events Policy and is included in the Checklist below.

Commented [A14]: It is important to establish that the primary benefit will remain in the Shoalhaven.



Shoalhaven City Council – Donations Policy – Application for Financial Assistance/Donation

• If your application does not relate to rental, rates or use of Council facilities, please skip to PART E.

**PART D: Category – Subsidised Rental, Rates and Use of Council Facilities**

37. Please state for which property or facility the rental or rates subsidy is being sought:  
.....
38. Does Shoalhaven City Council own or manage this facility? ☐ YES ☐ NO  
How often will your organisation use this facility? .....  
Please estimate the amount of time that your organisation uses the facility each month:  
.....
39. Please give a brief description of the project or activities for which the premises are being used:  
a. By your organisation: .....  
.....  
b. By others: .....  
.....

Commented [A15]: The previous form had no provision for this information.

Ownership of premises will determine eligibility for Rates subsidies.

**PART E: SUPPORTING DOCUMENTATION**

**Checklist of documents to be forwarded with application:**

- ☐ For first time applicants, a copy of their organisation's constitution and if that constitution changes then an updated copy of it is to be forwarded with any subsequent application.
- ☐ A copy of the most recent annual report (including financial statements of income and expenditure) – preferably audited.
- ☐ Copy of notification of ABN and GST registration (if applicable) from the Australian Tax Office.
- ☐ If the above does not apply, completed Statement by a Supplier (Form is provided at Attachment 1.).
- ☐ Evidence of incorporation where applicable.
- ☐ A copy of the applicant's current public liability insurance policy (i.e. Certificate of Currency).
- ☐ Where the applicant is a registered public charity, a copy of the registration certificate.
- ☐ Budget for the event or project. This should be a firm estimate if not the final budget.  
(Sample Budget is provided at Attachment 2.)
- ☐ Acquittal report of previous Council financial assistance received, if not already submitted.  
(Sample Acquittal is provided at Attachment 3.)

Commented [A16]: Expanded version of the checklist in the previous version now includes reminders to applicants of requirements for a project budget and acquittal.

*Shoalhaven City Council – Donations Policy – Application for Financial Assistance/Donation*

**PART F: DECLARATION**

In making this application I / we confirm that:

- a. Where funding is being sought for an event, this event will comply with Council's Events policy.
- b. I / we will retain full responsibility for organising and hosting the project or event, including marketing, procurement, administration, obtaining all relevant permits, and supplying information as requested by Council.
- c. No financial assistance, other than that which is outlined in this application, is being received or sought from Council this financial year for this project or event.
- d. I / we undertake to provide an acquittal of the funding by the end of the financial year in which the donation is paid.

Commented [A17]: New declaration included to clarify the relationship with Council, and the avoid the presumption that funding of events means they are being run on behalf of Council.

I have been authorised by..... (organisation) to make this application.

Full name: .....

Position in organisation: .....

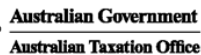
Signature..... Date.....

**PLEASE RETURN COMPLETED APPLICATION AND SUPPORTING DOCUMENTATION TO:**

The General Manager, Shoalhaven City Council, PO Box 42, Nowra NSW 2041

Email: council@shoalhaven.nsw.gov.au

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### Statement by a supplier

- you are an individual or a business
- you have supplied goods or services to another enterprise (the payer), and
- you are not required to quote an Australia business number (ABN).

- Print clearly in BLOCK LETTERS using a black pen only.
- Use BLOCK LETTERS and print one character in each box.
- Place **X** in all applicable boxes.

➤ Payers can check ABN records of suppliers by visiting **abr.business.gov.au** or phoning **13 72 26** 24 hours a day, 7 days a week.

Section A: **Supplier details**[illegible]

Suburb/town

State/territory

Postcode

- ☐ The payer is not making the payment in the course of carrying on an enterprise in Australia.
- ☐ The supplier is an individual aged under 18 years and the payment does not exceed \$350 a week.
- ☐ The payment does not exceed \$75, excluding any goods and services tax (GST).
- ☐ The supply that the payment relates to is wholly input taxed.
- ☐ The supply is made by an individual or partnership without a reasonable expectation of profit or gain.
- ☐ The supplier is not entitled to an ABN as they are not carrying on an enterprise in Australia.
- ☐ The whole of the payment is exempt income for the supplier.

The supplier is an individual and has given the payer a written statement to the effect that the supply is either:

☐ made in the course or furtherance of an activity done as a private recreational pursuit or hobby, or

☐ wholly of a private or domestic nature (from the supplier's perspective).

Section B: **Declaration**

Under pay as you go (PAYG) legislation and guidelines administered by us, the named supplier is not quoting an ABN for the current and future supply of goods or services for the reason or reasons indicated.

[illegible]

Country	Year	Population (millions)	Urban population (millions)	Urban population (%)
Algeria	2000	24.1	11.2	46.5
Algeria	2005	26.1	12.5	47.9
Algeria	2010	28.1	13.8	49.1
Algeria	2015	30.1	15.1	50.2
Algeria	2020	32.1	16.4	51.1
Algeria	2025	34.1	17.7	51.9
Algeria	2030	36.1	19.0	52.6
Algeria	2035	38.1	20.3	53.3
Algeria	2040	40.1	21.6	53.9
Algeria	2045	42.1	22.9	54.4
Algeria	2050	44.1	24.2	54.9
Algeria	2055	46.1	25.5	55.3
Algeria	2060	48.1	26.8	55.7
Algeria	2065	50.1	28.1	56.1
Algeria	2070	52.1	29.4	56.4
Algeria	2075	54.1	30.7	56.7
Algeria	2080	56.1	32.0	57.0
Algeria	2085	58.1	33.3	57.3
Algeria	2090	60.1	34.6	57.6
Algeria	2095	62.1	35.9	57.8
Algeria	2100	64.1	37.2	58.0
Algeria	2000	24.1	11.2	46.5
Algeria	2005	26.1	12.5	47.9
Algeria	2010	28.1	13.8	49.1
Algeria	2015	30.1	15.1	50.2
Algeria	2020	32.1	16.4	51.1
Algeria	2025	34.1	17.7	51.9
Algeria	2030	36.1	19.0	52.6
Algeria	2035	38.1	20.3	53.3
Algeria	2040	40.1	21.6	53.9
Algeria	2045	42.1	22.9	54.4
Algeria	2050	44.1	24.2	54.9
Algeria	2055	46.1	25.5	55.3
Algeria	2060	48.1	26.8	55.7
Algeria	2065	50.1	28.1	56.1
Algeria	2070	52.1	29.4	56.4
Algeria	2075	54.1	30.7	56.7
Algeria	2080	56.1	32.0	57.0
Algeria	2085	58.1	33.3	57.3
Algeria	2090	60.1	34.6	57.6
Algeria	2095	62.1	35.9	57.8
Algeria	2100	64.1	37.2	58.0

□ □ □ □ □ □ □ □ □ □

Day                      Month                      Year

/   /

**!** Penalties apply for deliberately making a false or misleading statement.

Give the completed statement to any payer that you are supplying goods or services to. The payer must keep this document with other records relating to the supply for five years.

## Attachment 2: Budget Details

This should be a firm estimate if not the final budget.  
A final budget will be required prior to any provision of funding.

Expenditure	Amount
1. Wages/Salaries/Contractors (give details)	
2. Other staff related costs:	
On Costs	
Travel	
Other	
3. Administration	
Accountant/Audit fees	
Other	
4. Hire of Hall/Venue	
5. Equipment/Materials	
Purchase	
Hire	
6. Advertising/Promotion	
7. Other Project/Operating Costs (give details)	
.....	
<b>TOTAL</b>	

Income	Amount
1. Sponsorship (nominate sponsor)	
2. Donations	
3. Sales	
4. Admission Fees/Ticket Sales	
5. Other Income (give details)	
.....	
<b>TOTAL</b>	

*Shoalhaven City Council – Donations Policy – Application for Financial Assistance/Donation*

**Attachment 3: Sample Acquittal**

**ACQUITTAL**

**Name of Organisation:** \_\_\_\_\_XYZ Incorporated\_\_\_\_\_

**Name of Event:** \_\_\_\_\_XYZ Event\_\_\_\_\_

**Date/s of Event:** Date from – date to

**Income**

Donation/Grant received from Shoalhaven City Council	\$ 2,200.00
Ticket sales	\$ 500.00
Food sales	\$ 166.50
<b>Total</b>	<b>\$ 2,866.50</b>

**Expenditure**

Venue hire	\$ 50.00
Ticket printing	\$ 15.00
IT / Audiovisual set up	\$ 285.34
DVD production	\$ 850.00
Catering	\$ 517.13
Advertising	\$ 800.00
Administration	\$ 349.03
<b>Total</b>	<b>\$ 2,866.50</b>

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**Attachment 4****IMPACT OF THE GST**

Unless recipients of grants after 1 July 2000 have an Australian Business Number (ABN), the supplier of the grants (i.e. Council) must remit 48.5% of the grant total in withholding tax to the Australian Tax Office. The recipient **may** receive part of this back when they submit their tax claim at the end of the year, but it is our understanding that most community organisations would not find half a grant to be a viable proposition. Although Council is not stating that you must have an ABN number, Council strongly recommends that your organisation have one.

**Under the current Tax System, there are generally three options available to your organisation. They are listed as follows:**

**OPTION ONE (the preferred option)**

Your organisation has an ABN number and is registered for the GST. This means that if you are successful in gaining a grant the funds you receive will be “grossed up” to include the GST component. You will then pay the GST to the Federal Government. As Council is in effect paying the GST on your grant, Council will then claim back the GST through its monthly Business Activity Statement and will receive an Input Tax Credit.

Successful applicants who are registered for the Goods and Services Tax must supply Council with a tax invoice. Council will gross up the grants by 10 per cent for successful applicants who are Goods and Services Tax registered.

**OPTION TWO**

Your organisation has an ABN number but is not registered for the GST. This means that if you are successful in gaining a grant the funds you receive will not have a GST component included.

**OPTION THREE**

You do not have an ABN number and therefore if you were successful in receiving a grant, donation or subsidy Council have to remit 48.5 cents in every dollar as withholding tax to the ATO.

To avoid Council having to withhold 48.5% as withholding tax and remitting this to the ATO an exemption statement may be completed by the applicant (refer to “statement of supplier” form attached) and submitted to Council.

Council will then assess the application form in terms of whether it complies with the GST legislation particularly in respect of withholding tax.

## CL19.116 National Sports Convention - Reimagining Sport

**HPERM Ref:** D19/113073

**Group:** Finance Corporate & Community Services Group  
**Section:** Human Resources, Governance & Customer Service

**Attachments:** 1. National Sports Convention 2019 - Program (under separate cover) [⇒](#)

### Purpose / Summary

To consider Councillor attendance at the 2019 National Sports Convention – Reimagining Sport Conference scheduled for 23-25 July 2019 in Melbourne.

### Recommendation (Item to be determined under delegated authority)

That Council

1. Notes the details of the 2019 National Sports Convention – Reimagining Sport Conference scheduled for 23-25 July 2019 in Melbourne.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

### Options

1. As per the recommendation.
2. That Council limit the number of Councillors attending and such attendance be deemed Council Business.
3. That Council not approve Councillor attendance at the Conference as Council Business.

### Background

The 2019 National Sports Convention – Reimagining Sport Conference is considered relevant to local government. Information relating to the conference can be found at in the Attachment or at the following website.

<https://www.nationalsportsconvention.com.au/>

This is Australia's leading sport, recreation and physical activity convention. It offers:

- Five (5) conference streams covering:
  - Community Sport,
  - Aquatic and Recreation Infrastructure,
  - Sports Surfaces,
  - Diversity and Inclusion,

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- Disability Sports,
- Networking Events,
- Industry Tours,
- Sport and Recreation Industry Trade Show.

The National Sports Convention focus is *'More people active with greater participation opportunities'*.

Costs associated with the conference are estimated as follows:

- Registration: \$1,095
- Travel, accommodation and out of pocket expenses: not yet determined.

An option available to Council is to define the number of Councillors attending the conference and for Council to determine the appropriate Councillors authorised to attend. However, this option may limit the learning experience for some Councillors if applied.

The Convention commences at 8.30am on Tuesday 23 July 2019 with the facility tours, and the Conference stream on Wednesday 24 July 2019 and concludes at 5.00pm on Thursday 25 July 2019. A meeting of the Strategy and Assets Committee is scheduled during the conference.

### **Policy Implications**

The Council Members – Payment of Expenses and Provision of Facilities Policy limits attendance at conferences to three per annum per Councillor exclusive of any conference arranged by either the State or National Local Government Associations.

### **Financial Implications:**

Funds are available for Councillors to attend this conference.

## CL19.117 Collaboration with Corrective Services NSW Community Corrections Agency - Opportunities for Offenders to contribute to improving assets in the Community

**HPERM Ref:** D19/85819

**Group:** Assets & Works Group  
**Section:** Works & Services

**Attachments:** 1. Legal Document - Memorandum of Understanding - Corrective Services  
NSW Offender Program [↓](#)

### Purpose / Summary

Explore opportunities to work together with Corrective Services NSW in mutually beneficial activities to enhance the City's assets.

### Recommendation

That Council note that at the meeting with Correctional Services on 9 April 2019 the following actions were agreed:

1. Re-establish regular meetings/catch-up with Community Corrections and Council. - Community Corrections to be the principal point of Contact for Corrections in general.
2. Council will assign a single point of contact for Community Corrections to ensure smooth collaborations.
3. Considerations be given to the refreshment of the Current Memorandum of Understanding to include Community Corrections.
4. Through Council's extensive community network make bi-annual approaches to local groups who may have need/requirement for a labour program and that would be suitable for a community corrections program.

### Options

Nil

### Background

On 11 July 2011 Council (External Agency) entered into a MoU with Correctional Services NSW for the South Coast Correctional Centre (SCCC) (the Centre) which seeks to "enter into an arrangement by which the **External Agency** will actively utilise inmates from the **Centre** in projects that develop community facilities (the "**Project**")".

The current MoU is provided as attachment 1

Essentially the MoU states that Council will provide a project, access to a site, and consumables.

The SCCC will provide training, equipment, supervision, and signage.

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At its Ordinary Meeting on 29 January 2019 Council resolved as follows (MIN19.17):

*That a report be provided to Council on additional operational areas in which Council, as a community service work partner, can work with Corrective Services NSW Community Corrections Agency to provide opportunities for offenders to contribute to improving assets in the community, as well as providing effective cost savings to Council.*

At the Ordinary Meeting on 26 February 2019 Council resolved as follows (MIN19.71):

*That Council through the GM and Mayor instigate a meeting at the earliest opportunity with the following to discuss the way forward in activating programs for those offenders who are eligible to work outside on community programs:*

1. *Mr Mick Reid (Governor of South Coast Correctional Centre)*
2. *Mr Darren Hill (Correction Services Operation Manager)*
3. *Ms Donna Hume (Manager of Offenders Services Programs)*
4. *Ms Cathy Bland (Community Correction Manager)*
5. *Clr Gash*
6. *Clr Watson*
7. *Director of Assets & Works*
8. *Economic Development Officer*

On Tuesday 9 April this meeting was held. The attendees were;

*Clr Amanda Findley (Mayor, Shoalhaven City Council)*  
*Clr Kaye Gartner (Councillor, Shoalhaven City Council)*  
*Stephen Dunshea (Acting General Manager, Shoalhaven City Council)*  
*Mick Reid (Governor of South Coast Correctional Centre)*  
*Darren Hill (Correction Services Operation Manager)*  
*Cathy Bland (Community Correction Manager)*  
*Nerice Low (Community Services Administrative Assistant)*  
*Paul Keech (Director, Assets & Works, Shoalhaven City Council)*  
*Greg Pullen (Economic Development Manager, Shoalhaven City Council)*

Discussion took place on the current and ongoing capacity for Council to engage with Corrections for community programs.

Governor Mick Reid advised that the South Coast Correctional Centre is currently at its maximum allowable participation in Custodial Programs and that there is very limited capacity for expansion.

Cathy Bland from Community Corrections gave an update on the current capacity for Community Programs. Community Correction orders are on the increase in a general sense and each area is dependent on the sentencing practice of local Judges.

Locally Community Corrections work closely with the Corrections Centre in respect to current program capacity, and the Community Corrections staff are the one point of contact for Council with respect to potential projects.

Current Corrections demand requires more sites in the greater Shoalhaven including locations at Ulladulla, Milton and Sussex Inlet with other sites required as demands change.

Suggested project sites were discussed, with the extent of works including litter and rubbish collection, landscape and other minor maintenance where the works proposed are in addition to Council's regular scheduled maintenance programs.

Actions from the meeting are as follows:

1. Re-establish regular meetings/catch-up with Community Corrections and Council. - Community Corrections to be the principal point of Contact for Corrections in general.
2. Council will assign a single point of contact for Community Corrections to ensure smooth collaborations.
3. Considerations be given to the refreshment of the Current Memorandum of Understanding to include Community Corrections.
4. Through Council's extensive community network make bi-annual approaches to local groups who may have need/requirement for a labour program and that would be suitable for a community corrections program.

Meeting closed at 4.15pm

### **Community Engagement**

Nil.

### **Financial Implications**

Nil.

### **Risk Implications**

Minimal.

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## Memorandum of Understanding

This Memorandum of Understanding ("MOU") is made on the 11<sup>th</sup> of July 2011.

### Between

1. **The Crown in right of the State of New South Wales, acting through Corrective Services NSW, Department of Attorney General and Justice** of 20 Lee Street, Sydney, New South Wales, 2000 ("CSNSW"); and
2. **Shoalhaven City Council** of Bridge Road, Nowra, 2541 ("External Agency").

### Background

- A. **CSNSW** is part of the Department of Attorney General and Justice as defined in s. 3 of the *Crimes (Administration of Sentences) Act 1999* (the "Act"). The South Coast Correctional Centre (the "Centre") is one of the correctional centres managed by **CSNSW** and which houses a number of inmates. A convicted inmate may, from time to time, be directed to carry out community service work pursuant to s. 6 of the Act. Community Service Work is defined in s.118 of the Act, (definitions set out in Schedule 2).
- B. Community reparation is seen as an essential component of offender programs at the Centre. **CSNSW** and the **External Agency** wish to enter into an arrangement by which the **External Agency** will actively utilise inmates from the **Centre** in projects that develop community facilities (the "Project").
- C. This MOU sets out the agreed understanding of the parties as to the terms and conditions on which this arrangement is entered into. It is not intended to be a legally binding agreement; however, by their endorsement of this MOU, the parties confirm their intention to abide by its terms and conditions.

### Operative provisions

1. **Term**
  - 1.1 This MOU commences on the Commencement Date specified in Item 1 of Schedule 1 and terminates on the Termination Date specified in Item 1 of Schedule 1 (the "Term").
  - 1.2 This MOU may be extended before the expiry of the Term on such terms as may be agreed to between the parties in writing.

## 2. The External Agency's obligations

### Community service work

- 2.1 The **External Agency** will assist **CSNSW** in its aim to provide meaningful work for inmates to undertake in order for them to be in work that is of mutual benefit to the community and to the inmates.
- 2.2 The **External Agency** will identify **Projects** that provide work that produces or maintains community facilities that are of a lasting benefit to the community. The facilities should improve the natural and built environment that currently exists in the Shoalhaven and maintain community support for **CSNSW**. **Projects** identified should ideally provide assistance to Government and not for profit agencies.
- 2.3 **CSNSW**, with the approval of the **External Agency**, will determine in its discretion what **Projects** are undertaken by inmates in accordance with this MOU.
- 2.4 The **External Agency** will identify **Projects** that can be achieved with the labour provided by **CSNSW** however that use of inmate labour should not of itself create a loss of local employment.
- 2.5 Once identified by the **External Agency**, a written request for assistance with a **Project** should be forwarded by the **External Agency** to the General Manager of the Centre. Any request must provide sufficient information for the General Manager to assess the **Project**. As a minimum, the **Project** description should include:
  - (a) A scope of works indicating what the **Project** is to achieve and in what time frame;
  - (b) What tools and equipment are required for the work;
  - (c) An assurance that if the **Project** requires materials and resources from outside the Centre, that these will either be supplied or the monies required to purchase the items, provided, in time for commencement of the work.

### Sites

- 2.6 The **External Agency** will provide access to the Sites where it has been agreed between the parties that community service work pursuant to a **Project** will be undertaken by the inmates in accordance with this MOU, for the purpose of inmates undertaking community service work at those Sites.
- 2.7 The **External Agency** warrants that the Sites are owned or leased or exclusively controlled by the **External Agency** or the **External Agency** is legally entitled to provide access to the Sites and to allow community service work to be performed at those Sites as agreed to in this MOU.



**Supplies and Equipment**

- 2.8 The **External Agency** will supply all consumables required to operate the Equipment referred to in clauses 3.4 and 3.5 below.

**General**

- 2.9 The **External Agency**, in giving access to the Sites, will take all reasonable care to provide a safe operating environment for inmates and **CSNSW** staff. The **External Agency** will promptly notify **CSNSW** if it becomes aware of any safety or liability issues that may arise in relation to the use of the Sites by inmates and/or **CSNSW** staff.

**3. CSNSW's obligations**

**Project assessment**

- 3.1 **CSNSW** will undertake a considered and timely assessment of all requests for assistance on **Projects** received from the **External Agency**. Such assessment will include, but is not limited to, security; available **Centre** resources; and, impact on the local community.
- 3.2 Once **CSNSW** has determined that the **Project** is appropriate, it shall undertake a work site occupational health and safety assessment.

**Training**

- 3.3 **CSNSW**, at its cost, will ensure that all inmates and **CSNSW** staff who attend the Sites and/or use the Equipment receive all necessary occupational health and safety ("OHS") training in relation to the use of the Equipment and the performance of community service work at the Sites.

**Equipment**

- 3.4 **CSNSW** will provide all necessary Equipment for the purpose of inmates undertaking community service work at the Sites.
- 3.5 **CSNSW** will ensure that the Equipment (and any other items supplied by the **CSNSW** for use at the Sites) is well maintained and kept in good working order at all times during the Term.

**Supervision of offenders**

- 3.6 **CSNSW** agrees that its staff will supervise inmates at all times that inmates are present at the Sites for the purpose of performing community service work.
- 3.7 Supervisory requirements are determined by reference to inmate classification and shall, at all times, be determined by **CSNSW**. The security of inmates, officers and the community shall hold precedence within this agreement.

- 3.8 **CSNSW** reserves the right to defer or cancel scheduled **Projects** if security of inmates, officers or the community is compromised.

**Signage**

- 3.9 **CSNSW** shall be responsible for providing and displaying signage indicating the **Centre's** involvement in the **Project**.
- 3.10 Signage required for occupational health and safety purposes will be arranged as agreed between the parties.

**4. Act or omission of inmate performing community service work**

- 4.1 The **Project** and work being carried out by the inmates in accordance with this MOU is community service work within the meaning of sections 3, 6 and 118 of the **Act** (set out in Schedule 2).
- 4.2 The General Manager of the **Centre** has directed the inmates to carry out the work in accordance with section 6 of the **Act**.
- 4.3 The Commissioner has approved the program and work to be carried out by the inmates.
- 4.4 The provisions of section 120 of the **Act** (set out in Schedule 2) apply so that the **External Agency** is not liable in respect of any act or omission of an inmate in the performance of work under this MOU, provided that the work is approved and required by the Commissioner.

**5. Indemnity and Insurance**

**Indemnity**

- 5.1 Subject to the provisions of clause 4, the **External Agency** agrees to indemnify and keep indemnified **CSNSW** and its employees, officers, contractors and agents involved in the **Projects** ("those indemnified"), from and against any liability or loss (including reasonable legal costs and expenses), which may be suffered or incurred by any of those indemnified by reason of or in connection with:
- (a) Any unlawful, wrongful, wilful or negligent act or omission of the **External Agency** or its staff resulting in personal injury to, or the death of, any person;
  - (b) Any unlawful, wrongful, wilful or negligent act or omission of the **External Agency** or its staff resulting in loss of, or damage to, property; and
  - (c) Any unlawful, wrongful, wilful or negligent act or omission by the **External Agency** or its staff in the performance of its obligations under this MOU.

- 5.2 The **External Agency's** liability to indemnify those indemnified under this MOU shall be reduced proportionally to the extent that any unlawful, wrongful, wilful or negligent act or omission of those indemnified caused or contributed to the liability or loss.

**Insurance**

- 5.3 The **External Agency** must maintain, at its expense and with a reputable insurance company, broad form liability insurance (that includes public liability insurance and products liability insurance) in the amount specified in Item 3 of Schedule 1. This insurance must be maintained during the **Term** and for the additional period after expiry or termination of this MOU specified in Item 5 of Schedule 1.
- 5.4 Workers' compensation insurance in accordance with applicable legislation in respect of all officers, employees and volunteers of the **External Agency**.
- 5.5 The **External Agency** must, on request, produce satisfactory evidence to **CSNSW** that the insurance requirements of this clause 5 have been effected and are current.
- 5.6 The **External Agency** acknowledges that the Crown in the right of the State of New South Wales is self-insured through the Treasury Managed Fund and that the Department of Justice and Attorney General is covered by this scheme.

**6. Termination of the MOU**

- 6.1 Either party may terminate this MOU prior to the expiry of the **Term** by giving the other party 4 weeks written notice.
- 6.2 **CSNSW** may terminate this MOU immediately on written notice if:
- (a) In **CSNSW's** reasonable opinion the **External Agency** commits a material breach of this MOU that is not capable of remedy; or
  - (b) The **External Agency** breaches any term of this MOU that is capable of remedy and fails to remedy that breach within 7 days of written notice to remedy the breach; or
  - (c) **CSNSW** forms the view at any time during the **Term** that there is a risk to the health or safety of an inmate or **CSNSW** staff that relates to attendance at a Site or use of the Equipment; or
  - (d) The **External Agency** is the subject of proceedings or investigations commenced or threatened by the Independent Commission Against Corruption, the police service or similar public body; or
  - (e) The **External Agency** comes into disrepute, is the subject of criticism or engages in behaviour that in **CSNSW's** reasonable opinion reflects unfavourably on its good name, goodwill, reputation or image; or

- (f) The **External Agency** is declared insolvent or insolvency proceedings are commenced against it, or it becomes subject to any form of insolvency administration.

**7. Amendment and review of MOU**

- 7.1 This MOU can only be varied or amended by the written agreement of both parties.
- 7.2 The parties agree to meet every 12 months to discuss the terms and conditions of this MOU and to consider whether any variations or amendments need to be made.

**8. Miscellaneous**

- 8.1 Where a clause defines a word or term by capitalising it and enclosing it in brackets and quotation marks, the meaning of the word will be as set out in that clause.
- 8.2 Unless stated to the contrary in this MOU, any communication required in connection with this MOU must be directed to the contact person specified in Item 2 of Schedule 1.
- 8.3 For the avoidance of any doubt:
- (a) neither party is an employee, agent or, partner of the other for any purpose; and
  - (b) the inmates are not the employees, agents or contractors of the **External Agency** for any purpose.

(signature of witness)

## SCHEDULE 1

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**Item 1            Term**

Commencement Date:    11<sup>th</sup> of July 2011

Termination Date:        11<sup>th</sup> of July 2012

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**Item 2            Contact Details**

**(a) For CSNSW:**

Address:    55 The Links Road, Nowra Hill NSW 2541

Contact:    David Ward

Telephone: 02 4424 6055

Facsimile: 02 4424 6099

**(b) For the External Agency:**

Address:    36 Bridge Road, Nowra NSW 2541

Contact:    Paul Collins

Telephone: 02 4429 3302

Facsimile: 02 4429 3173

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**Item 3            Insurance**

Insured amount:                    \$20 million

Additional insurance period after  
termination or expiry of this MOU:    12 months



## **SCHEDULE 2**

### **Crimes (Administration of Sentences) Act 1999 (NSW)**

#### **3 Interpretation**

"community service work" means any service or activity approved by the Minister, and includes participation in personal development, educational or other programs.

"Corrective Services NSW" means that part of the Department of Justice and Attorney General comprising the group of staff who are principally involved in the administration of this Act.

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#### **6 Work performed by inmates**

(1) The general manager of a correctional centre may make an order directing any convicted inmate in the correctional centre to carry out such work as the general manager considers suitable.

(2) The general manager may direct a convicted inmate, or such classes or groups of convicted inmates as the Commissioner may from time to time determine, to carry out community service work, or any work for Corrective Services NSW or a public or local authority:

- (a) within the correctional centre in which the inmate is imprisoned, or
  - (b) within the correctional complex in which the inmate is imprisoned but outside the correctional centre, or
  - (c) outside the correctional complex in which the inmate is imprisoned.
- (3) An inmate is not required to carry out work that the inmate is not capable of carrying out.

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#### **118 Definitions**

In this Division:

"community service work" means:

- (a) community service work performed by an offender while in full-time detention, and
- (b) community service work performed by an offender under an intensive correction order, and
- (c) community service work performed by an offender under a home detention order, and
- (d) community service work performed by an offender under a community service order, and

(e) other work performed by an offender outside a correctional centre in accordance with section 6 (2).

"offender" means a person who is required to perform community service work:

- (a) while in full-time detention, or
- (b) under an intensive correction order, or
- (c) under a home detention order, or
- (d) under a community service order.

"person involved", in relation to community service work, includes any person (including a corporation):

- (a) for whose benefit that work is performed, or
- (b) who directs or supervises that work, specifies its terms or conditions or controls it, or
- (c) who owns or occupies the premises or land on which that work is performed,

but does not include the offender by whom the work is performed.

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**120 Act or omission of offender performing community service work**

(1) No act or omission of an offender by whom community service work is performed gives rise to civil liability on the part of any person involved in that work if the act or omission occurs in the course of that work.

(2) A civil action that would, but for subsection (1), lie against a person involved in community service work lies instead against the Crown.

(3) Subsections (1) and (2) do not have effect if the act or omission concerned was, or was a necessary part of, an act or omission that was expressly required by the person involved in that work but neither approved nor required by the Commissioner.

## CL19.118 Proposed Purchase of Vacant Land, Nowra

HPERM Ref: D19/101636

**Group:** Assets & Works Group  
**Section:** Business & Property

### Purpose / Summary

This report notifies Council of an amendment to a previous confidential report to acquire vacant land in Nowra, to compensate for land acquired by RMS for the Nowra Bridge Project.

### Recommendation

That Council in accordance with Section 10(a)(2)(c) of the Local Government Act 1993 consider a separate confidential report on the proposed purchase of vacant land in Nowra.

### Options

1. Council accept the recommendation as presented.

Implications: Consider a separate confidential report outlining the results of the investigation.

2. Not adopt the recommendation

Implications: Proposed property acquisition will not commence.

### Background

The proposed purchase of vacant land identified in the confidential report can be used as a temporary parking area for Council staff during the RMS Bridge Project construction, prior to allowing some future development opportunity.

CL19.118

## **CL19.119 Tenders - Shoalhaven Indoor Sports Centre - Trade Package No. 99 - Terrace Construction Sub Contract & Budget Status Update**

**HPERM Ref:** D19/131571

**Group:** Assets & Works Group

### **Purpose / Summary**

To inform Council of the process for the Shoalhaven Indoor Sports Centre – Platform sub contract managed by Zauner Construction.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

### **Recommendation**

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

### **Options**

1. Council accept the recommendation as presented.

Implications: A separate report will consider commercial information.

2. Council amend the recommendation.

Implications: This may delay these important works.

### **Background**

To inform Council of the process for the Shoalhaven Indoor Sports Centre – Croquet Lawn Platform sub contract under Zauner construction.

Shoalhaven Indoor Sports Centre – Croquet Lawn Platform sub contract package tenders were called by Zauner on 22 January 2019 and closed at 5:00pm on 12 February 2019. The package was advertised in both local and metropolitan newspapers, and tenderers were directed to access the tender documents using the Zauner portal on Tenderlink. Two (2) conforming tenders were received.

### **Community Engagement**

A Review of Environmental Factors (REF) for the proposed activity in accordance with Section 5.5 of the Environmental Planning and Assessment Act and Clause 228 of the Environmental Planning & Assessment Regulations 2000 has been prepared.

CL19.119

The REF was released for public exhibition on 20 December 2018, closing on 21 January 2019. The information was posted on Council's website with a hard copy on display at Council, and a letter was circulated to all surrounding residents, the schools and CCB on that day; this was followed by a media release. All submissions have been responded to and the REF determined prior to construction commencement.

Communication through written notification, electronic media and provision of contact details for any concerns during the construction phase is available to the community via Council's webpage and site documentation.

### **Financial Implications**

Discussed in the confidential report.

### **Risk Implications**

The environmental impacts during the works is managed in accordance with the Remediation Action Plan (RAP) and Review of Environmental Factors (REF) which have been prepared by suitably qualified consultants. All works will be monitored under supervision of the hygienist and project construction managers.

CL19.119

## CL19.120 Development Application No.18/1844 – 120 Macleans Point Road – Lot 653 DP 27855

**DA. No:** DA18/1844/4

**HPERM Ref:** D19/111339

**Group:** Planning Environment & Development Group  
**Section:** Development Services

**Attachments:**

1. Recommended Conditions of Consent (under separate cover) ➡
2. Boarding House Management Plan (under separate cover) ➡
3. Boarding House Rules ⬇
4. Proposed Strata By-laws ⬇
5. Council Report - 2 April 2019 (under separate cover) ➡
6. Planning Report (under separate cover) ➡

**Description of Development:** Construction of two (2) boarding houses comprising 12 boarding rooms and a manager's residence and strata title subdivision

**Owner:** Thunderace Holdings Pty Ltd & Second Owl Pty Ltd  
**Applicant:** PDC Planners

**Notification Dates:** 8 August 2018 and 23 August 2018  
28 August 2018 and 11 September 2018 to Sanctuary Point Community Pride

**No. of Submissions:** 7 in objection  
Nil in support

### Purpose / Reason for consideration by Council

On 2 April 2019, the Development and Environment Committee resolved to defer consideration of DA18/1844 subject to the provision of a supplementary report addressing the following matters:

- a. restrictions on smoking in the area near the nursery/garden centre*
- b. stormwater*
- c. the ongoing management of the boarding house*

Furthermore, that the matter be brought to the April Ordinary meeting of Council.

### Recommendation

That Development Application No.18/1844 be determined by way of approval subject to the imposition of conditions of consent as contained in Attachment 1.

### Options

1. Approve the Development Application (DA) in accordance with the recommendation.

Implications: Approving the DA will enable the provision of affordable housing in an appropriate location. There are third party appeal rights through the NSW Land and Environment Court (L&EC).

CL19.120



2. Refuse the Development Application (DA)

Implications: Council would have to provide reasons for refusal to form part of the determination. The applicant would have the ability to request a review of any refusal by Council and / or pursue an appeal through the NSW Land and Environment Court (L&EC).

3. Alternative recommendation.

Implications: Council will need to specify an alternative recommendation and advise staff accordingly.

**Figure 1 - Location Map with Aerial Overlay**



CL19.120

**Background**

Proposed Development

It is proposed to construct two (2) attached boarding houses, one with seven (7) rooms and the other with five (5) rooms and a manager's residence. It is also proposed to Strata subdivide the development to create two (2) strata lots.

Lot 1 will contain the following:

- Two (2) single rooms and five (5) double rooms, including one accessible room, all of which will be self-contained. Subtotal – seven (7) boarding rooms, accommodating a maximum of twelve (12) persons.
- A communal living area.

Lot 2 will contain:

- Five (5) double rooms and one (1) manager's residence, all of which are self-contained. Subtotal – five (5) boarding rooms, accommodating a maximum of ten (10) persons, and a manager's residence.

- A communal living area.

Total – twelve (12) rooms, accommodating 22 persons and a manager's residence.

The communal areas will contain the shared parking spaces, outdoor recreation areas, letterbox, bin storage, fencing and landscaping. As per the submitted plans 1.8m high fencing is proposed along the common boundaries. The applicant has commented within the statement of environmental effects that:

*"The proposed boarding houses are intended to provide suitable accommodation for individuals and couples who are on low incomes. The proposed facilities of the boarding house ensure that all occupants are provided with a high standard of internal and external facilities."*

#### Council Resolution

On 14 August 2018 the Development & Environment Committee resolved that DA18/1844 be 'called in' to Council for determination due to the significant public interest.

The Development & Environment Committee subsequently considered DA18/1844 on 2 April 2019 and resolved that:

1. Council defer consideration of DA18/1844 120 Macleans Point Road, Sanctuary Point – Lot 653 DP 27855, pending the General Manager providing a supplementary report to Council in respect of
  - a. restrictions on smoking in the area near the nursery/garden centre
  - b. stormwater
  - c. the ongoing management of the boarding house
2. The report be brought to the April Ordinary meeting of Council.

#### **Issues**

##### Restrictions on smoking in the area near the nursery/garden centre

The area referred to in the Council resolution is detailed on the submitted plans as a 'communal open space' for the benefit of both boarding houses.

In response to the resolution the applicant has submitted the proposed Strata By-laws (see Attachment 4), an amended Boarding House Management Plan (hereafter referred to as the Management Plan – see Attachment 2) and amended Boarding House Rules (hereafter referred to as the Rules – see Attachment 3), outlining in an email to Council dated 5 April 2019 that:

*We can regulate smoking on the property with strata bylaws to address Council's concerns. I don't think the Council can enforce or require a condition of consent involving smoking on privately owned land as I would suggest that this possibly isn't within its jurisdiction. So, by us voluntarily including limitations on smoking within our plan of management (which will be a stamped approved document forming part of the consent) and in our strata bylaws, this is as about as good as it can get with respect to addressing that concern. We are happy to ban smoking on site.*

The applicant is correct in that a development consent cannot impose planning conditions relating to smoking. The condition would not be for a planning purpose and would not satisfy what is known as the Newbury Test. A consent however can reference a Management Plan and Boarding House Rules.

The following is an excerpt from the proposed Strata By-laws pertaining to the prohibition of smoking within the premises:

CL19.120

## **9 Smoke penetration**

- (1) An owner or occupier of a lot, and any invitee of the owner or occupier, must not smoke tobacco or any other substance within a lot.*
- (2) An owner or occupier of a lot, and any invitee of the owner or occupier, must not smoke tobacco or any other substance on the common property.*

It is made clear in the proposed Strata By-laws that smoking will be prohibited both within the proposed boarding houses and the common property areas. Further still, the prohibition of smoking is detailed within the Management Plan and Rules which will form part of the approved documentation. The following conditions have been recommended and can be found in Attachment 1:

### **45. Strata Scheme - By-laws**

*Both the approved Boarding House Management Plan and Boarding House Rules are to be incorporated into the by-laws as created under the Strata Schemes Management Act 2015.*

### **51. Management Plan**

*The approved development must be managed in accordance with the approved Boarding House Management Plan and Boarding House Rules in perpetuity.*

### Stormwater

The applicant in an email to Council dated 5 April 2019 has provided the following additional commentary regarding stormwater management for the development:

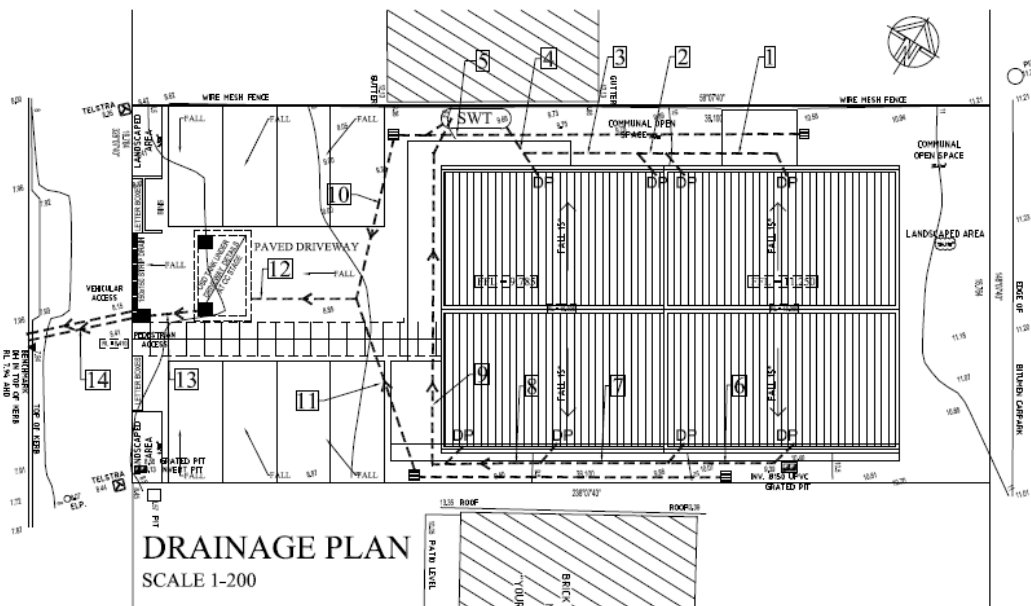
- 1) At the moment there are no stormwater controls on the lot.*
- 2) The neighbours on our high side have an easement for stormwater drainage through our site.*
- 3) The stormwater plumbing we propose to install will, in my opinion, dramatically improve the situation with respect to discharge of stormwater from the site. In this regard, OSD is proposed both within rainwater re-use tanks and by means of an underground OSD pit in the carpark. Pit and pipe drainage is proposed through the site also.*

A Drainage Details plan was submitted with the application prepared by Jordan Mealey & Partners Pty Ltd (Job No.20180092, dated 14/6/2018), see an excerpt at Figure 2. The proposed stormwater drainage system was reviewed by Council's Development Engineer who raised no concerns with the concept design, which included on-site detention measures in the form of a rainwater tank and underground pit within the carpark.

Conditions of consent were recommended by Council's Development Engineer requiring greater detail prior to the issue of a Construction Certificate. Those conditions have been included within the recommended conditions of consent found in Attachment 1.

The design is consistent with the requirements of Chapter G2 Sustainable Stormwater Management and Erosion/Sediment Control within the Shoalhaven DCP 2014.

Figure 2 – Excerpt from Drainage Plan



CL19.120

The ongoing management of the boarding house

The applicant has submitted a revised Management Plan and Rules to address the resolution of Council. The Management Plan 'sets out the various requirements and responsibilities of management and residents' and is supplemented by the Rules. Both documents will form part of the approved documentation and must be adhered to for the life of the development.

Further to the above, the proposed Strata Title By-laws have been submitted to Council for its information. This includes clarification of the scope of influence of the manager who is to reside within proposed lot 1:

**19 Compliance with directions of resident manager**

*All occupiers of each lot must comply with all directions of the resident manager located within lot 1.*

This inclusion within the Strata By-law further clarifies that the onsite manager, whilst residing within the manager's residence of proposed lot 1, is responsible for the management of both boarding houses. Should one of the allotments exchange hands in future, the scope and responsibilities of the manager remain applicable to both proposed lot 1 and lot 2.

With regard to the Strata Title subdivision of the development and how this relates to the management of the boarding houses, the applicant in an email to Council dated 5 April 2019 outlines the potential benefits of such an arrangement:

*The proposed strata subdivision not only serves to address the commercial / ownership aspects of the project but it can also be used as a way of ensuring better management of the facility compared to a property with no strata titling. Not only will we have conditions of development consent to comply with, but occupants will need to abide by strata bylaws.*

*We can regulate smoking on the property with strata bylaws to address Council's concerns. I don't think the Council can enforce or require a condition of consent involving smoking on privately owned land as I would suggest that this possibly isn't*

*within its jurisdiction. So, by us voluntarily including limitations on smoking within our plan of management (which will be a stamped approved document forming part of the consent) and in our strata bylaws, this is as about as good as it can get with respect to addressing that concern. We are happy to ban smoking on site.*

*As for management of the property, we accept and warmly welcome conditions of consent that require a manager to reside on the property within the managers unit. The entire development (regardless of which strata lot it sits upon) needs to comply with the development consent. A bylaw has been proposed that effectively states all occupants of boarding rooms within both strata lots must obey the directions of the onsite manager. So again, two layers of protection there for the Council.*

### **Planning Assessment**

The DA has been assessed under s4.15 of the Environmental Planning and Assessment Act 1979 (EP & A Act). The original Council report and planning report can be found at Attachments 5 and 6.

### **Policy Implications**

There are no Policy implications as a result of the development as proposed.

### **Financial Implications:**

There are potential cost implications for Council in the event of a refusal of the application. Such costs would be associated with defending any appeal in the Land and Environment Court, should the applicant utilise appeal rights afforded under provisions of the EP&A Act.

### **Legal Implications**

Pursuant to section 8.2 of the EP&A Act, a decision of the Council may be subject of a review by the applicant in the event of an approval or refusal. In the event that such a review is ultimately pursued (if the recommendation is not adopted) the matter would be put to Council for consideration.

Alternatively, an applicant may also appeal to the Court against the determination pursuant to section 8.7 of the EP&A Act.

### **Summary and Conclusion**

Revised documentation has been submitted to Council addressing the resolution from the Development & Environment Committee on 2 April 2019. In this regard the following is noted:

- Occupants are to adhere to the Boarding House Management Plan and Boarding House Rules for the life of the development.
- The onsite manager is to ensure compliance with the Boarding House Management Plan and Boarding House Rules for both boarding houses for the life of the development.
- Smoking is to be prohibited within the premises as per the proposed Strata By-laws and in accordance with the Boarding House Rules.
- Stormwater is to be appropriately managed in accordance with the stormwater design.

Having regard to the above, approval is recommended subject to the imposition of suitable conditions of consent as attached to this report.

## BOARDING HOUSE RULES

### 120 Macleans Point Road Sanctuary Point

Any breach of the house rules will result in a warning initially, and in the case of persistent and serious breaches, termination of your lease and eviction from the premises.

#### VISITOR/GUESTS POLICY

Each resident is responsible for their visitors and should ensure their visitors enter and exit the site in a quiet and respectful manner.

#### ACTIVITIES AND NOISE CONTROL

At any time, noisy activities are occurring, occupants should keep doors and windows closed where possible to reduce noise emission including TV, music and other sound emitting devices.

Each occupant is required to ensure that other occupants as well surrounding neighbours, can peacefully and quietly enjoy their own premises.

#### OPERATING HOURS FOR COMMUNAL AREAS AND OUTDOOR SPACES

The Communal internal areas are only to be used between 7am and 10pm daily.

The Outdoor area is prohibited from use from 9pm and 7am Sunday to Thursday and 10pm and 7am on Friday and Saturday,

#### USE OF COMMUNAL AREAS

Each resident is required to keep the common areas clean and to clean up after themselves.

#### MAXIMUM ROOM OCCUPATION

1 Person for Single Rooms 2 People for Double Rooms

#### RESIDENT AND GUEST BEHAVIOUR STANDARDS

Respect for all other residents always

No Unruly noise or behaviour

No Alcohol or Drugs to be consumed on Premises or Affected on premises

#### ACCESSING ROOMS FOR INSPECTION

Relevant Notice as Provided by the Act or permission from lodger



**COOKING AND DINING**

Must clean up after personal use of cooking area. Not to use another people's food or supplied. Each resident has their own food locker and fridge cabinet.

**WASTE DISPOSAL**

Dispose of all personal rubbish and any communal rubbish into outside bins provided.

**DAMAGE/BREAKAGES/LOSS OF KEYS/EMERGENCY CONTACTS**

To be logged into repair book in common room.  
Emergency Contacts displayed in common room  
Combination number provided for door entry

**FIRE SAFETY**

As per evacuation policy on the rear of each door and communal area.

**SMOKING, ALCOHOL AND ZERO TOLERANCE POLICY ON ILLEGAL DRUGS**

No illegal drugs are permitted. The premises are non-smoking including each of the rooms. No alcohol or illegal substances are to be brought into or consumed in the common areas.

**KEEPING OF PETS**

With permission only from manager – No Dogs or Cats allowed.

## **1 Vehicles**

An owner or occupier of a lot must not park or stand any motor or other vehicle on common property, or permit a motor vehicle to be parked or stood on common property, except with the prior written approval of the owners corporation or as permitted by a sign authorised by the owners corporation.

## **2 Changes to common property**

- (1) An owner or person authorised by an owner may install, without the consent of the owners corporation:
  - (a) any locking or other safety device for protection of the owner's lot against intruders or to improve safety within the owner's lot, or
  - (b) any screen or other device to prevent entry of animals or insects on the lot, or
  - (c) any structure or device to prevent harm to children.
- (2) Any such locking or safety device, screen, other device or structure must be installed in a competent and proper manner and must have an appearance, after it has been installed, in keeping with the appearance of the rest of the building.
- (3) Clause (1) does not apply to the installation of any thing that is likely to affect the operation of fire safety devices in the lot or to reduce the level of safety in the lots or common property.
- (4) The owner of a lot must:
  - (a) maintain and keep in a state of good and serviceable repair any installation or structure referred to in clause (1) that forms part of the common property and that services the lot, and
  - (b) repair any damage caused to any part of the common property by the installation or removal of any locking or safety device, screen, other device or structure referred to in clause (1) that forms part of the common property and that services the lot.

## **3 Damage to lawns and plants on common property**

An owner or occupier of a lot must not, except with the prior written approval of the owners corporation:

- (a) damage any lawn, garden, tree, shrub, plant or flower being part of or situated on common property, or
- (b) use for his or her own purposes as a garden any portion of the common property.

## **4 Obstruction of common property**

An owner or occupier of a lot must not obstruct lawful use of common property by any person except on a temporary and non-recurring basis.

## **5 Keeping of animals**

- (1) Dogs and cats are not permitted.
- (2) Other animals are only permitted with the written consent of the boarding house manager, which may be withheld or conditioned, in their absolute discretion.

## **6 Noise**

An owner or occupier of a lot, or any invitee of an owner or occupier of a lot, must not create any noise on a lot or the common property likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using common property.

**7 Behaviour of owners, occupiers and invitees**

- (1) An owner or occupier of a lot, or any invitee of an owner or occupier of a lot, when on common property must be adequately clothed and must not use language or behave in a manner likely to cause offence or embarrassment to the owner or occupier of another lot or to any person lawfully using common property.
- (2) An owner or occupier of a lot must take all reasonable steps to ensure that invitees of the owner or occupier:
  - (a) do not behave in a manner likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or any person lawfully using common property, and
  - (b) without limiting paragraph (a), that invitees comply with clause (1).

**8 Children playing on common property**

- (1) Any child for whom an owner or occupier of a lot is responsible may play on any area of the common property that is designated by the owners corporation for that purpose but may only use an area designated for swimming while under adult supervision.
- (2) An owner or occupier of a lot must not permit any child for whom the owner or occupier is responsible, unless accompanied by an adult exercising effective control, to be or remain on common property that is a laundry, car parking area or other area of possible danger or hazard to children.

**9 Smoke penetration**

- (1) An owner or occupier of a lot, and any invitee of the owner or occupier, must not smoke tobacco or any other substance within a lot.
- (2) An owner or occupier of a lot, and any invitee of the owner or occupier, must not smoke tobacco or any other substance on the common property.

**10 Preservation of fire safety**

The owner or occupier of a lot must not do any thing or permit any invitees of the owner or occupier to do any thing on the lot or common property that is likely to affect the operation of fire safety devices in the parcel or to reduce the level of fire safety in the lots or common property.

**11 Storage of inflammable liquids and other substances and materials**

- (1) An owner or occupier of a lot must not, except with the prior written approval of the owners corporation, use or store on the lot or on the common property any inflammable chemical, liquid or gas or other inflammable material.
- (2) This by-law does not apply to chemicals, liquids, gases or other material used or intended to be used for domestic purposes, or any chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

**12 Appearance of lot**

- (1) The owner or occupier of a lot must not, without the prior written approval of the owners corporation, maintain within the lot anything visible from outside the lot that, viewed from outside the lot, is not in keeping with the rest of the building.

- (2) This by-law does not apply to the hanging of any clothing, towel, bedding or other article of a similar type in accordance with by-law 14.

**13 Cleaning windows and doors**

- (1) Except in the circumstances referred to in clause (2), an owner or occupier of a lot is responsible for cleaning all interior and exterior surfaces of glass in windows and doors on the boundary of the lot, including so much as is common property.
- (2) The owners corporation is responsible for cleaning regularly all exterior surfaces of glass in windows and doors that cannot be accessed by the owner or occupier of the lot safely or at all.

**14 Hanging out of washing**

- (1) An owner or occupier of a lot may hang any washing on any lines provided by the owners corporation for that purpose. The washing may only be hung for a reasonable period.
- (2) An owner or occupier of a lot may hang washing on any part of the lot other than over the balcony railings. The washing may only be hung for a reasonable period.
- (3) In this by-law:  
*washing* includes any clothing, towel, bedding or other article of a similar type.

**16 Disposal of waste**

- (1) An owner or occupier of a lot must not deposit or throw on the common property any rubbish, dirt, dust or other material or discarded item except with the prior written approval of the owners corporation.
- (2) An owner or occupier of a lot must not deposit in a toilet, or otherwise introduce or attempt to introduce into the plumbing system, any item that is not appropriate for any such disposal (for example, a disposable nappy).
- (3) An owner or occupier must:
- comply with all reasonable directions given by the owners corporation as to the disposal and storage of waste (including the cleaning up of spilled waste) on common property, and
  - comply with the local council's guidelines for the storage, handling, collection and disposal of waste.
- (4) The owners corporation may give directions for the purposes of this by-law by posting signs on the common property with instructions on the handling of waste that are consistent with the local council's requirements or giving notices in writing to owners or occupiers of lots.
- (5) In this by-law:  
*bin* includes any receptacle for waste.  
*waste* includes garbage and recyclable material.

**17 Change in use or occupation of lot to be notified**

- (1) An occupier of a lot must notify the owners corporation if the occupier changes the existing use of the lot.
- (2) Without limiting clause (1), the following changes of use must be notified:

- (a) a change that may affect the insurance premiums for the strata scheme (for example, if the change of use results in a hazardous activity being carried out on the lot, or results in the lot being used for commercial or industrial purposes rather than residential purposes),
- (b) a change to the use of a lot for short-term or holiday letting.
- (3) The notice must be given in writing at least 21 days before the change occurs or a lease or sublease commences.

**18 Compliance with planning and other requirements**

- (1) The owner or occupier of a lot must ensure that the lot is not used for any purpose that is prohibited by law.
- (2) The owner or occupier of a lot must ensure that the lot is not occupied by more persons than are allowed by law to occupy the lot.

**19 Compliance with directions of resident manager**

All occupiers of each lot must comply with all directions of the resident manager located within lot 1.

**20 Compliance with Boarding House Rules**

All occupiers of each lot must comply with the Boarding House Rules as applicable from time to time in the boarding house operated in the strata scheme.

## CL19.121 Variations to Development Standards - First Quarter Report 2019

**HPERM Ref:** D19/104110

**Group:** Planning Environment & Development Group  
**Section:** Development Services

**Attachments:** 1. Variation Report - 1st Quarter 2019 [↓](#)

### Purpose / Summary

Council is required to consider variations to development standards (contained in an environmental planning instrument such as the Shoalhaven Local Environmental Plan) which exceed 10%, with lesser variations able to be dealt with by staff, under delegation.

Council is also required to report the variations to the full Council and thereafter the Department of Planning and Environment.

### Recommendation

That Council receive this report for information and forward a copy of this report and attachment table to the Department of Planning and Environment in accordance with the requirements specified in *Circular PS18-003 Variations to development standards*.

### Options

1. Receive the report for information and forward the report to the Department.

Implications: Council will be complying with the reporting provisions as detailed in *Circular PS18-003 Variations to development standards*.

2. Resolve an alternative and provide details to staff.

Implications: Depending on what is resolved, the Council would need to ensure compliance observing that the Department undertakes periodic audits.

### Background

#### Function of SEPP 1 and clause 4.6

SEPP 1 and clause 4.6 allow flexibility in the application of development standards by allowing the consideration of development proposals that meet the objective of a development standard but not its stated value.

SEPP 1 and clause 4.6 permit an applicant to object to development standards on the grounds that they are unreasonable, unnecessary or would result in poor planning outcomes.

When the consent authority is satisfied the objection under SEPP 1 or clause 4.6 is well founded it may, with the concurrence of the Secretary of the Department of Planning and Environment, grant consent to that Development Application (DA) notwithstanding the subject development standard.

The Secretary of the Department of Planning & Environment has delegated to councils assumed concurrence to use SEPP 1 or clause 4.6 in respect of most types of development.

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### Monitoring of council use of SEPP 1 and clause 4.6

Councils are required to monitor their use of the Secretary's assumed concurrence under SEPP 1 and clause 4.6 and report to the Department of Planning and Environment on that usage on a quarterly basis. The Department has been systematically monitoring council quarterly SEPP 1 and clause 4.6 returns since June 2008.

Monitoring and auditing councils' use of SEPP 1 and clause 4.6 enables the Department to check whether councils are keeping accurate records of the use of SEPP 1 and clause 4.6, to assess whether any particular development standards are being regularly varied by a council and may require review, and to detect anomalies (e.g. exceeding of delegations) if they are occurring.

### Planning Circular *PS18-003 Variations to development standards*, dated 21 February 2018

The Circular states:

- *"Applications for variations to development standards cannot be considered without a written application objecting to the applicable development standard and addressing the matters required to be addressed in the relevant instrument."*
- *A publicly available online register is to be established, and its currency maintained, of all variations to development standards approved by council or its delegates. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation."*
- *A report of all variations approved, either by council or its delegates, must be submitted to [developmentstandards@planning.nsw.gov.au](mailto:developmentstandards@planning.nsw.gov.au) within 4 weeks of the end of each quarter (i.e. March, June, September and December). Such report must be on the form provided by the Department."*
- *A report of all variations approved under delegation by staff must be provided to a full council meeting at least once each quarter."*

The Circular concludes:

*"The Department will continue to carry out random audits to ensure the above monitoring and reporting measures are complied with. The Department and the NSW Independent Commission Against Corruption will continue to review and refine the audit strategy."*

*Should ongoing non-compliance be identified with one or more consent authorities, the Secretary will consider revoking the notice allowing concurrence to be assumed, either generally for a consent authority or for a specific type of development."*

### Conclusion

Upon receipt of this report, the report and attachment will be provided to the Department.

The attachment is published as soon as practicable at the close of each quarter on Council's webpage.

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[illegible]

## CL19.122 Quarterly review for compliance matters

**HPERM Ref:** D19/101651

**Group:** Planning Environment & Development Group  
**Section:** Building & Compliance Services

**Attachments:** 1. List of penalties issued 1 January 2019 to 31 March 2019 [↓](#)

### Purpose / Summary

At Council's Ordinary meeting held on 13 November 2018 it was resolved to receive a detailed quarterly report on compliance activities (MIN18.907).

This report provides information on the period January – March 2019 (third quarter).

### Recommendation

That Council receive the quarterly report on compliance matters for information.

### Options

1. Council receive the report for information

Implications: Nil

2. Council receives the report and provides additional direction for future reports

Implications: Any changes or additional matters can be added to future reports.

### Report

Compliance activities are completed by the following Teams within the Planning, Environment and Development Group:

- (a) Compliance Team: Development compliance matters including unauthorised development, development not in accordance with development consent, land and water pollution incidents (including building sites), land use management issues, fire safety and swimming pool safety issues.
- (b) Environmental Health: Pollution incidents (noise and water), environmental incidents, food shops and the operation of on-site sewage waste management facilities.
- (c) Parking: All parking offences.
- (d) Rangers: Animal control, littering, unauthorised camping, rubbish dumping and other environmental offences.

This report provides Councillors with an update on the penalties issued (number, type and ticket value), penalty reviews dealt with by the panel and any Local or Land and Environment Court matters determined or progressing.

This report relates to January – March 2019 (third quarter).

### Penalties issued during the period

A combined total of 1814 penalty notices were issued by the Teams during the period. These penalties have a face value of \$523,447. Historically Council stands to receive approximately 70% of this ticketed figure. A total of 209 cautions were also issued during the

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period. Attachment 1 to this report provides a breakdown of the penalties and cautions issued.

The following is a summary of the penalties issued for each team:

Team	Number Issued	Total Amount	% of total amount	Cautions issued
Compliance	17	\$36,160	6.9%	11
Compliance – Fire Safety	1	\$1,000	0.2%	0
Compliance – Pools	3	\$4,100	0.8%	11
Environmental Health	4	\$3,080	0.6%	0
Rangers – Animal issues	85	\$33,460	6.4%	26
Rangers – Environmental issues	61	\$100,550	19.2%	2
Parking	1641	\$344,597	65.8%	159
Sewer Management Facility	1	\$500	0.1%	0
<b>Total</b>	<b>1814</b>	<b>\$523,447</b>	<b>100%</b>	<b>209</b>

This is historically the largest quarter for penalty notices. The figures also include the penalties issued at Hyams Beach over the January holiday period.

Penalties related to Compliance issues

The following details are provided in relation to the 17 compliance penalty notices issued:

- (a) One Penalty Notice issued to the Contractor for extensive construction works undertaken prior to the issue of a Construction Certificate. Development not in accordance with consent – any other case – corporation (\$6000) – Bomaderry.
- (b) One Penalty Notice issued to the Contractor for development not in accordance with consent – Class 1a or 10 building – corporation (\$3000) – Callala Bay. Whilst only 1 penalty notice was issued, the following five offences were identified:
  - i. Occupation of the subject premises by contractors without an Occupation Certificate;
  - ii. Work outside of consent hours;
  - iii. Placement of building materials and site fencing on Council reserve
  - iv. Waste not being contained on site
  - v. Sediment control issues
- (c) One Penalty Notice issued to 1 owner for the use of mud brick workshop for habitable purposes – 2 owners - Development not accord consent – class 1a or 10 - Individual (\$1500) – Huskisson.
- (d) One Penalty Notice issued to 1 owner for unauthorised building works in heritage listed building – 2 owners – Development without development consent – class 1a or 10 building – Individual (\$1500) Berry.
- (e) One Penalty Notice issued to 1 owner for unauthorised demolition of fibro dwelling – 2 owners – Development without development consent – class 1a or 10 building – Individual (\$1500) Vincentia.

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- (f) Four Penalty Notices issued one each to 4 different owners for use of four shipping containers for habitable purposes – 8 owners in total – Development without development consent – class 1a or 10 building – Individual (\$1500 each) St Georges Basin.
- (g) One Penalty Notice issued to 1 owner for unauthorised swimming pool – communal type lot with 7 owners – Development without development consent – class 1a or 10 building – Individual (\$1500) Morton.
- (h) One Penalty Notice issued to 1 occupier for unauthorised swimming pool – Development without development consent – class 1a or 10 building – Individual (\$1500) Bangalee.
- (i) One Penalty Notice issued to 1 occupier for merchandise stands, a merchandise cart and signage placed on Council land – Development without development consent - class 1a or 10 building – Individual (\$1500) Huskisson.
- (j) One Penalty Notice issued to Contractor for expose article/in/on/over road/let article be exposed at road without approval – Local Government Act (\$330) - Callala Bay
- (k) One Penalty Notice issued to 1 owner for the cleaning out of a dam on a rural (E2 and E3) property – 2 owners – fail to comply with prevention notice – class 1 officer – Individual (\$4000) Kangaroo Valley.
- (l) Two Penalty Notices one issued to each owner for fail to comply with the terms of a development control order – individual (\$3000) Berry.
- (m) One Penalty Notice issued to 1 owner for fail to comply with development control order – 3 owners – (\$3000) Basin View.

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#### Penalty infringement panel reviews

During the period, the review panel met on 24/01/2019 and considered one penalty infringement appeal. The following result was recorded:

##### (a) Development without Development Consent (\$6000).

The offence related to the installation of a prefabricated habitable cabin over a registered easement, over a pressure sewer unit (PSU) and within the zone of influence to a sewer rising main. The penalty was issued to the company that installed the prefabricated cabin.

The installer refused to take responsibility for their involvement in the unauthorised works citing that the owner is responsible. The panel did not consider this reasonable and directed that the penalty was to stand.

The owner was not issued any penalty in this matter however, the building did need to be demolished and the Compliance Officer deemed this to be sufficient penalty.

#### Local or Land and Environment Court matters

- (a) Jerberra Estate; this matter relates to unauthorised works at Lot 57 Invermay Avenue, Tomerong. This is contempt of Court proceedings against the owner who has failed to comply with the Courts order to clean up the premises.

The matter was heard on 25/02/2019. The Court has deferred the matter because it was not convinced sufficient steps have been taken to advise the owner. Council Officers have taken additional steps to advise the owner. The matter is scheduled to go back to Court on 27/05/2019. A further update will be provided at the next quarterly report in July.

- (b) Water Pollution Matter: this matter relates to an appeal against Council's notice for non-compliance with the pollution prevention notice. The prevention notice had required the owner to fence his land to prevent cattle entering the SEPP14 Wetlands and Crown Land that adjoin the Shoalhaven River.

This matter was heard in the Nowra Local Court on 13 February 2019. The owner was found guilty of the offence and fined \$2000 and ordered to pay \$1800 in court costs.

- (c) Food premises – Vincentia (Local Court): this matter relates to providing false information to an authorised officer.

The matter was heard in the Nowra Local Court on 15/02/2019 where the defendant pleaded guilty and was fined \$3000 and ordered to pay \$500 in court costs.

- (d) Food Premises – Nowra (Local Court): this matter relates to an appeal against Council's penalty notice for non-compliance with the Food Standards Code concerning the cleanliness of the premises.

The matter was heard in the Nowra Local Court on 01/03/2019 where the defendant pleaded not guilty. This matter is listed for hearing on 19/09/2019.

**List of penalties issued from 1 January 2019 to 31 March 2019 via offence Code**

Team	Offence Code	Number	Amount	Total amount
Compliance	Development not accord consent - any other case - Corporation	1	6000	6000
Compliance	Development not accord consent - class 1a or 10 building - Corporation	1	3000	3000
Compliance	Development not accord consent - class 1a or 10 building - Individual	1	1500	1500
Compliance	Development without development consent - class 1a or 10 building - Individual	8	1500	12000
Compliance	Expose article in/on/over road/let article be exposed at road without approval	2	330	660
Compliance	Fail to comply with prevention notice - class 1 officer - Individual	1	4000	4000
Compliance	Fail to comply with terms of development control order - Individual	3	3000	9000
Compliance	Not give fire safety statement - 1 week overdue - Individual	1	1000	1000
Compliance Pools	Development without development consent - class 1a or 10 building - Individual	2	1500	3000
Compliance Pools	Fail to maintain child-resistant barrier effective and safe	1	550	550
Compliance Pools	Residential pool not have complying barrier - Owner	1	550	550
Enviro Health	Fail to comply with Food Standards Code - Corporation	3	880	2640
Enviro Health	Fail to notify appropriate enforcement agency - Individual	1	440	440
Ranger Animal	Companion animal (other) not registered as prescribed - first offence	2	330	660
Ranger Animal	Dog not wear collar and name tag - not dangerous/menacing/restricted dog	3	180	540
Ranger Animal	Fail to comply with nuisance dog order - 1st offence	5	275	1375
Ranger Animal	Fail to comply with nuisance dog order - 2nd plus offence	5	275	1375
Ranger Animal	Fail to prevent dog from escaping - not dangerous/menacing/restricted dog	10	220	2200
Ranger Animal	Fail to state full name/residential address	1	330	330
Ranger Animal	In charge of dog in prohibited public place	1	330	330
Ranger Animal	In charge of dog not under control in public place	2	330	660
Ranger Animal	In charge of dog which rushes at/attacks/bites/harasses/chases any person/animal	1	1320	1320
Ranger Animal	Not comply notice re registration (other) - first offence	8	305	2440
Ranger Animal	Not comply notice re registration (other) - prior offence	2	305	610
Ranger Animal	Not identify companion animal as prescribed - not dangerous/menacing/restricted dog	2	180	360
Ranger Animal	Not notify change in registration or identification information - not dangerous/restricted dog	2	180	360

Ranger Animal	Owner of dog in prohibited public place	9	330	2970
Ranger Animal	Owner of dog not under control in public place	25	330	8250
Ranger Animal	Owner of dog which rushes at/attacks/bites/harasses/chases any person/animal	6	1320	7920
Ranger Animal	Owner of menacing dog not under control in public place	1	1760	1760
Ranger Environment	Abandon a motor vehicle in a public place	4	550	2200
Ranger Environment	Cause water from public water supply to be wasted	1	220	220
Ranger Environment	Deposit litter excluding cigarette and from vehicle - Individual	10	250	2500
Ranger Environment	Deposit litter from vehicle no exclusions - Individual	4	250	1000
Ranger Environment	Development not accord consent - class 1a or 10 building - Corporation	1	3000	3000
Ranger Environment	Fail to comply with terms of notice erected by council	28	110	3080
Ranger Environment	Fail to maintain child-resistant barrier effective and safe	1	550	550
Ranger Environment	Pollute waters - class 1 officer - Corporation	10	8000	80000
Ranger Environment	Pollute waters - class 1 officer - Individual	2	4000	8000
Ranger Parking	Disobey motor bike parking sign	25	112	2800
Ranger Parking	Disobey no parking sign	43	112	4816
Ranger Parking	Disobey no parking sign (in school zone)	1	187	187
Ranger Parking	Disobey no stopping sign	265	263	69695
Ranger Parking	Disobey no stopping sign (in school zone)	4	337	1348
Ranger Parking	Disregard reasonable direction of traffic controller	6	553	3318
Ranger Parking	Double park	14	263	3682
Ranger Parking	Double park in school zone	1	337	337
Ranger Parking	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	5	110	550
Ranger Parking	Not angle park as on parking control sign or road marking	13	112	1456
Ranger Parking	Not parallel park in direction of travel	171	263	44973
Ranger Parking	Not parallel park near left	3	112	336
Ranger Parking	Not parallel park near road side	3	112	336
Ranger Parking	Not park at 45 degree angle	1	112	112
Ranger Parking	Not park wholly within parking bay	58	112	6496
Ranger Parking	Not position front/rear of vehicle correctly - 90 degree angle parking	5	112	560



Ranger Parking	Not position rear of vehicle correctly - 45 degree angle parking	186	112	20832
Ranger Parking	Not stand vehicle in marked parking space	30	112	3360
Ranger Parking	Parallel park close to dividing line/strip	2	263	526
Ranger Parking	Park continuously for longer than indicated	37	112	4144
Ranger Parking	Park vehicle for longer than maximum period allowed	299	112	33488
Ranger Parking	Stop at side of road with continuous yellow edge line	176	263	46288
Ranger Parking	Stop in bus zone (in school zone)	24	337	8088
Ranger Parking	Stop in bus zone (not clearway or transit/bus lane)	3	263	789
Ranger Parking	Stop in disabled parking area without current permit displayed	54	561	30294
Ranger Parking	Stop in loading zone	1	187	187
Ranger Parking	Stop in taxi zone	18	187	3366
Ranger Parking	Stop on path/strip in built-up area	116	263	30508
Ranger Parking	Stop on path/strip in built-up area (in school zone)	2	337	674
Ranger Parking	Stop on/across driveway etc to/from land (in school zone)	1	337	337
Ranger Parking	Stop on/across driveway/other access to/from land	51	263	13413
Ranger Parking	Stop within 10 metres of an intersection (no traffic lights)	21	337	7077
Ranger Parking	Willfully contravene/disregard notice/barrier	2	112	224
SMF Team	Fail to pay fee within time provided under section - Individual	1	500	500
	<b>Total</b>	<b>1814</b>		<b>\$523,447</b>

**Summary via Team**

<b>Team</b>	<b>Number Issued</b>	<b>Total Amount</b>	<b>% of total amount</b>
Compliance	17	\$36,160	6.9%
Compliance – Fire Safety	1	\$1,000	0.2%
Compliance – Pools	3	\$4,100	0.8%
Environmental Health	4	\$3,080	0.6%
Rangers – Animal issues	85	\$33,460	6.4%
Rangers – Environmental issues	61	\$100,550	19.2%
Parking	1641	\$344,597	65.8%
Sewer Management Facility	1	\$500	0.1%
<b>Total</b>	<b>1814</b>	<b>\$523,447</b>	<b>100%</b>

**Cautions issued**

Team	Offence Code	Number
Compliance	Development not accord consent - class 1a or 10 building - Individual	1
Compliance	Development without development consent - any other case - Corporation	1
Compliance	Development without development consent - class 1a or 10 building - Individual	4
Compliance	Fail to comply with prevention notice - class 1 officer - Individual	1
Compliance	Fail to comply with terms of development control order - Individual	2
Compliance	Not present and ensure work accessible for inspection	1
Compliance	Pollute waters - class 1 officer - Individual	1
Compliance Pools	Development without development consent - class 1a or 10 building - Individual	1
Compliance Pools	Fail to maintain child-resistant barrier effective and safe	7
Compliance Pools	Residential pool not have complying barrier - Owner	3
Ranger Animal	Dog not wear collar and name tag - not dangerous/menacing/restricted dog	3
Ranger Animal	Fail to prevent dog from escaping - not dangerous/menacing/restricted dog	3
Ranger Animal	In charge of dog not under control in public place	2
Ranger Animal	Owner of dog not under control in public place	18
Ranger Environment	Transporter not ensure waste is covered during transportation - Individual	2
Ranger Parking	Disobey motor bike parking sign	5
Ranger Parking	Disobey no parking sign	4

Ranger Parking	Disobey no stopping sign	19
Ranger Parking	Double park	6
Ranger Parking	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	1
Ranger Parking	Not angle park as on parking control sign or road marking	1
Ranger Parking	Not parallel park in direction of travel	3
Ranger Parking	Not park wholly within parking bay	6
Ranger Parking	Not position rear of vehicle correctly - 45 degree angle parking	18
Ranger Parking	Not stand vehicle in marked parking space	2
Ranger Parking	Park continuously for longer than indicated	2
Ranger Parking	Park vehicle for longer than maximum period allowed	15
Ranger Parking	Stop at side of road with continuous yellow edge line	3
Ranger Parking	Stop in bus zone (clearway or transit/bus lane)	1
Ranger Parking	Stop in disabled parking area without current permit displayed	19
Ranger Parking	Stop in taxi zone	4
Ranger Parking	Stop on path/strip in built-up area	39
Ranger Parking	Stop on/across driveway etc to/from land (in school zone)	1
Ranger Parking	Stop on/across driveway/other access to/from land	8
Ranger Parking	Stop within 10 metres of an intersection (no traffic lights)	2
	<b>Total</b>	<b>209</b>

## **CL19.123 Outcome of Industry Forum - Design Review Panel for Shoalhaven**

**HPERM Ref:** D19/104915

**Group:** Planning Environment & Development Group  
**Section:** Strategic Planning

**Attachments:**

1. Report - Outcome - Industry Consultation - Design Review Panel Establishment - Development & Environment Committee 5 March 2019  
[↓](#)
2. Powerpoint Slides - Industry Forum / Information Session - Design Review Panel (under separate cover) [↔](#)

### **Purpose / Summary**

Report the outcome of the industry forum / information session held on 1 April 2019 regarding the proposed use of a Design Review Panel for certain developments in Shoalhaven.

### **Recommendation**

That Council

1. Note the outcomes of the industry forum / information session held on Monday 1 April 2019.
2. Proceed to trial the use of the Wollongong Design Review Panel for all SEPP 65 developments (residential flat buildings, shop top housing or mixed-use development that is 3 or more storeys and contains at least 4 or more dwellings) and other self-nominated developments for a 12-month period commencing 1 July 2019.
3. Notify development industry representatives of the proposed trial commencing 1 July 2019 for 12 months.
4. Receive a subsequent report towards the end of the 12-month trial period for Council to evaluate the success of the trial and options for a future Regional Design Review Panel.
5. Apply a 50% discount to the existing fee of \$3,000 per meeting for the Design Review Panel during the 12-month trial period and allocate a budget for this in the 2019/2020 Council budget.
6. In addition to the Design Review Panel, Council staff investigate the option of a pre-lodgement design advisory service for certain scale developments and possible cost recovery options.

### **Options**

1. Trial the use of the Wollongong Design Review Panel for all SEPP 65 developments and any other proponent-nominated developments for a 12-month period. Also investigate the option of a pre-lodgement design advisory service like the current Heritage Advisory Program.

Implications: This will enable Council to trial the services of an existing Design Review Panel for a 12-month period to determine whether the service is a beneficial process improvement for Council. This would ensure that individual panel members do not reside in or do business with the Council and would save further resources that would be

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required in alternate options. Use of a Panel would eliminate the need for expensive and reactive design referrals in the Development Application (DA) process, provide greater certainty and efficiency for developers, increase the design expertise among Council staff, and lead to better outcomes for the community. Current DA lodgement and pre-lodgement forms will need to be updated. They would also need to allow proponents of non-SEPP 65 developments to self-nominate for a referral to the Design Review Panel.

2. Not proceed with trialling the Wollongong Design Review Panel on a 12-month basis and commence a formal tender process for a new Design Advisory Service.

Implications: This option is not recommended. A Design Advisory Service would require the creation of a separate ongoing budget and development of processes and procedures for its use which is currently not identified in the Strategic Planning works program. A formal tender process would be required for the design advisory service. Using the Wollongong Design Review Panel would enable Council to learn from the existing processes and procedures for Design Review currently used by Wollongong City Council, rather than trying to establish a new process outside of the formal arrangements under SEPP 65 and the Apartment Design Guide which has a number of risks.

3. Not proceed with either option and leave current processes as is.

Implications: No further action will be taken, and current processes will remain. Council will still be required to carry out expensive and reactive design reviews for relevant DAs on a case by case basis. In the twelve months to March 2018 Council paid for three (3) urban design referrals/reviews for incoming development applications with individual costs from \$3,432 to \$6,050.

## Background

On 11 December 2017, Council considered a report on the proposed establishment of a Design Review Panel for Shoalhaven. Council resolved to support the establishment of a Panel in principle, and to explore the possibility of establishing a joint Design Review Panel for the Illawarra-Shoalhaven region (MIN17.1042).

As part of this resolution, Council wrote to all councils in the region and the Illawarra Shoalhaven Joint Organisation (ISJO) to establish their interest in possibly establishing a regional Design Review Panel. All councils, existing Wollongong Panel members, and the region's Planning Directors indicated support for a possible Regional Panel. Due to the Wollongong Panel being already well established, the region's Planning Directors Group agreed in early 2018 to explore the possibility of expanding the existing Wollongong framework and making it available to Shellharbour, Kiama and Shoalhaven Councils. Shellharbour Council already started using the Wollongong Panel for several of their significant DAs, further signalling their support for a regional Panel to be established in the future.

At the August 2018 Development Committee, a report on the use of a Design Review Panel recommended that Council support the expansion of the Wollongong Design Review Panel for use by other councils in the Illawarra-Shoalhaven region, and commence a trial of the Wollongong Panel for relevant DAs. Council resolved to defer the trial to enable industry consultation to be undertaken (MIN18.611).

As part of the local industry consultation, Council wrote to 34 local industry representatives outlining the background to the Design Review Panel and asked them to provide any feedback during the 6 weeks between 29 November 2018 and 11 January 2019. A survey of 5 questions was prepared to guide the consultation and make the opportunity to provide feedback as easy as possible, rather than just asking for 'submissions'. The survey link was

included in the initial official correspondence from Council, and in a separate reminder email, however only 7 responses were received.

On 5 March 2019, the results of the ‘industry consultation’ were reported back to Council. The March 2019 report is provided as **Attachment 1**. Council resolved to defer the matter pending an industry forum / information session and that a subsequent report be provided no later than the April Ordinary meeting of Council (MIN19.116).

The industry forum / information session was held on Monday 1 April 2019 from 5:00-6:30pm. The forum was attended by six (6) development industry representatives, two (2) Councillors and relevant Council staff.

This report details the outcome of the industry forum to enable Council to decide on whether to proceed with the use of a Panel.

### Design Review Panels - Recap

A Design Review Panel may be established under SEPP 65 (Design Quality of Residential Apartment Development). They do not have a decision-making function, but their advice does have legal weight and can be relied upon by the consent authority when determining a DA. They are typically made up of at least 3 independent panel members with expertise in architecture, landscape architecture, or urban design. Generally, panel members must not reside in or do business with the Council. Councillors, Council Officers or Council employees cannot be appointed as panel members.

The purpose of a Design Review Panel is to provide independent, impartial and expert design advice for certain DAs under the SEPP; residential flat buildings, shop top housing or mixed-use development that is 3 or more storeys and contains at least 4 or more dwellings. Council currently receives an average of 4 to 5 DAs that meet this requirement per year.

Panels consider how the design will achieve a quality outcome in terms of the nine (9) Design Quality Principles under SEPP 65: *Context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics*. Panels assist councils in improving the design quality of development, strengthen the approval process and raise design standards across the built environment.

Under current processes, design issues for relevant developments are often only considered through the development process, through case by case referrals to independent consultants, which is expensive and leads to delays. The aim is to resolve these issues early by encouraging pre-DA discussions with a Design Review Panel.

Benefits for applicants	Benefits for Council	Benefits for the community
<ul style="list-style-type: none"> <li>Receiving independent, expert advice on the design quality of their project.</li> <li>Providing the flexibility needed to pursue improved outcomes.</li> <li>Reducing risks and expense by identifying weaknesses within the design at the earliest possible opportunity, when changes are less costly.</li> <li>Gaining a level of certainty with a proposal before investing in a detailed DA, reducing time delays</li> </ul>	<ul style="list-style-type: none"> <li>Gaining expert, independent advice on the design quality of a proposal.</li> <li>Offering confidence to decision-makers.</li> <li>Increase the design expertise of Council staff through time.</li> </ul>	<ul style="list-style-type: none"> <li>Gaining assurance that new developments will make a positive contribution to the public realm, adjacent development and the surrounding community.</li> <li>Developing confidence in urban infill development which will support the development and</li> </ul>

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<p>and potential costs.</p> <ul style="list-style-type: none"> <li>• Potentially raising project ambitions and increasing the confidence of clients and designers to pursue quality design outcomes.</li> </ul>		<p>viability of neighbourhood centres.</p>
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### Industry Forum / Information Session

The recent industry forum / information session began with a presentation on the background and purpose of Design Review Panels, how they work in other Local Government Areas, and a range of frequently asked questions and answers. A copy of the presentation is provided in **Attachment 2**.

### Discussion

Following the presentation, several attendees provided feedback on their experience with DAs that have been referred to Design Review Panels, both positive and negative.

Several attendees shared positive experiences with Design Review Panels. It was generally agreed that pre-DA engagement with a Panel provides better outcomes compared to only engaging once the DA is lodged. It was also reported that the Shellharbour trial of the Wollongong Design Review Panel at a pre-DA stage has been a positive experience for developers in Shellharbour.

In terms of fees, it was noted that considering the cost and scale of developments that traditionally go to such panels, the maximum fee of up to \$3,000 set by the EPA Regulation was not seen as an issue impacting feasibility, particularly since these fees are already being borne through referrals to urban designers and modifications through the process. The maximum fee is already included in Council's 2018/19 fees and charges. As an incentive to use the Panel during the trial period, it is recommended that if it proceeds that Council's fee be discounted by 50% to \$1,500 per meeting for the 12-month trial period. Following the feedback after the trial period, Council can reconsider an appropriate fee.

Having regard to the overall costs of the type of development where this is relevant, and the DA fees and reports required, it is noted (and acknowledged by a participant at the forum) that the fee is relatively insignificant having regard to the overall costs.

One attendee detailed a negative experience with a Design Review Panel where a suggested design improvement would have made the development unfeasible. Since the Panel's recommendations are one of many matters to be considered by the consent authority, those specific comments were not taken on board to not impact the feasibility of the development.

### Other suggested options

Two other options were suggested and discussed in place of establishing a Design Review Panel and the preferred approach of a 12-month trial of the established Wollongong Design Review Panel:

1. Follow the Kiama Municipal Council approach and have a smaller 'panel' of suitable consultants to draw from for design advice.

Kiama does not have an established Design Review Panel. Their current approach for design review is through the engagement of 1 or 2 local consulting architecture firms who

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provide design advice on relevant DAs on an ad-hoc basis. This includes both pre-DA advice and DAs that are under assessment.

Dealing with conflicts of interest has been an issue in the past where the consultant architect to Council has also been the proponent of a DA before the Council. If this type of approach is taken, it is imperative that any conflicts of interest are avoided by engaging consultants that do not live in or do business with Shoalhaven City Council.

2. Follow the Heritage Adviser approach and engage a single consultant to provide design advice on relevant DAs

It was suggested that Council engage a single consultant architect/urban designer/landscape architect to provide design advice in place of a panel, in a similar format to Council's Heritage Advisor. The justification for this was that individual panel members rarely disagree with one another, so a single consultant may be more cost effective. (It may be the case that panel members have already discussed any differences in opinion at the site inspection or prior to the meeting with the applicant.) It is also noted that the Heritage Advisor also attracts limited funding under the Local Heritage Grants Program. Some councils such as Camden Council employ a Heritage and Urban Design Advisor in their Strategic Planning team; however, these roles generally assist with reviewing DAs and not providing detailed pre-lodgement advice.

If this approach is taken, Council would need to seek expressions of interest or go to tender for these consultancy services. Council would need to decide how much the consultant would be paid to advertise the role appropriately. It may also be difficult to attract interest from suitably qualified and experienced consultants to the position given the uncertain number of applications that could be referred over the next 12 months. For those who may express interest, it is also unlikely they would have the required 'mix' of expertise that is required for a Design Review Panel (architecture, landscape architecture, and urban design) – it is far more likely that a consultant would be a specialist in only one of these areas which may skew their advice towards one particular field. Any consultant engaged should also not live in or do business with Shoalhaven City Council to avoid any conflict of interest arising.

### **Preferred approach**

Following consideration of the above options, it is still considered that the best approach at this time should Council wish to proceed is to trial the use of the Wollongong Design Review Panel for a 12-month period and provide a report back to Council on at the end of the period.

This is especially important if Council wishes to move towards establishing or supporting a Regional Design Review Panel for the Illawarra-Shoalhaven in the future, as per Council's December 2017 resolution to "Explore the possibility of establishing a joint Design Review Panel for the Illawarra-Shoalhaven region" (MIN17.1042).

Alternate options and their associated implications are also discussed earlier in this report.

### **Community Engagement**

There is no formal requirement for community consultation on the establishment of a Panel. However, development industry representatives have been consulted, including a feedback survey and a subsequent industry forum/information session.

### **Policy Implications**

Engagement of any consultant will be in accordance with Council's procurement policies and procedures.

Council resolved to investigate a Design Review Panel during the adoption of new Urban Design Controls for Nowra CBD.

The Design Review Panel will ensure appropriate design outcomes are realised for SEPP 65 and other nominated developments.

### **Financial Implications**

A trial of the Wollongong Design Review Panel is likely to be more cost efficient and better value for the level of experience/qualifications as opposed to establishing a new panel for Shoalhaven given the inconsistency in number of applications that would require review.

The maximum fee payable for DAs to be referred to a Design Review Panel of \$3,000 set under the EP&A Regulation 2000 is already included in Council's 2018/19 fees and charges. At the industry forum, this fee was not seen as prohibitive to development given the size and scale of these applications. The fee would go directly towards payment of panel members for their expert design advice and other related expenses including travel.

Council could resolve to set a lower fee; however, this would require a separate budget to maintain the cost differences.

## **DE19.15 Outcome - Industry Consultation - Design Review Panel Establishment**

**HPERM Ref:** D19/11649

**Group:** Planning Environment & Development Group  
**Section:** Strategic Planning

**Attachments:** 1. Report - Design Review Panel Establishment and NSW State Design Review Panel Pilot Program Nomination - Development Committee 14 August 2018  
2. Industry Consultation - Survey Results

### **Purpose / Summary**

Report the results of the industry consultation regarding the potential establishment of a design review panel in Shoalhaven.

### **Recommendation (Item to be determined under delegated authority)**

That Council:

1. Support the expansion of the Wollongong Design Review Panel for use by other Councils in the Illawarra-Shoalhaven region, including Shoalhaven,
2. Trial the referral of certain development applications to the Wollongong Design Review Panel for advice.
3. Receive a 12 month review report on the operation and use of this approach.
4. Thank those who provided feedback and advise them of Council's resolution on this matter.

### **Options**

1. Adopt the recommendation.

Implications: This will enable Council to trial the use of an established Design Review Panel potentially in conjunction with other Councils in the Illawarra-Shoalhaven Region. This could result in the formalisation of a regional Design Review Panel. Such a panel would eliminate the need for expensive and reactive design referrals in the development application (DA) process, provide greater certainty and efficiency for developers, increase the design expertise among Council staff, and lead to better outcomes for the community.

2. Adopt an alternative recommendation.

Implications: Dependent on the nature of the alternative recommendation.

3. Not adopt the recommendation.

Implications: No further action will be taken, and current processes will remain. Council will still be required to carry out design reviews for relevant development applications.

### Background

On 14 August 2018, Council considered a report regarding the establishment of a design review panel for Shoalhaven, and the option to trial the existing Wollongong Design Review Panel in the short term. A copy of the report is provided in **Attachment 1**.

Council resolved, in part, to “*Defer consideration of using the Wollongong Design Review Panel for industry consultation*” (MIN18.611).

In accordance with the resolution, the industry consultation was carried out from 29 November 2018 until 11 January 2019. This report provides the results of this consultation.

### Industry Consultation

The consultation consisted of a letter and survey being sent to thirty-four (34) local developers, consultants and industry organisations. In response, seven (7) completed surveys were received – this represents a 21% response rate. The consultation package provided information on the background to investigating a Design Review Panel (DRP) for Shoalhaven and online survey to capture their familiarity and experience with design review panels, concerns and overall comments on the proposal.

A full copy of the industry consultation results is provided in **Attachment 2**.

### Summary of Survey Responses

The following is a summary of the survey questions, responses and associated comments where provided.

*Q. How would you describe your understanding of a Design Review Panel under SEPP 65?*

ANSWER CHOICES	RESPONSES	
Excellent, I know a lot about Design Review Panels	28.6%	2
I have a fairly good understanding of Design Review Panels	57.1%	4
I have heard of a Design Review Panel but know little about them	14.3%	1
I have heard of a Design Review Panel but don't know anything about them	0%	0
I have never heard of a Design Review Panel	0%	0
<b>TOTAL</b>	<b>100%</b>	<b>7</b>

*Q. Do you have any experience with Design Review Panels?*

ANSWER CHOICES	RESPONSES	
Yes	57.1%	4
No	42.9%	3
<b>TOTAL</b>	<b>100%</b>	<b>7</b>

Q. Do you think there could be benefits to having a Design Review Panel for Shoalhaven?

ANSWER CHOICES	RESPONSES	
Yes	85.7%	6
No	14.3%	1
TOTAL	100%	7

Comments:

- “Issues are raised by appropriately experienced professionals prior to the submission of the DA, which will make the DA process less confrontational. A DRP will also supersede the pre-lodgement meeting process which is not satisfactory for significant projects.”
- “Improvements to the quality of development in the Shoalhaven.”
- “Given my experience working within this DRP process I believe the panels are able to provide a benefit to the Council officers, the applicants, as well as providing an independent view and assessment for consideration by Councillors. The DRP process allows for an independent opinion regarding design quality and more often than not provides a better design outcome for the community and the applicant.”
- “Potentially better design outcomes for larger developments. It will help elected Councillors get a better sense of design merit when making decisions.”

Q. Do you have any concerns about a Design Review Panel for Shoalhaven?

ANSWER CHOICES	RESPONSES	
Yes	71.4%	5
No	28.6%	2
TOTAL	100%	7

A summary of specific concerns mentioned in the survey responses is provided below, along with a Council staff comment.

Reference is also made to a paper by Moore *et al.* (2015), [‘Improving Design Outcomes in the Built Environment through Design Review Panels and Design Guidelines’](#) which presents evidence from 22 building industry stakeholders from across Australia on the role, benefits and limitations of design review panels.

- *Inconsistent design expectations due to subjective nature of architecture.*  
Staff comment: It is acknowledged that architecture can be subjective; however, overall design expectations are already set by the nine (9) ‘Design quality principles’ of SEPP No.65 (context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction, and aesthetics).  
The benefit of having a design review panel is that they would engage early with potential developers to clarify design expectations before the DA is lodged. Wider

industry research has also shown that design review panels have been “praised for their ability to allow subjective site-specific context to be applied to design guideline requirements to ensure more considered and improved outcomes were achieved” (Moore, *et al.*, 2015).

Council is already currently getting individual design reviews undertaken for relevant developments (e.g. Residential apartments) as part of the assessment process. The current process has the potential to throw up issues later in the process once the assessment is underway and that require adjustments to designs.

- *Added layer of control to the DA process.*

Staff comment: The introduction of a design review process for certain developments would add another layer of control (or step) to the DA process; however, this extra consideration is far outweighed by the positive benefits of good design which will ensure buildings make a positive contribution to a neighbourhood and provide homes that make a positive contribution to people’s general health and wellbeing.

- *Delays to DA determinations, e.g. if panel members fail to make decisions and seek constant modifications.*

Staff comment: The role of panel members is advisory only, as they do not have decision-making functions. The general method of operation involves the panel giving clear comment/advice on a development concept, such advice is quite specific in regard to development outcomes, it is not an iterative process. Their advice has legal weight; however, the final decision is ultimately made by Council.

- *Panel members may not have appropriate expertise and experience.*

Staff comment: Skills and experience would be a requisite for panel members. However, in the first instance, it is recommended that Council trial using the Wollongong Design Review Panel, which has already been successfully operating for many years and has significant expertise and experience. Further commentary on this has been provided in past Council reports (see **Attachment 1**).

- *Added cost and panel members may not understand local development feasibility.*

Staff comment: There are added costs with achieving good design through a design review process. As explained in previous reports, these costs are already being borne by Council when an urban design consultant is required to review DAs with significant architecture and urban design implications. A design review panel would result in fewer modifications to the design throughout the DA process, thereby saving money for the applicant. Wider industry research has also shown that there is “limited cost impact, either to their businesses or to consumers from having to meet such design requirements” (Moore, *et al.*, 2015).

Good design has financial and social value. On the other hand, poor design imposes costs on their future occupiers, their neighbours and the wider community.

*Q. I am interested in attending a forum/information session about a Design Review Panel for Shoalhaven in the future.*

**ANSWER CHOICES**

Yes

**RESPONSES**

100% 7



ANSWER CHOICES	RESPONSES	
No	0%	0
TOTAL	100%	7

An information session will be held should Council resolve to proceed to trial the use of the Wollongong design review panel.

Other comments left by survey respondents can be viewed in **Attachment 2**.

#### **Community Engagement**

As outlined in the August 2018 report, there are no formal requirements for community consultation in trialling the use of the Wollongong Design Review Panel. This report, however, provides feedback from Development Industry Representatives on the possible use of a panel.

#### **Policy Implications**

Engagement of design review panel members will be in accordance with Council's procurement policies and procedures.

#### **Financial Implications**

A trial of the Wollongong Design Review Panel is likely to be more cost efficient and better value for the level of experience/qualifications as opposed to establishing a new panel for Shoalhaven given the inconsistency in number of applications that would require review.

## CL19.124 Draft Proposal for 2019-20 Water and Sewer Charges

**HPERM Ref:** D19/8454

**Group:** Shoalhaven Water Group  
**Section:** Water Customer & Business Services

### Purpose / Summary

The purpose of this report is to provide a draft proposal for water and sewer charges for the 2019/20 financial year for Council's consideration and direction as to any other options that should be analysed prior to public consultation.

### Recommendation

That Council adopt the following proposal for inclusion in the draft 2019/20 budget:

- Water Availability Charge 20mm – No increase from \$82/connection per annum
- Water Usage Charge – No increase from \$1.70/kL
- Sewer Availability Charge 20mm – Increase of \$16.00 per annum from \$848 to \$864 per annum
- Sewer Usage Charge – Increase of \$0.10/kL from \$1.60 to \$1.70/kL

### Options

1. Adopt the recommended values.

Implications: This would result in a 1.2% increase to the total Shoalhaven Water account for water and sewer services for a residential household using 200kL/annum or 1.3% for a household using 159 kL/annum.

2. Request further analysis of other pricing model alternatives and the implications.

Implications: Different pricing paths can be achieved by deferral or re-priorisation of works (other than those where contracts are already let).

### Background

The proposed 2019/20 water and sewerage budgets presented in this report have been derived by analysis of operating and capital drivers, with the aim of minimising increases in water and sewer charges. Ten and twenty year modelling of the funds have been undertaken.

The Delivery Program and Operational Plan (DPOP) forecast for 2019/20 water charges was to increase the water availability by \$2 per 20mm connection and increase the usage for residential, commercial and CSO categorised properties by 5c per kilolitre. Updated modelling from the 2018 results, taking into account forecast income and likely development activity; a zero increase to these charges can be applied in 2019/20. Such action would result in no increases to those charges since July 2016.

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As has been reported for many years, the sewer fund is heavily influenced by ongoing and significant capital works. This includes a number of current and future loan borrowings factored into the 20 year financial model. The sewer fund pricing path has included “above CPI” increases over a number of previous years to avoid price shock whilst funding backlog programs (Conjola Regional Scheme, Lake Tabourie, Kangaroo Valley and Currarong) and the upgrade works to Bomaderry/Nowra systems (REMS1B). The REMS contract work has been of significance to the sewer fund over the last few financial years and is now reaching completion. Planning for the connection of sewerage services to the village area of Woollamia and St Andrews Way Coolangatta are also factored into the capital works program.

Consistent with previous advice, no dividend is intended to be paid from the sewer fund due to the extensive capital expenditure commitments.

The current DPOP forecast an increase to the 2019/20 availability charge of \$20 per 20mm connection and increase the wastewater usage for applicable commercial and CSO categorised properties by \$0.10 per kilolitre. Following updated modelling, increases are still proposed but less than the earlier forecast (i.e. increase of \$16 per annum instead of \$20 per annum).

## Summary

The effect of the above proposal on the Shoalhaven Water bill for a residential connection in respect of water supply and sewerage services is shown in Table 1 below;

**Table 1: Proposed effect on Shoalhaven Water residential bill (water and sewerage)**

		2018/19	2019/20	% Increase	\$ Increase		
Water Availability Charge		\$82	<b>\$82</b>	0.0%	\$0		
Water Usage Charges	Use per annum in kL	\$1.70	<b>\$1.70</b>	0.0%	Per annum	Per week	Per ¼ bill
Add Sewerage	50	\$167	<b>\$167</b>	0.0%	0.0%	\$0	\$0
	100	\$252	<b>\$252</b>	0.0%	0.0%	\$0	\$0
	159	<b>\$352</b>	<b>\$352</b>	0.0%	0.0%	<b>\$0</b>	<b>\$0</b>
	200	<b>\$422</b>	<b>\$422</b>	0.0%	0.0%	<b>\$0</b>	<b>\$0</b>
	450	\$847	<b>\$847</b>	0.0%	0.0%	\$0	\$0
		\$848	<b>\$864</b>	1.8%	\$16		
	Use per annum in kL				Per annum	Per week	Per ¼ bill
	50	\$1,015	<b>\$1,031</b>	1.5%	\$16.00	\$0.30	\$4.00
	100	\$1,100	<b>\$1,116</b>	1.4%	\$16.00	\$0.30	\$4.00
	159	<b>\$1,200</b>	<b>\$1,216</b>	1.3%	<b>\$16.00</b>	<b>\$0.30</b>	<b>\$4.00</b>
	200	<b>\$1,270</b>	<b>\$1,286</b>	1.2%	<b>\$16.00</b>	<b>\$0.30</b>	<b>\$4.00</b>
	450	\$1,695	<b>\$1,711</b>	.9%	\$16.00	\$0.30	\$4.00

The average residential water consumption in the city is 159kL as shown in the shaded line above. It should be noted however that the nationally accepted benchmark for pricing is based on 200kL of residential water use. This provides a “normalised” benchmark for all

utilities to compare pricing without correcting for differences in volumes of water supplied or tariff structures.

The latest available National Performance Benchmark (**2017-18**) together with the proposed bill for Shoalhaven and Sydney Water IPART determination for 2019/20 is shown in Table 2 below;

**Table 2: Comparison Benchmark of Proposed Pricing**

	<b>Shoalhaven 2019/20</b>	<b>*Sydney Water 2019/20</b>	<b>**Australian Median <u>2016/17</u></b>
200 kL	\$1,286	\$1,155	\$1,401

\* Sydney Water Final IPART determination 2016-20. Note an additional charge up to \$35 may apply owing to desalination restart

\*\*Australian Government National performance indicator P7 – Annual Bill based on 200kl Large Water Utilities

### Community Engagement

Any draft proposal adopted by Council will form part of the community engagement process for the DPOP.

### Financial Implications

The draft proposal articulated in this report seeks to minimise price increases to customers while providing essential infrastructure in a sustainable manner.

A number of variables and uncertainties are contained within the financial models for water and sewer, including the timing of new infrastructure, interest rates, climatic factors and contract programming.

The draft pricing proposal for the key elements of water and sewer charges is however based on information current at this date. This may be further refined as factors change.

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## CL19.125 9th Australian Small Bridges Conference

**HPERM Ref:** D19/130494

**Submitted by:** Clr Mark Kitchener  
Clr Patricia White  
Clr Mitchell Pakes

**Attachments:** 1. Conference report [↓](#)

### Purpose / Summary

To provide a report (Attachment 1) from Clr Mark Kitchener, Clr Patricia White and Clr Mitchell Pakes on the Australian Small Bridges Conference held in Surfers Paradise QLD in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

### Recommendation

That Council

1. Receive the report from Clr Mark Kitchener, Clr Patricia White and Clr Mitchell Pakes on the Australian Small Bridges Conference for information.
2. Review and update the bridge and culvert management plan and provide a schedule for bridge replacements or major upgrades and report back to the full council.

### Options

1. Receive the report for information
2. Request further information on the conference

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## Report to Council

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### Title: 9<sup>th</sup> Australian Small Bridges Conference

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**Date:** 1 – 2 April 2019

**Venue:** Surfers Paradise Marriott, Queensland

**Theme:**

**SCC Representatives:** Councillors Patricia White, Mitchell Pakes and Mark Kitchener

**Key Note Speakers:**

**Conference Format:** There were three concurrent streams with question and answer panels at the end of each session. There were no plenary sessions or key note speakers.

### **Summary of Presentations:**

There are 40 to 50 000 bridges in Australia approaching 50 years of age, many of which are nearing the end of their intended service life. Service life varies depending on treatment, location and use. David Coe informed the conference that many older bridges were designed for considerably lower traffic loads. Timber posts were attached to concrete decks, steel posts were positioned with a single rail, some little more than architectural handrails, and many older barriers are much lower than desirable. The old code offered no protection to bridge supports. Today's standard however emphasizes the need for safety under all circumstances as motorists continue to make mistakes.

Making improvements to roads and roadsides to reduce the risk of crashes and minimize harm is critical to the safety of all. Dividing traffic and providing clear driver guidance to manage speed contributes to these improvements. Delivering protection barriers to support abutments and piers of overpass bridges is now mandatory to minimize damage from vehicle collisions. Retrofitting barriers to existing bridges however, has become substantially more difficult to comply with the new code loads. Planning and design are vital to ensuring bridges are fit for purpose.

In 2017, changes were made to the code (AS5100) impacting on bridge barrier design and consequently on the cost of bridge construction. To keep abreast of increasing population growth and ensuing demand on road infrastructure, ongoing bridge upgrades are crucial. Upgrade works necessitate design consideration to retain the current level of service

throughout construction, as well as the preservation of many existing assets in order to provide the most economically viable solution.

Royce Toohey from Eurobodalla said, in New South Wales alone there are over 9000 bridges under the control of local government. Local governments, are required to maintain, repair and replace small bridges as the need arises. Conducting major rehabilitation projects can run into millions of dollars and is increasingly more difficult when functioning on restricted budgets.

Matt Ducanson stated, there is no single answer to managing a deteriorated bridge. Each bridge is unique and must be assessed on a case by case basis. Corrosion is inevitable and rehabilitation is complicated, choosing the right solution is dependent on many variables.

Dr. Dan Tingley specified, all bridges, wood, concrete, or composite, decay and have a finite life span. Wood decays at a moisture content level of 22% to 23% but decay isn't concentric, it follows moisture zones. Bore sounding, drilling holes into wooden girders is a destructive form of testing which further exacerbates decay by making an ingress for oxygen, water and termites.

Furthermore, aging assets have added issues including chlorides - especially in the case of concrete bridge piers, carbonation, fatigue, under capacity, new codes, cracking from overloading, impact damage, durable repair solutions, and structural upgrades. Substantial defects are associated with exposure to aggressive coastal environments including tidal movements, salt water, canal scour and close vicinity to the coastline. 66% of all bridge failures occur due to scour, fast moving water that compromises the integrity of the construction.

Timber bridge owners seek longevity and are continually looking for innovative methods to construct bridges more easily and create greater life expectancy. Timber bridge service life can be extended through regular maintenance and good design, for example, using horizontal fasteners instead of vertical fasteners helps to inhibit water from entering the structure. Repair techniques such as patching, crack injection, pile jacketing, non-structural pile encasement, electrochemical protection and coating are some of the options available to extend the life of small timber bridges.

Early investigation allows preventative strategies such as sealing end grains, sealing of cracks, fungi treatment, bolt tightening and corrosion prevention, to be adopted. Early intervention results in a significant reduction in repair works, considerable cost savings and reduced disruption. It is essential to prioritize work programs to keep bridges open while funding is being sourced.

When there are too many elements to repair, replacement, not technically a repair, in some cases is the best option. However, the inconvenience of cost and time for demolition, rebuild, and dumping expenses must be taken into account.



There is an unwritten expectation in the community, that one day, timber bridges will be replaced and reconstructed in concrete. Motorists care about bridge geometry, width, load capacity, barrier safety, flood immunity, convenient bridge location, maintenance and level of service factors. However, there is not enough money printed to replace timber bridges with concrete so local government areas will continue using timber bridges into the future.

Timber, as a construction material is renewable, versatile, strong, light weight, cost effective, transportable, can be installed quickly, repaired easily and is appropriate for low volume rural roads. All forms of timber bridges, road, rail and pedestrian, play an important role in urban and rural environments.

Dr Binh Pham gave a detailed explanation on how to extend the life of a bridge. Bridges can be widened and strengthened for heavier loads. Bridges can have new structures added, such as decks being overlayed with concrete or barrier upgrades. Girders, bearings, abutments, crossheads and edge beams, can be strengthened, reinforced, replaced or tensioned multiple times, to prolong a bridge's durability. The rehabilitation of bridges depends on many elements such as, bridge and site conditions, bridge types, contractor's preferences, existing reinforcements and traffic restrictions.

Scott Parker described, using case studies in New Zealand, how "flat racks", transportation platforms, can be used as an economic solution to span small water crossings on new shared use cycle-way networks. With the ever growing complexity of planning and building regulations, "flat racks," even with a shorter life span, may still be more cost-effective over the long-term.

"Flat racks" are used for shipping oversized loads and come in two sizes, 20 foot and 40 foot and can be purchased from a flat rack retailer or shipping company. Scott Parker compared the whole of life costs for a typical concrete, pre cast bridge and a "flat rack" of the same dimensions.

The flat rack with a twenty year life expectancy, costs, for supply and installation were \$13 000, routine maintenance \$15 000, inspections and minor repairs with mid-life restoration including a repaint \$5 000, a total lifecycle cost of \$33 000. The cost of a conventional pre-cast, pre-stressed concrete design for the same location was \$100 000 by comparison.

"Flat racks," can be used as a temporary installation, with no professional design costs, are easy to remove and replace and depending on whether the "flat rack" is located in an urban or rural setting, it can be easily modified to provide an aesthetically attractive piece of infrastructure. "Flat racks," could also be considered as an appropriate alternative to timber on low volume rural roads.

Local governments are under increasing pressure to upgrade ageing bridge assets to sustain heavier loads and meet the requirements needed in the future. Identifying which bridge assets

are in need of repair necessitates investigation. In order to understand the full extent of repairs for a particular bridge councils must conduct the right investigations and use the right people and tools for the job. It is important to accurately categorize failing bridge components and stipulate suitable repair procedures. Keeping local bridges open and safe for public use is a core responsibility of councils.

To determine a condition assessment on a bridge councils, or their representatives, conduct Level 1, Level 2 and Level 3 investigations.

Level 1 inspections are included in operational works - routine and small maintenance activities with 100% of structures inspected annually or by exception.

A Level 2 investigation is a visual assessment that relies on good observation skills more than anything else, only pile cleaning and underwater inspection is essential.

A Level 3 investigation quantifies defects and determines deterioration mechanisms, remaining life prediction of key structural elements, rehabilitation options, analysis, and life cycle costs. Level 3 investigations set objectives and target the scope to achieve them. Knowing more technical information doesn't help unless it informs better decision making.

The Shoalhaven region is located south of Wollongong on the South Coast of New South Wales and encompasses 165 kilometres of coastline, 109 beaches, 2 rivers, 7 lakes, 14 icolls, 1 basin with numerous creeks and waterways. Staff in the Shoalhaven City Council verified that council is responsible for the maintenance, repair and replacement of:

- 114 bridges
- 34 causeways
- 69 major culverts – 13 pipe culverts – 49 box culverts – 6 steel arch culverts greater than 6 meters in length
- 22 footbridges – 9 concrete – 5 steel – 8 timber and includes 3 suspension bridges.

One of the bridges of the Shoalhaven is built over a road. The Jane Street overpass in Nowra which gives access to Nowra Fair over the Princes Highway. The remaining 113 bridges are built over waterways, some over salt water, some estuarine, but mostly over fresh water.

There are 21 bridges made of timber, 78 made of concrete, and 15 made of a composite construction. Twelve of these bridges are load limited including Brooman and Edward Street which are currently closed to traffic.

There are ten bridges that have reached the end of their intended service life:

1. Brooman Rd - Tumblebar Creek - Brooman
2. Culburra Rd - Crookhaven River (Arch Gate Bridge) - Pyree

3. Edward St - Berry
4. Yawal Rd – Buangla
5. Mayfield Rd - Pyree
6. Bundewallah Rd – Berry
7. Budgong Rd – School Creek - Bugong
8. Koloona Dr – Bengalee
9. Main Road – Cambewarra (Henry's)
10. Priddles Lane – Wottamolla - Causeway

There are five bridges that are approaching the end of their service life:

1. Wheelbarrow Rd – Woodburn
2. Lamonds Entrance Rd - Terara a farm bridge mainly utilized by Shoalwater pipes
3. Bells Lane – Merroo Meadow
4. Boxells Lane – Merroo Meadow
5. Bolong Rd – Bolong (Manildra Culvert)

There is no active Level 1 bridge inspection program in the Shoalhaven City Council. Level 2 bridge inspections are carried out by Council staff trained in Level 2 inspections and are undertaken per the following schedule:

- five yearly for concrete bridges in good condition
- two yearly for timber bridges in good condition
- as agreed for any bridge infrastructure deemed to be in poor condition – some are inspected as often as two monthly where required, for example, Tumblebar whilst open to traffic over the past twelve months.

All Level 2 bridge inspections are documented and scheduled using Pitt & Sherry's bridge management database, "AssetAsyst." Council has engaged Pitt & Sherry to supply and maintain this system. All future inspections are preset after each due inspection is complete based on the current condition of the structure.

Level 3 bridge inspections are triggered when a Level 2 inspection identifies significant structural defects. Level 3 bridge inspections are undertaken externally and are engaged via request for quotations.

In addition, there are currently 269 culverts on record in the Shoalhaven City but the data is incomplete and there could be as many as double this figure. These culverts are not specifically 6 meters and over, but a total of "all" non 6 meter culverts currently recorded. There is no routine inspection program for culverts in the Shoalhaven.

Furthermore, there are many bridges not mentioned above which are 'at risk' and Council's current plan is to accelerate bridge maintenance budgets. Current age profiles for bridge

structures in the Shoalhaven demonstrates a significant need for increasing bridge maintenance as the construction age of bridges reach greater than 60% of their estimated life.

**Recommendation:**

That council, review and update the bridge and culvert management plan and provide a schedule for bridge replacements or major upgrades and report back to the full council.

Councillors Mitchell Pakes, Patricia White, Mark Kitchener

## LOCAL GOVERNMENT AMENDMENT (GOVERNANCE & PLANNING) ACT 2016

### Chapter 3, Section 8A Guiding principles for councils

#### (1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

#### (2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

#### (3) Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

### Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
  - (i) performance management and reporting,
  - (ii) asset maintenance and enhancement,
  - (iii) funding decisions,
  - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
  - (i) policy decisions are made after considering their financial effects on future generations,
  - (ii) the current generation funds the cost of its services

**Chapter 3, 8C Integrated planning and reporting principles that apply to councils**

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) Councils should identify strategic goals to meet those needs and aspirations.
- (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) Councils should regularly review and evaluate progress towards achieving strategic goals.
- (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) Councils should collaborate with others to maximise achievement of strategic goals.
- (h) Councils should manage risks to the local community or area or to the council effectively and proactively.
- (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.