

Ordinary Meeting

Meeting Date: Tuesday, 29 October, 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 - 27 August 2019
 - Extra Ordinary Meeting - 10 September 2019
 - Extra Ordinary Meeting - 20 September 2019
6. **Declarations of Interest**
7. **Call Over of the Business Paper**
8. **Presentation of Petitions**
9. **Mayoral Minute**
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 - MM19.18 Mayoral Minute - Congratulations Owen Wright - 2019 Tahiti Pro
Teahupo'o 1
10. **Deputations and Presentations**
11. **Notices of Motion / Questions on Notice**
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Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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.

- CSA19.13 Proposed Land Acquisition Matters - Yalwal & Buangla Localities

Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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.

CSA19.14 Proposed Disposal of Vacant Land, St Georges Basin

Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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.

MM19.18 Mayoral Minute - Congratulations Owen Wright - 2019 Tahiti Pro Teahupo'o

HPERM Ref: D19/304623

Recommendation

That Council receive the report for information and congratulate local Culburra man, Owen Wright, on his success at the recent Tahiti Pro Teahupo'o.

Details

Congratulations to Owen Wright, local Culburra Beach man, on winning his maiden Tahiti Pro Teahupo'o surfing title, defeating Brazil's Gabriel Medina in the final.

The win is Owen's first World Surf League (WSL) Championship Tour (CT) title since taking out the 2017 Quiksilver Pro, sealing his fourth ever WSL CT title.

For those that don't know Owen's story, he suffered a traumatic brain injury while surfing at Pipeline in 2015 resulting in severe memory loss and had to relearn how to talk, walk then surf again. Owen is now ranked 8th in the world.

What an inspirational person you are Owen. Congratulations.

MM19.18

CL19.303 Rescission Motion - DE19.106 Ministerial Representations - Chapter G4 Tree & Vegetation Management - Shoalhaven DCP2014

HPERM Ref: D19/345377

Submitted by: Clr Kaye Gartner
Clr Nina Digiglio
Clr John Levett

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 DE19.106 of the Development & Environment Committee meeting held on Tuesday 1 October 2019.

Background

The following resolution was adopted at the Development & Environment Committee meeting held on Tuesday 1 October 2019 (MIN19.726).

That Council:

- 1. Note the request received from the Minister that essentially requests that Council reconsider the current provisions in this regard and advise the Minister of Council's decision to retain the current provisions for the overriding reason of public safety, noting that Council is also considering policy options to address tree loss within the City more generally.*
- 2. Write to all tree lopping and tree removal contractors on an annual basis to explain their obligations before a tree is removed, under the "45 degree rule". In addition, that the maximum penalties for any breaches be clearly outlined in the correspondence.*
- 3. Advise the NSW Minister for Planning & Public Spaces of this decision.*

CL19.303

CL19.304 Notice of Motion - DE19.106 Ministerial Representations - Chapter G4 Tree & Vegetation Management - Shoalhaven DCP2014

HPERM Ref: D19/345451

Submitted by: Clr Kaye Gartner
Clr Nina Digiglio
Clr John Levett

Purpose / Summary

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

Recommendation

That Council

1. Commence a review of the DCP Chapter 4.
2. Investigate the outcomes associated with the 45 degree rule with particular emphasis on any perverse outcomes.
3. Undertake any amendment of the DCP Chapter 4 that may be required to ensure perverse outcomes of the 45 degree rule are avoided as requested.
4. Report on the review and any consequent amendments of the DCP Chapter 4 to the NSW Minister for Planning & Public Spaces, the Hon. Rob Stokes MP.

Note by the CEO

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

CL19.304

CL19.305 Notice of Motion - Smoke-Free Nowra CBD

HPERM Ref: D19/310837

Submitted by: 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

1. Undertake public consultation determine the level of community support for making the Nowra CBD smoke-free.
2. Receive a report following the consultation detailing the level of community support for making Nowra CBD smoke-free and outlining the process and costs involved in establishing this smoke free area.

Background

Cigarettes are detrimental to everyone's health. Not only are they bad for smokers, they create litter and the second hand smoke is harmful to health. It is important that Council creates a safe environment for our community where everyone can enjoy our outdoor open spaces.

In particular, the Nowra CBD is an area which I believe would benefit from becoming a smoke free area. There may be additional areas which would benefit from this approach in the short term.

This motion proposes that public consultation be undertaken and a report be provided to Council with the outcome of that consultation as a first step.

Council may wish to resolve in lieu of the above the following alternate recommendation:

Alternate Recommendation

That Council prepare a Smoke Free Environment – Declared Public Areas Policy which:

1. Defines the Nowra CBD as 'smoke free' and defines the geographical area to which this applies
2. Defines any additional areas where further 'smoke free' bans could apply
3. Enables signage to be erected under Section 632 of the Local Government Act 1993 (the Act) for the purposes of enforcement action

Some other Councils have made their own declarations to create smoke free outdoor areas. Notable examples are Wollongong Mall, Martin Place and Bondi Beach.

All of Waverley Council beaches are smoke free

http://www.waverley.nsw.gov.au/residents/neighbourhood_issues/our_smoke-free_areas

North Sydney Council is the most recent example of creating smoke free areas and their report on this can be read here: <https://yoursay.northsydney.nsw.gov.au/smoke-free-cbd>

CL19.305

CL19.306 Notice of Motion - Mollymook Showers

HPERM Ref: D19/272257

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 install a cold water self-regulated shower cluster with four shower roses and a tap on the grassed area in front of Mollymook SLSA in a visually prominent location away from the building, paths and driveways.

Background

Mollymook Beach Surf Life Saving Club has a beach shower 150 meters north of the Clubhouse and one shower at the rear of the building. The club provided a shower for members to rinse themselves before entering the premises on the front of the clubhouse. During the summer season many of the visiting public use this shower, causing issues around public safety and rescue effectiveness.

CL19.306

CL19.307 Notice of Motion - Donation Request - Mollymook SLSC - National ASRL Surfboat Championships

HPERM Ref: D19/367279

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 donate \$3,000 from the unallocated donations vote to assist Mollymook Surf Lifesaving Club run the prestigious National ASRL Surfboat Championships during February 2020 and 2021.

Background

Mollymook SLSC attracts many prestigious events to the Southern Shoalhaven. The National ASRL Surfboat Championships attracts 1500 competitors and an anticipated audience of around 10,000. These events are costly to run but attract a large amount of business that benefits many in the area.

Note by the CEO

As at the time of preparing this note, the current balance of the Unallocated Donations budget was \$8,386.20.

CL19.307

CL19.308 Notice of Motion - Call In DA19/1847 - 83 Quay Rd Callala Beach

HPERM Ref: D19/354094

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 DA19/1847 be called in for determination by Council, because of Public Interest.

Note by the CEO

The application is for a new 2 storey dwelling on a currently vacant allotment. The allotment adjoins the foreshore reserve of Callala Beach. The development application was received by Council on 28 August 2019, and was notified between 10-25 September. The application is currently under assessment.

CL19.308

CL19.309 Notice of Motion - Councillor Attendance at Events

HPERM Ref: D19/367309

Submitted by: Cllr Mitchell Pakes

Purpose / Summary

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

Recommendation

That:

1. The Mayor will attend and represent on behalf of Shoalhaven City Council.
2. If the Mayor is unable to attend, The Deputy Mayor will attend and represent on behalf of Shoalhaven City Council.
3. If the Mayor and Deputy Mayor are unable to attend, The Assistant Deputy Mayor will attend and represent on behalf of Shoalhaven City Council.
4. In the event the Mayor, Deputy Mayor or Assistant Deputy Mayor are unable to attend Ward Councillors will be asked to attend and represent on behalf of council.

CL19.309

Background

In line with the spirit of the local government act the Council adopt the above protocol for representation of Council at Functions and Council Business.

Note by CEO

The following text is reported annually to Council in the report on Election of Mayor and Deputy Mayor:

“Under the provisions of Section 231 of the Local Government Act 1993 (LG Act) the Councillors may elect a person from among their members to be the Deputy Mayor. A Deputy Mayor may be elected for the Mayoral term or a shorter term. The recommendation provides for the position to be filled for one year.

Council has previously appointed an Assistant Deputy Mayor who may exercise the function of Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising the function of the Deputy Mayor. Election to the position of Assistant Deputy Mayor should follow the same procedure as for Deputy Mayor if Council considers the position is required.”

CL19.310 Notice of Motion - Funding and Advertising in The Bush Telegraph

HPERM Ref: D19/367329

Submitted by: Cllr Mitchell Pakes

Purpose / Summary

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

Recommendation

That Council immediately stop any funding or advertising in the Bush Telegraph newspaper. (This includes all Departments of council).

Note by the CEO

The New Bush Telegraph has four (4) issues per year. In the 2018/2019 Financial Year Council has advertised in the New Bush Telegraph at a total cost of \$1500.

CL19.310

CL19.311 Notice of Motion - Rates Subsidy for Newstart Recipients

HPERM Ref: D19/367339

Submitted by: Cllr Kaye Gartner

Purpose / Summary

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

Recommendation

That SCC write to the Hon Anne Ruston, Federal Minister for Social Security and the Hon Fiona Phillips, member for Gilmore, on behalf of our unemployed residents and ratepayers urging an increase in Newstart to support senior unemployed residents to stay in their own homes.

Background

In September, a local resident wrote to all councillors about her situation, which is increasingly common. She states:

"As a welfare recipient in my fifties I can testify this experience has been stressful and embarrassing.... I want a job and I have applied for 89 over the past year and three months. I have completed a Tafe course in Teachers Support. I am studying at Uni, Sociology. I completed the Small Business course through NEIS, as I started up a bnb to get off this hopelessness wheel of welfare. ...

Winter has seen bookings almost non-existent. I am beginning now to take bookings for Spring and Summer. I am one of the lucky ones. I have some tools of my trade I can use to support myself. It is still distressing. I was thinking I would need to sell my home.

....There are no provisions for people on welfare to assist with rates and water. I wonder if there is a possibility in the future for the council to review this growing need."

From National Seniors Australia website (nationalseniors.com.au):

"Did you know the largest age group on the Newstart Allowance is those between 55 and 64?

It's just one of the reasons National Seniors Australia has been so vocal in calling for not only Newstart's allowance rate to be raised, but to have it included in the Federal Government's review on retirement incomes.

More than 170,000 Australians in that age group are on Newstart and spend on average four years receiving the allowance, because they are either transitioning careers, unable to find suitable work, or are experiencing ageism in the workforce."

Shoalhaven residents whose working life has positioned them to purchase a home, can find themselves at risk of losing this home when unemployment strikes. Newstart is insufficient income to support an adequate living standard, let alone the on costs of owning a home. This situation is exacerbated if residents are still paying their mortgage when they experience unemployment.

CL19.311

The current **Newstart** Allowance is set at \$489.70 per fortnight for a single adult like Ms Stephens, with no dependent children.

An unemployed person assessed as a homeowner is not eligible for rent assistance; there is no provision for mortgage assistance or for assistance with the unavoidable costs of homeownership like rates and insurance, let alone maintenance.

CL19.311

CL19.312 Question on Notice - Ulladulla Lighthouse project

HPERM Ref: D19/367497

Submitted by: Cllr Kaye Gartner

Question

1. What is SCC's current involvement with the Ulladulla Lighthouse Project?
2. Can staff provide a brief update on works completed to date?
3. Is Council actively seeking funds for completion of the project in the near future?

Response

1. Council staff attend their bi-monthly 'The Suicide-Prevention – Lighthouse Meeting' in Ulladulla. We advocate for the group. Staff recently prepared a briefing paper for Mayor Findley to raise these community issues with the State Government and to highlight the work of the group and seek assistance in addressing the need for a masterplan and funding to implement measures to reduce self-harm. The Ulladulla community has raised concerns over public safety at the site for many years, triggered by a string of suicides, and have now long been advocating for improved facilities and safety measures at the Lighthouse precinct.
2. NSW Crown Lands, at their expense, has engaged a contractor to upgrade the existing fence at the Warden Head Lighthouse site to improve safety. Works are expected to be completed in the 2019/2020 financial year.

Shoalhaven City Council has completed stage one of the Deering Street, Ulladulla shared path; this path stretches from the Lighthouse Oval to "The Bommie" car park. Stage two, the extension of the Deering Street, Ulladulla shared path from "The Bommie" car park to the Lighthouse at Warden Headland, has commenced and is estimated to be completed by December 2019.

Whilst the reserve is owned and managed by the Crown Lands Office, suicide prevention is not the sole responsibility of one service or sector. Effectively addressing suicide in the Shoalhaven requires a collaborative effort from a range of communities, services and sectors. Council staff will continue to advocate for Crown Lands to play a strategic and practical role in relation to this important issue and assist the community in upgrading the area to ensure public safety.

3. Council staff have and will continue to be proactive seeking grant monies for this project. Council see the development of a masterplan as a necessary first step before any additional project management, design and scope of works is considered for the precinct, and delivery of infrastructure. At the present time no further funding has been allocated by Crown Lands to undertake any planning or construction on the site beyond the upgrade to the existing fencing.

An application under the Building Better Regions Fund was unsuccessful and staff are awaiting the announcement of the outcome of a recent grant application for the Crown Reserves Improvement Fund Program. Under this grant scheme. Council have applied for \$94,061 to produce a Masterplan, to be commissioned by Council to guide future development at the Warden Head Lighthouse Precinct in Ulladulla, including but not limited to a maintenance program for existing infrastructure and recommendations for the installation and construction of new infrastructure.

CL19.312

Council has recently received notification of a successful funding application through the Regional Growth and Tourism Fund. This will see upgrades to the Warden Head and North Head Walking Trail and Warden Head Walking Trail to the Lighthouse. These upgrades will improve the amenity of the area and contribute to activating and bringing more visitors to this location. Staff will continue to be proactive in seeking grant funding and submitting applications for this project.

Shoalhaven City Council and the Illawarra Shoalhaven Suicide Prevention Collaborative recently entered a Memorandum of Understanding pertaining to financial contributions towards Stage One of the project, a masterplan for the Warden Head Lighthouse site. The Collaborative have agreed to contribute the sum of \$50,000 towards the cost of a suitably experienced consultant to compile the Masterplan in consultation and collaboration with the Collaborative, the Suicide Prevention – Lighthouse Meeting and the wider community. This leaves an estimated shortfall of \$44,061 to fund the development of a masterplan that will identify the strategic improvements necessary for suicide prevention at the site. The \$94,061 required for Stage One of this project, a masterplan, does not contribute to the cost of implementing the means restriction strategies recommended for the site in a future masterplan.

Any grant funding applications that Council staff prepare require the consent of the landowner – Crown Lands – as this is not Council land or under the care, control and management of Council.

CL19.312

CL19.313 Notice of Motion - Electrification of Bomaderry to Kiama Rail Line

HPERM Ref: D19/308699

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 Shoalhaven City Council express its public support for Unions Shoalhaven and the Shoalhaven community in general, in their firm desire to have the rail line from Bomaderry to Kiama upgraded to a full electrification standard. Ideally, the public support would occur through media releases and lobbying of our local state members, the Minister for Transport and the Premier herself. In highlighting the great benefits of the electrification, the following salient points would be emphasised but not restricted to the list provided below:

1. New modern carriages
2. Extra carriages per service
3. Greater comfort for the disabled, especially those carrying large bags
4. Increase in passenger numbers leading to an increase in service
5. Realistic likelihood of faster trains and a resultant decrease in travel time
6. Boost for employment opportunities outside of the Shoalhaven
7. More opportunities for our community members to take up TAFE and university education
8. Medical appointments would be organised more effectively
9. Another benefit for tourism

CL19.313

CL19.314 Notice of Motion - Conduct Obligations

HPERM Ref: D19/367925

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

1. Councillors refrain from making accusations of bullying in the media (including social media)
2. When a Councillor is made aware of the inappropriate distribution, by a third party, of personal emails or written correspondence to the media or social media, then that Councillor has an obligation to withdraw the unauthorised communication
3. The upcoming Code of Conduct Training session organised for Councillors include a detailed explanation of bullying, and provide relevant examples of such conduct for the benefit of Councillors.

Note by the CEO

Code of Conduct Training for Councillors has been scheduled for Wednesday 13 November from 5.00pm.

Councillors should note that any resolutions introducing new obligations with respect to conduct will require an amendment to the Code of Conduct. Those resolutions will prompt a report back to the Council detailing the specific amendments which will be made to the Code and will require public exhibition prior to adoption.

CL19.314

CL19.315 Report of the Strategy & Assets Committee - 8 October 2019

HPERM Ref: D19/351352

SA19.156 Investment Report - August 2019

HPERM Ref:
D19/328130

Recommendation

That the report of the Chief Executive Officer (Finance, Corporate & Community Services Group) on the Record of Investments for the period to 31 August 2019 be received for information.

SA19.157 Proposed Lease - Milton Ulladulla Family History Society - Ulladulla Civic Centre

HPERM Ref:
D19/167775

Recommendation

That Council:

1. Enter into a five (5) year lease agreement with Milton Ulladulla Family History Society Incorporated for occupation of a room at the Ulladulla Civic Centre at a commencement rent of \$501.00 per annum plus GST (Statutory Minimum) with annual CPI increases.
2. Authorise the Chief Executive Officer 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 where required to give effect to this resolution.

SA19.159 Proposed Lease - 2 Moss Street Nowra

HPERM Ref:
D19/293874

Recommendation

That Council;

1. Accept the surrender of lease agreements dated 1 December 2019 to 30 November 2024 and 1 December 2024 to 30 November 2026 with Philip Pulford for the use and occupation of part Lot 1 DP 334547, Lot B DP 335109 & part Lot A DP 335109 known as 2 Moss Street Nowra;
2. Enter into two consecutive lease agreements with Mr Philip Pulford and Ms Rebecca Jane Low for a five (5) year lease agreement, followed by a two (2) year lease agreement consistent with current lease terms including market rent determined within 3 months from the commencement date of 1 December 2019, plus GST with annual CPI increases, noting that the lease agreement will set out a process for acquisition and demolition at the site in response to road widening needs in the future;
3. Authorise the Chief Executive Officer 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 where required to give effect to this resolution.

CL19.315

**SA19.160 Proposed Lease - 81 Osborne Street, Nowra - Lot 4
Sec 12 DP758794 - Jumbunna Children's Centre
Limited**

**HPERM Ref:
D19/302386**

Recommendation

That Council resolve to:

1. Enter into a five (5) year lease agreement over Part Lot 4 Sec 12 DP758794, 81 Osborne Street, Nowra with Jumbunna Children's Centre Limited at an incremental commencement rent of:
 - (a) Year 1: \$498.00 (exc GST, payable by the tenant)
 - (b) Year 2: \$2,762.14 (exc GST, payable by the tenant)
 - (c) Year 3: \$5,026.27 (exc GST, payable by the tenant)
 - (d) Year 4: \$7,290.41 (exc GST, payable by the tenant)
 - (e) Year 5: \$9,554.55 (exc GST, payable by the tenant)
2. Approve the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to this resolution.

**SA19.163 Land Acquisition - Easement for Drainage Lot 103
DP 1161925 Burralee Drive Worrigeer**

**HPERM Ref:
D19/325857**

Recommendation

That Council

1. Acquire an easement to drain water 5m wide and variable width over part of Lot 103 DP 1161925, 9 Burralee Drive Worrigeer, being approximately 92 metres in length parallel to and adjoining the eastern boundary of Lot 103.
2. Agree to pay compensation in the amount of \$12,000 plus reasonable legal costs associated with this acquisition from Job No 75503.
3. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documentation required to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.

**SA19.166 Acquisition of Crown land - Lot 7 DP1242949 - Kings
Point Drive Ulladulla**

**HPERM Ref:
D19/316485**

Recommendation

That Council:

1. Rescind MIN17.146.
2. Compulsorily acquire Lot 7 DP1242949 at Kings Point Drive Ulladulla from the Crown, as shown on the attached copy of that deposited plan.
3. Pay compensation and costs associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer fund.
4. Make the necessary application to the Minister for Local Government and the Governor.

CL19.315

The acquisition is to be carried out under the Local Government Act 1993 and also in accordance with requirements of the Native Title Act 1993.

5. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documentation required to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.
6. Classify the land as 'Operational' in accordance with Section 31(2) of the Local Government Act 1993

SA19.167 Acquisition of easement - Porters Creek Dam infrastructure

**HPERM Ref:
D19/317459**

Recommendation

That:

1. Council acquire an Easement for Porters Creek Dam Infrastructure over Morton National Park from National Parks and Wildlife Service, Office of the Environment and Heritage. The easement is marked (E) and highlighted on the attached copy of Sheets 1 & 2 of DP1250724,
2. Council pay compensation of \$9,000 plus GST and reasonable costs associated with the acquisition in accordance with the provision of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Water Fund.
3. The acquisition is to be carried out under the Local Government Act 1993, and also in accordance with requirements of the Native Title Act 1993.
4. Council authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documentation required to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.

CL19.315

CL19.316 Report of the Audit, Risk & Improvement Committee - 19 August 2019

HPERM Ref: D19/326390

RA19.18 Additional Item - Resignation from Committee

Recommendation

That Council proceed to recruitment of an Audit, Risk and Improvement Committee member to fill the vacancy created by the resignation of Diana Price.

CL19.316

CL19.317 Report of the Shoalhaven Sports Board - 25 September 2019

HPERM Ref: D19/345857

Attachments: 1. SB19.27 - Draft Sports Grant Program (Capital Works) Policy [↓](#)

SB19.24 Acknowledgement of Resignation - Tony Hardman - Appointment of Membership

HPERM Ref:
D19/220294

Recommendation

That:

1. The Shoalhaven Sports Board acknowledge and endorse the resignation of Tony Hardman.
2. Craig Howsan be appointed as a community member representative to the Shoalhaven Sports Board for a four-year term, until March 2023.

SB19.27 Sports Grants Program (Capital Works) Policy Update

HPERM Ref:
D19/284672

Recommendation

That Shoalhaven Sports Board recommend that Council adopt the following changes to the Sports Grants program (Capital Works) Policy Provision 3.3:

1. That three (3) representatives of the Shoalhaven Sports Board be present during the assessment of applications.
2. That a member of Shoalhaven City Council Inclusion and Access Advisory Group be present during the assessment of applications.
3. That two (2) Council staff representatives be present during the assessment of applications.

SB19.26 Sports Grants Program 2019/2020 - Funding

HPERM Ref:
D19/288758

Recommendation

That:

1. The Shoalhaven Sports Board approve the following three (3) applicants for the 2019/2020 Sports Grants Program:
 - a. Berry Riding Club Inc. – Construction of Storage Shed: \$8,066
 - b. Shoalhaven United Football Club – Upgrade Floodlights Fields 3 and 4 Lyrebird Park: \$50,000
 - c. Shoalhaven District Football Association – Top Dress Fields 2 and 3 Ison Park: \$16,720
2. Council re-advertise the \$83,314 unspent funds from this round to our sporting groups; if there are still unspent funds Council will proceed with identified sporting capital works

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projects.

3. Council amends the Sports Grants Program (Capital Works) Policy for this round only to allow applications for grants up to an amount of \$3,000 for equipment, without requiring matching funding.

CL19.317



City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Finance Corporate & Community Services Group

SPORTS GRANTS PROGRAM (CAPITAL WORKS)

Policy Number: POL19/48 • **Adopted:** 27/06/2006 • **Amended:** 18/12/2007, 28/04/2009, 21/12/2009, 18/05/2010, 21/05/2013, 28/03/2017, 17/04/2018 • **Minute Number:** MIN06.778, MIN07.1842, MIN09.509, MIN09.1789, MIN10.588, MIN13.532, MIN17.247, MIN18.273 • **File:** 5270E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:** 1/12/2020

1. PURPOSE

To define the funding framework for sports groups to partner with Council to deliver capital works projects / improvements. The funding framework allows for design and delivery of new works, or improvements to existing capital fixed assets at sporting facilities on Council managed land.

2. STATEMENT

2.1. Who does the policy apply to?

The Sports Grants Program is available to all Shoalhaven based sports groups that meet the provisions of this policy and wish to undertake design for new works or improvements to existing fixed assets on Council managed land.

2.2. Council funding

Council funding for this program is to be reviewed annually during the budget process.

Council's matching financial contribution for this program is available to eligible Shoalhaven based sporting groups on the basis of \$2.00 from Council for each \$1.00 contributed by sporting organisations. Eligible projects will require endorsement from the relevant sporting association.

The program also supports those Shoalhaven based sporting groups who wish to accumulate funds for strategic projects by carrying over Council's matching contribution to the next financial year. However, funds will only be carried over to match the amount collected by the sporting group for the nominated strategic project(s), which are agreed upon by the Shoalhaven Sports Board.

2.3. Capital improvements

Capital improvements to sporting facilities refer to the provision of new, or improvements to existing, capital fixed assets and should be in line with the Community Infrastructure Strategic Plan 2017-2036, and in accordance with the following criteria:

Shoalhaven City Council - Sports Grants Program (Capital Works)

- Consolidation of assets
 - Current legislation compliance
 - Higher usage levels of fewer assets
 - Multiple-use facilities
 - Increased range of activities, services and programs being offered
 - Increased participation, particularly by target groups (eg children, aged, disabled, different cultural backgrounds etc)
- . Such improvements typically involve:
- Design costs for capital projects
 - Lighting of sports fields
 - Improvements to amenity blocks
 - Spectator facilities
 - In-ground drainage and/or irrigation
 - Improved playing surfaces
 - Car park and access road sealing
 - Long cycle refurbishment of tennis courts

This does not include provision of machinery.

2.4. Sports group involvement

The nature of this program allows Shoalhaven based sporting groups to determine their level of involvement and their preferred methods of collection of funds to partner Council in the improvement of facilities on Council managed land. Such methods could include direct levy of participants, fundraising, sponsorship or successful grant applications.

Council's Sportsgrounds Management Policy outlines the process for all communication which will take place between relevant Sporting Associations or Peak Bodies and Council.

2.5. Criteria for prioritisation

- I. Compliance with strategic and other plans of council – 50%
- II. Value of additional in-kind labour to contribute – 15%
- III. Percentage of funding club is contributing – 10%
- IV. The apparent "readiness" of the project to proceed – 15%
- V. Benefit to other users of the Council Managed Land – 10%

3. PROVISIONS

The following provisions apply:

- 3.1. This Sports Grants Program applies to all sports that occur on Council managed land.
- 3.2. Council's matching financial contribution is available for Shoalhaven sporting groups on the basis of \$2.00 from Council for each \$1.00 contributed by the applicant, with evidence of available funds at time of application.

Shoalhaven City Council - Sports Grants Program (Capital Works)

- 3.3. Applications are invited in April each year and must be received by 30 June for the following financial year. The Applications will be considered by three representatives of the Shoalhaven Sports Board, a member of Shoalhaven City Council's Inclusion and Access Advisory Group, and two Council staff representatives. The representatives will meet to assess the applications and report to the Shoalhaven Sports Boards first meeting after 1 July.

Applications must include the following:

- A statement of community benefit
- Levels of participation
- An assessment, either by the local sporting group or by the peak bodies of the relevant sporting codes, of the future building and sport facility requirements within the City over the next 20 years
- Assessment of the club's financial capacity (including audited financial statements for the preceding three years)
- A five year forward Business Plan, including financial projections
- Site plans
- Quotes for the planned work

- 3.4. After 1 July the Shoalhaven Sports Board will consider the project priority for the remaining funding pool based on need and the ability of the project to be delivered or part delivered in the relevant financial year. These priority projects will be reported to the Board for endorsement.

- 3.5. In-kind contributions may be used to value-add to projects but will not substitute for the cash contribution component.

- 3.6. Funds will not be carried over on a promise of raising matching funds in subsequent years and funds used to match previous Council contributions cannot be used to bid for funds in subsequent years.

- 3.7. Projects qualifying for the Program will be subject to a financial limit of \$50,000 in matching funds.

- 3.8. Where there is more than one application from a sporting code, the Association must indicate its priority. Associations should provide equal access for all clubs to Council's financial allocation. Where no Association / Peak Body exists, Council will liaise directly with the sporting club.

- 3.9. Council's funding commitment to this Program will be reviewed annually as part of Council's annual Management Plan/Budget review.

- 3.10. Once funding is approved contributory funds shall be paid to Council by the Sporting Association / Peak Body (or affiliated Club) prior to the project commencing. Council will provide Purchase Orders as per the successful quotes. All projects shall be overseen by a qualified / licensed operator approved by Council. This will require the qualified / licensed operator providing Council with relevant Work Health & Safety information and Safe Work Method Statements. Council has limited capacity to assist in project delivery and this may require the funds to recover relevant staffing costs. If Council is required to provide this service, it reserves the right to recoup its expenditure from the project allocation.

- 3.11. After considering a staff report, the Board will recommend to Council the allocation of any unexpended funds for improvements to sports facilities.

Shoalhaven City Council - Sports Grants Program (Capital Works)

- 3.12. This policy does not apply to Management Committees, other than Committees administering tennis courts or sports with lease agreements with payments contributing to a capital improvement 'sinking' funds or swimming clubs, Surf Life Saving Clubs and skate park users that are funded from a separate annual capital works budget allocation.
- 3.13. Where a project has not commenced in the financial year following the year of allocation, the funding may be withdrawn and re-allocated. The sports group will be advised prior to the withdrawal of funding.
- 3.14. Where the total project cost is:
- less than \$5,000 - one quote should be sought
 - over \$5,000 and less than \$24,999 - two written quotes should be sought □ over \$25,000 - at least three written quotes should be obtained.
- For amounts over \$75,000, formal advertisement for quotes, or a tender process is required - Council staff will advise.
- 3.15. Projects should be consistent with Council's Community Infrastructure Grants Guidelines and the Community Infrastructure Strategic Plan.
- 3.16. All improvements or alterations to playing fields or facilities will become and remain the property of Council and cannot be removed by the hirer and/or user. Council is not required to compensate the hirer and/or user for the cost of such improvements or alterations.

4. IMPLEMENTATION

The Finance Corporate & Community Services Group will administer this policy.

5. REVIEW

To be reviewed within one year of the appointment of a new elected Council.

Shoalhaven City Council - Sports Grants Program (Capital Works)

	<p>Sports Grants Program (Capital Works) Project Nomination Form Annual closing date is 30th June</p>	
File Reference 24899		Ref No.

PART A: To be completed by the Club(s) nominating the project (please print)

Project name: _____

Project description: _____

Name of reserve / location: _____

Is the land managed by Shoalhaven City Council? Yes / No

Name of Club: _____

Postal address: _____

Contact person: _____

Position held: _____

Business phone: _____ Mobile: _____

Fax: _____ Email: _____

Does your club have an ABN? Yes / No If yes please supply ABN No.: _____

Is your club registered for GST? Yes / No

Does your Club have a Business Plan? If yes, please provide a copy of your Business Plan for the next 5 years, including financial projections.

Please provide details of any community benefit as a result of the nominated project:

Club user profile. Please provide a breakdown of your current Club membership:

Child (0-11yrs) Male ___ Female ___ Adults (18-49yrs) Male ___ Female ___
Youth (12-17yrs) Male ___ Female ___ Seniors (50+yrs) Male ___ Female ___

Please highlight any changes to membership numbers as a result of this project

Please provide audited financial statements for the preceding three years to enable assessment of the clubs financial capacity.

Proposed project starting date: _____ Anticipated project completion date: _____

Has a Development Application (where applicable) been approved? Yes / No If no, please explain:

Shoalhaven City Council - Sports Grants Program (Capital Works)

Has a Construction Certificate been approved? Yes / No If no, please explain: _____

Does the project have the support of other ground users? Yes / No If yes, please provide a list of users below? Please provide and attach letters of support?

PART A Continue

Project cost breakdown (Please attach copies of all quotes)

Itemised description of all components that will make up the project	Net Cost	GST	Total Cost
Net Project Cost	\$		
GST		\$	
Total Project cost (i.e. Net Cost + GST)			\$

Project funding breakdown (Please provide copies of all supporting details)

	Source / Brief Description	Amount \$	Funding verified
Cash Funds Attach a copy of details			Yes / No
Loan Funds Attach a copy of details			Yes / No
State Government Funds Attach a copy of details			Yes / No
Federal Government Funds Attach a copy of details			Yes / No
In- Kind Donations Attach a copy of details			Yes / No
In-Kind Labour Attach a copy of details			Yes / No
Other Attach a copy of details			Yes / No
Total Funds Available (Must Include GST)		\$	
User Contributions Policy Funding Request		\$	
Total In-kind Donations / Labour		\$	
Total Project Cost (must equal the above Total Project Cost)		\$	

Signature of contact person: _____ Date: _____

Shoalhaven City Council - Sports Grants Program (Capital Works)

The information requested by Council on this form may constitute personal information under the Privacy and Personal Information Protection Act 1998. Council is allowed to collect the information from you to consider this matter. Supplying this information is voluntary. However if you cannot or do not wish to provide the information, Council may not be able to consider the matter. If you need further details, please contact the Public Information Officer, Shoalhaven City Council.

PART B – To be completed by the relevant Association/Peak Body (please print)

Name of organisation: _____

Postal address: _____

Contact person: _____

Position held: _____

Business phone: _____ Mobile: _____

Fax: _____ Email: _____

Does the submitting group have a formal organisational structure (ie President, Secretary etc)? Yes / No. If Yes please provide details:

Does the proposed project meet the high priority needs of the sport. Yes / No If yes, please provide details how?

Please provide the future building and sporting facility requirements for your sporting organisation, within the City over the next 20 years.

Recommendation – If more than one application is submitted by your organisation a priority should be given to this project relative to other projects

Signature of contact person: _____ Date: _____

The information requested by Council on this form may constitute personal information under the Privacy and Personal Information Protection Act 1998. Council is allowed to collect the information from you to consider this matter. Supplying this information is voluntary. However if you cannot or do not wish to provide the information, we may not be able to consider the matter. If you need further details, please contact the Public Information Officer, Shoalhaven City Council.

Please send completed nomination forms to: facilities@shoalhaven.nsw.gov.au, or

The General Manager

Shoalhaven City Council - Sports Grants Program (Capital Works)

Shoalhaven City Council
PO Box 42
Nowra NSW 2541

File Reference 24899

Further Information: Please contact Council on 4429 3111 or facilities@shoalhaven.nsw.gov.au

CL19.317 - Attachment 1

CL19.318 Report of the Shoalhaven Traffic Committee - 8 October 2019

HPERM Ref: D19/348090

- Attachments:**
1. TC19.45 - Plan [↓](#)
 2. TC19.48 - Plan - PN 3499 [↓](#)
 3. TC19.49 - Plan - PN 3558 [↓](#)
 4. TC19.50 - Plan - PN 3560 [↓](#)
 5. TC19.51 - Plan - PN 3559 [↓](#)
 6. TC19.53 - Plan - PN 3561 [↓](#)
 7. TC19.54 - Plan - PN 3563 [↓](#)
 8. TC19.55 - Plan - PN 3564 [↓](#)

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](#)

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TC19.45 Traffic Calming - River Road, Shoalhaven Heads

**HPERM Ref:
D19/140883**

Recommendation

That the Chief Executive Officer (Director Assets and Works) be advised that the Shoalhaven Traffic Committee support the installation of a low-cost rubber speed hump in River Road, Shoalhaven Heads, between Mathews St and Renown Ave as an interim solution, subject to implementation of suggestions provided by RMS: additional advance warning signs and provide delineation to avoid driving around the rubber speed humps.

TC19.48 Traffic Calming - LATM - Leo Drive Subdivision - Narrawallee (PN 3499)

**HPERM Ref:
D19/147355**

Recommendation

That the Chief Executive Officer and (Director Assets & Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed speed table, and associated regulatory signage and line marking on Leo Drive, Narrawallee as detailed in the attached plan, subject to the following:

1. Provide a specific value about proposed ramp grade, whether the design parameters will be 1:12, 1:15 or a value in between
2. Provide a specific value about the positioning of warning signage in relation to the raised thresholds, whether they will be set out at 30m, 50m or a value in between, taking note to not adversely impact on residential driveways
3. Provide the following specifications for the raised threshold surfacing: “The concrete surface shall be constructed of ‘Dark Terracotta’ coloured concrete and have a ‘Brick’ stamped pattern finish, using a ‘Bluestone’ coloured release agent. Prior to sealing, all areas of stamped concrete, other than the voids of the ‘Brick’ pattern, shall be cleaned of release agent using sprayed water.”

TC19.49 Load Limit Signage - Tahnee Street Sanctuary Point (PN 3558)

**HPERM Ref:
D19/341796**

Recommendation

That the Chief Executive Officer (Director Assets and Works) be requested to arrange for the installation of the load limit signage and related advanced warning signage on Tahnee Street Sanctuary Point, as detailed in the attached plan.

TC19.50 Tahnee St Sanctuary Point - Lots 38-40 DP1243551 - Proposed Childcare Centre (PN 3560)

**HPERM Ref:
D19/341803**

Recommendation

That the Chief Executive Officer (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed works on Tahnee Street and Nadine Street as part of the proposed Childcare Centre (per condition 17 of DA18/1700), as detailed in the attached plan, subject to extending the BB centreline marking the length of Nadine Street and installation of a No Right Turn sign at Tahnee Street.

TC19.51 One Way Controls - Gumley Lane Milton (PN 3559)

**HPERM Ref:
D19/341800**

Recommendation

That the Chief Executive Officer (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed installation of one-way controls along Gumley Lane, Milton from a western to eastern direction, accompanied by relevant signage (NSW No Right Turn signs) and line-marking, as detailed in the attached plan.

TC19.53 Private Use of Public Parking - 82 South Street Ulladulla (PN 3561)

**HPERM Ref:
D19/341806**

Recommendation

That the Chief Executive Officer (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objections to the temporary use of 6 parking spaces for a period of approximately 9 months during the works of 82 South St, Ulladulla, as detailed in the attached plan, subject to payment of associated fees in accordance with Council’s Private Use of Public Parking Policy 16/154.

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**TC19.54 74 Island Point Rd, St Georges Basin - Lot 6 / 15 DP
25550 - 52 Lot Residential Subdivision (PN 3563)**

**HPERM Ref:
D19/341811**

Recommendation

That the Chief Executive Officer (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed works on Island Point Road (per condition C9(3)) as indicated in the attached plans; subject to providing the dimensions of the shared footpath indicated in the plans.

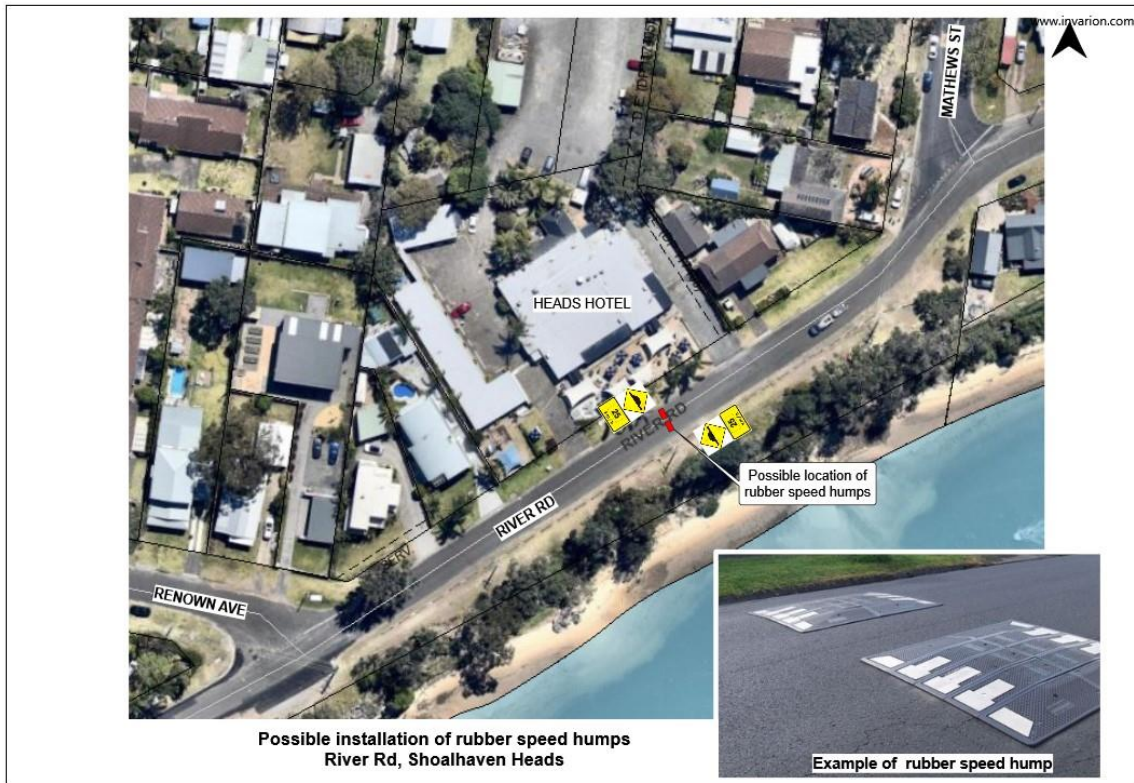
**TC19.55 Cunjurong Point Rd, MANYANA - Lot 172 - DP
755923 - Residential Subdivision (PN 3564)**

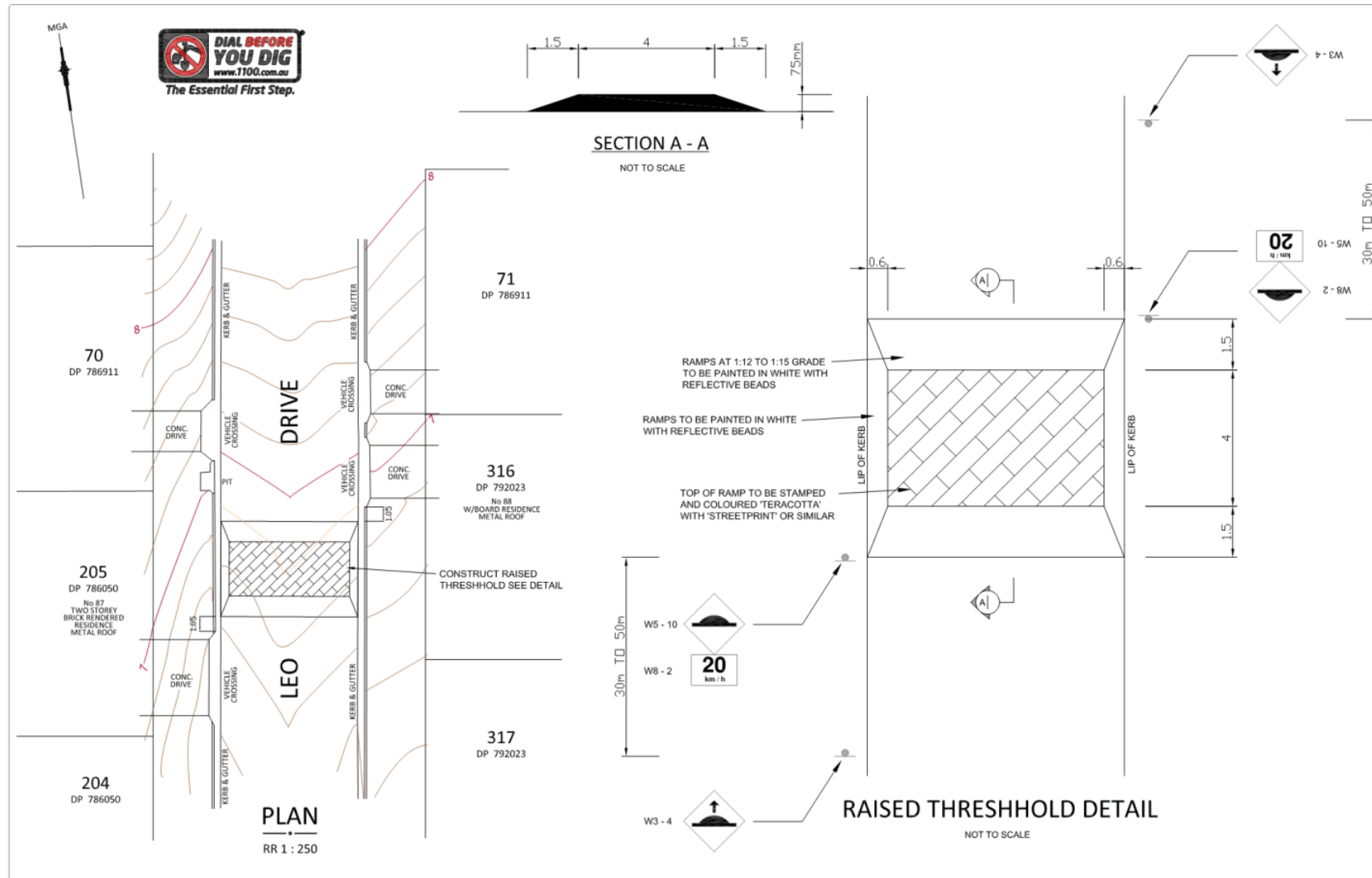
**HPERM Ref:
D19/341813**

Recommendation

That the Chief Executive Officer (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the works at Cunjurong Point Rd, Manyana (per condition B12 of the development consent), as detailed in the attached plan, subject to providing 'Give Way' Size A (R1-2-A) signage at all locations where 'Road Ahead' (W6-8-A) signage has been used on the shared path.

CL19.318





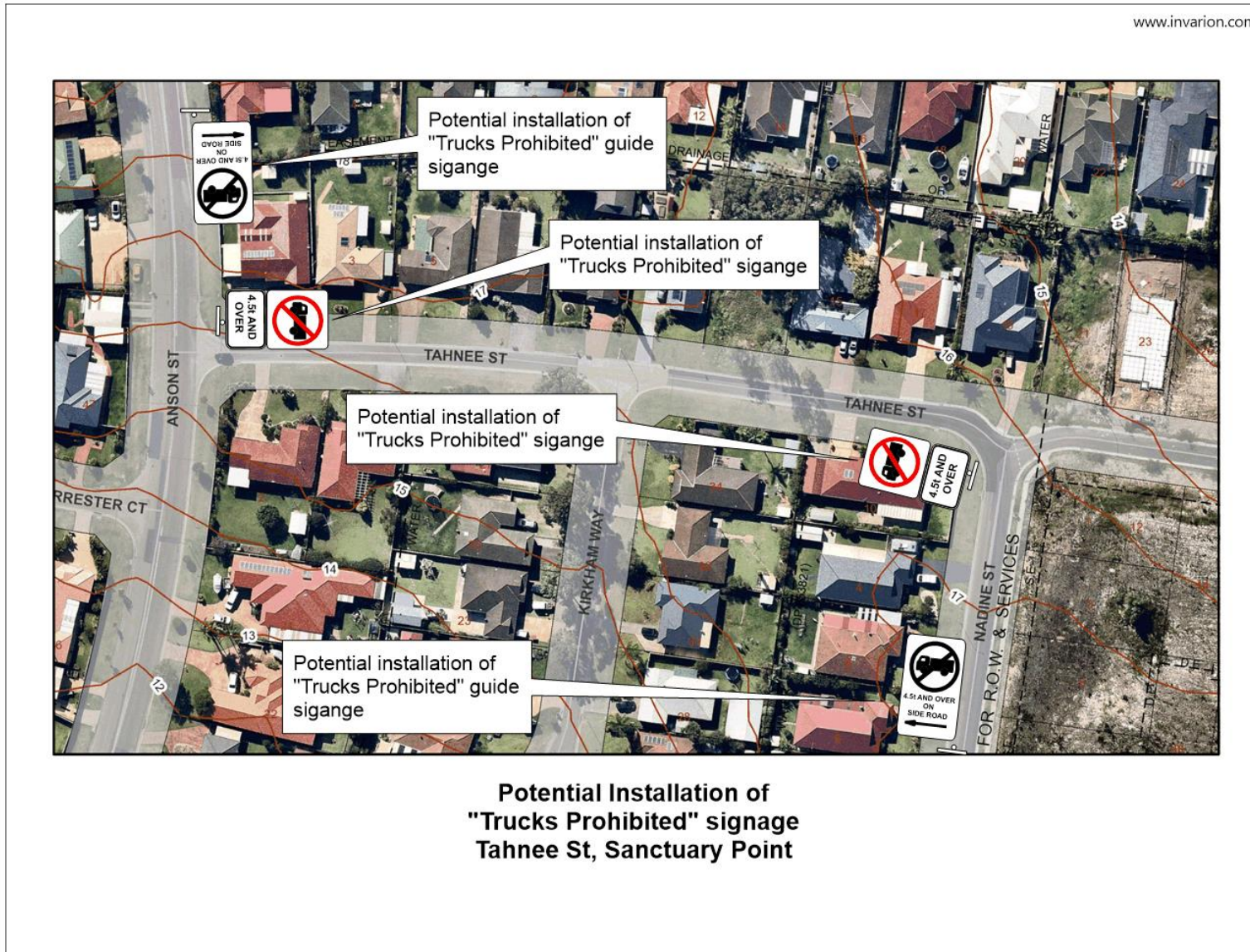
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CONTOUR INTERVAL : 0.2	DESIGNED M.V.			
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LEVELS : RL 5.66	CHECKED G.B.			
DATE : 21.05.2018				

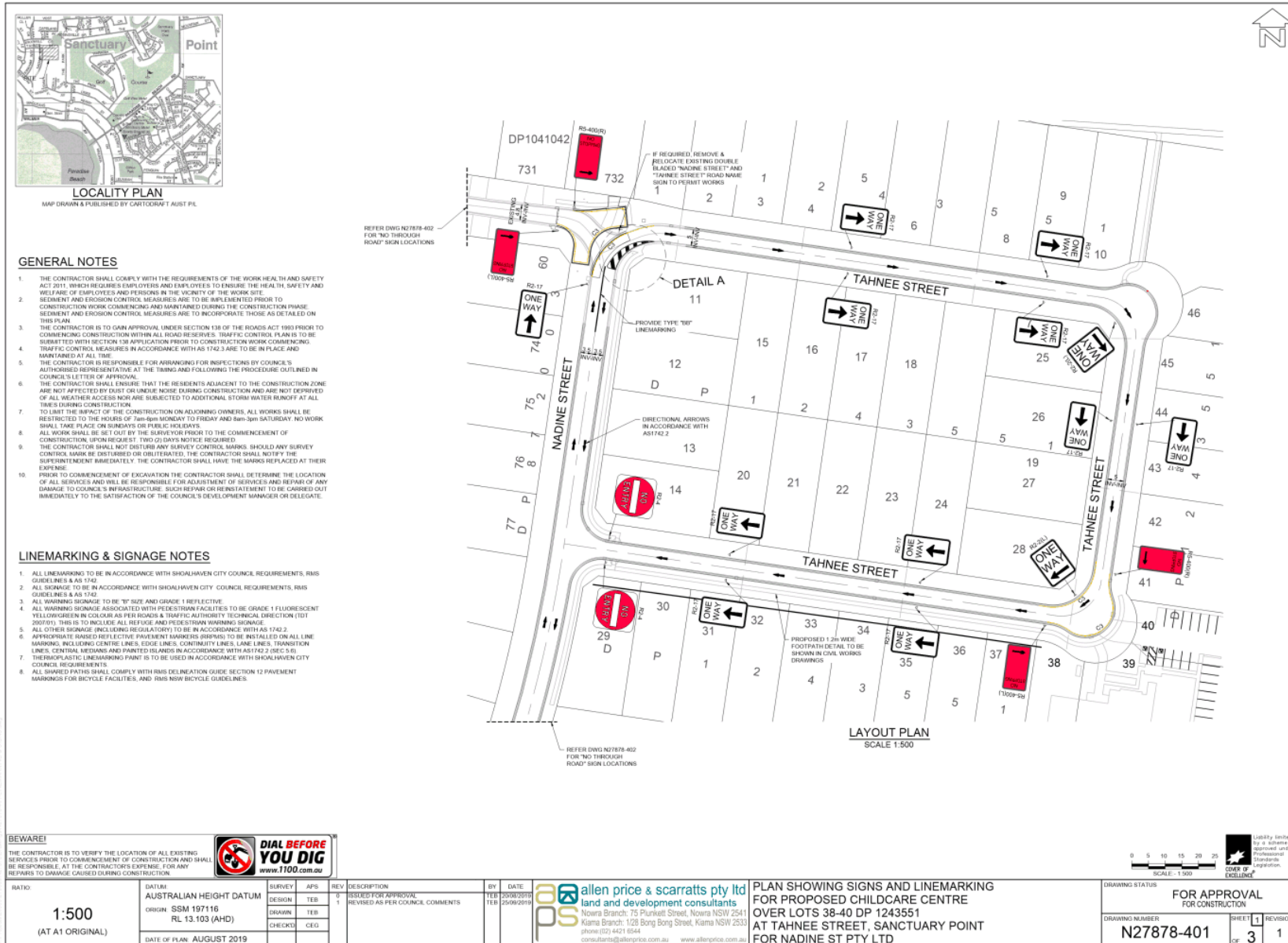
RYGATE & WEST
(LULADULLA) ABN 56 056 075 355
CONSULTING SURVEYORS, PLANNERS
ROAD & DRAINAGE ENGINEERS
P.O. BOX 107, LULADULLA NSW 2539
206 GREEN ST. PH 02 44542137
E. mail@rygateandwest.com.au

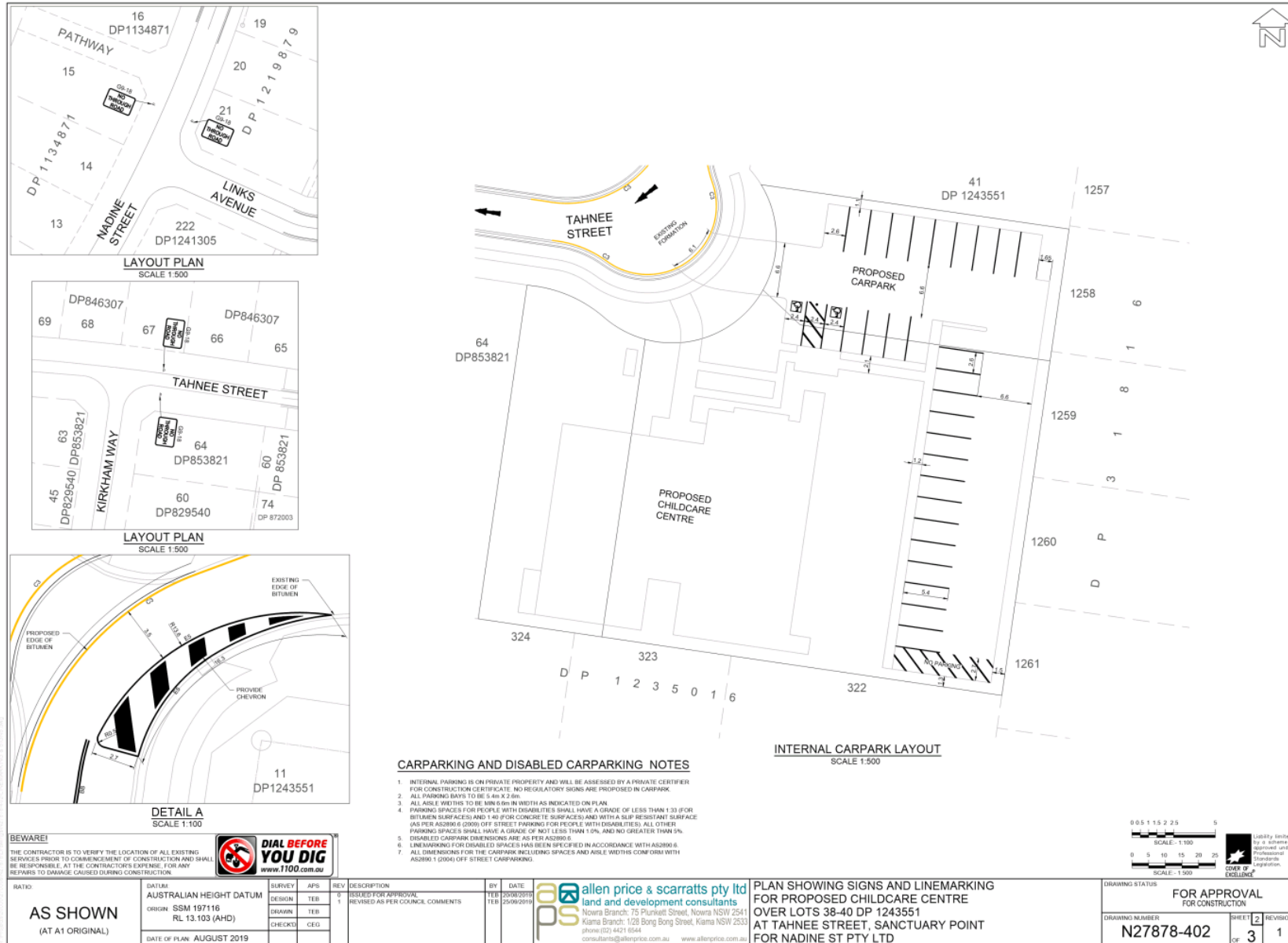
HAZCORP P/L

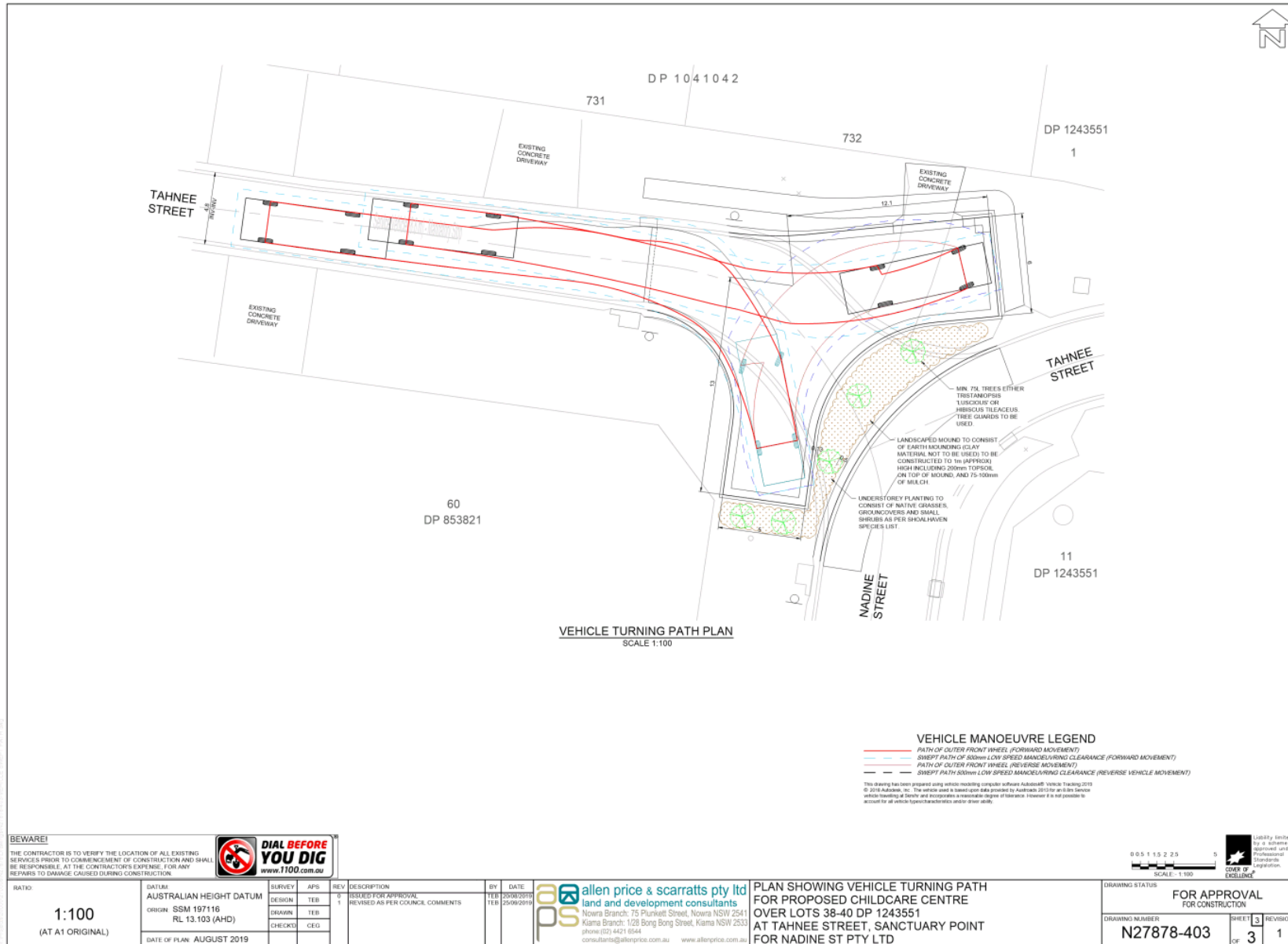
PLAN
SHOWING PROPOSED RAISED THRESHOLD
LEO DRIVE NARRAWALLEE
NARRAWALLEE CITY OF SHOALHAVEN

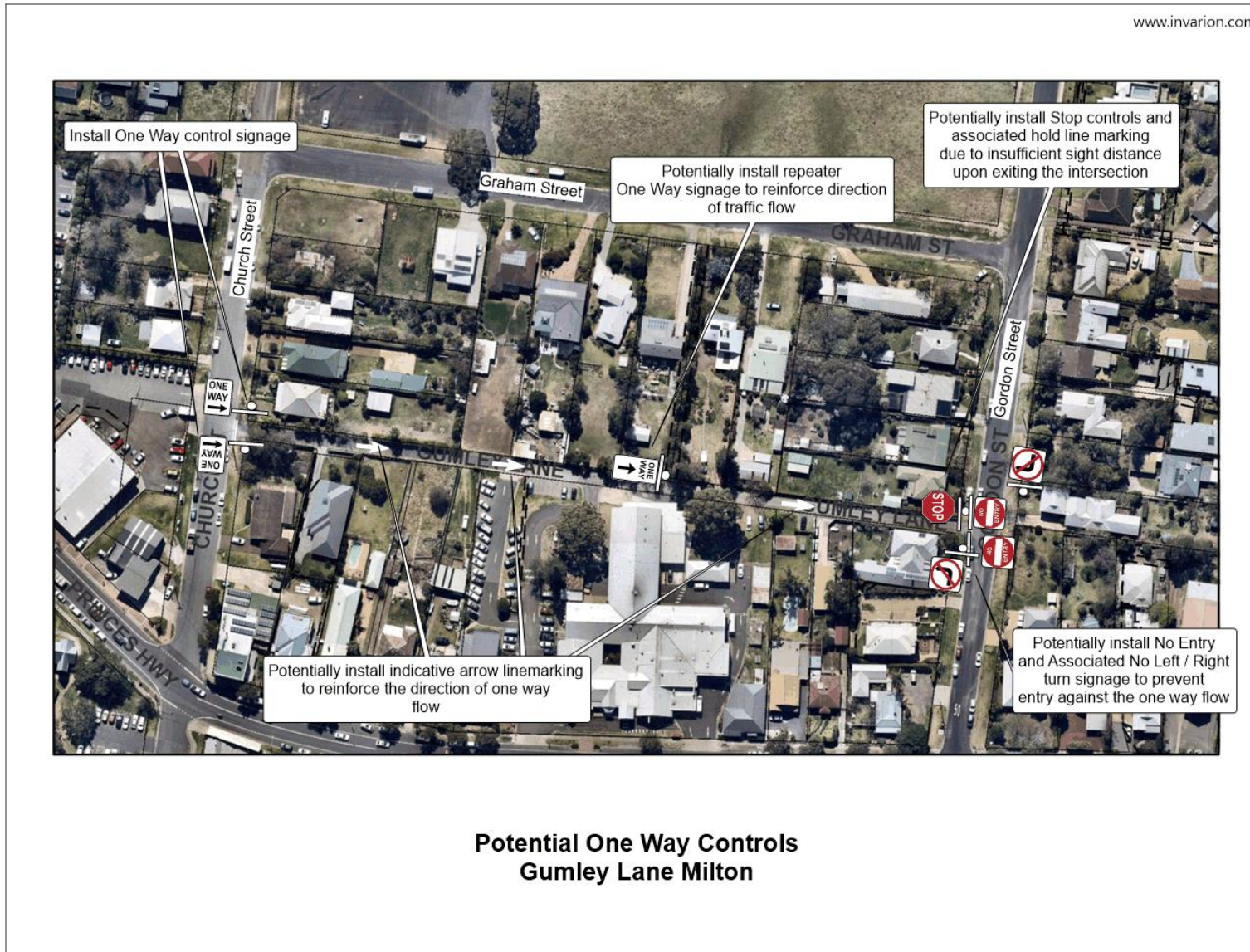
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DRAW. No. U11550_RT.dwg
ISSUE A
SHEET 1 OF 1 SHEET







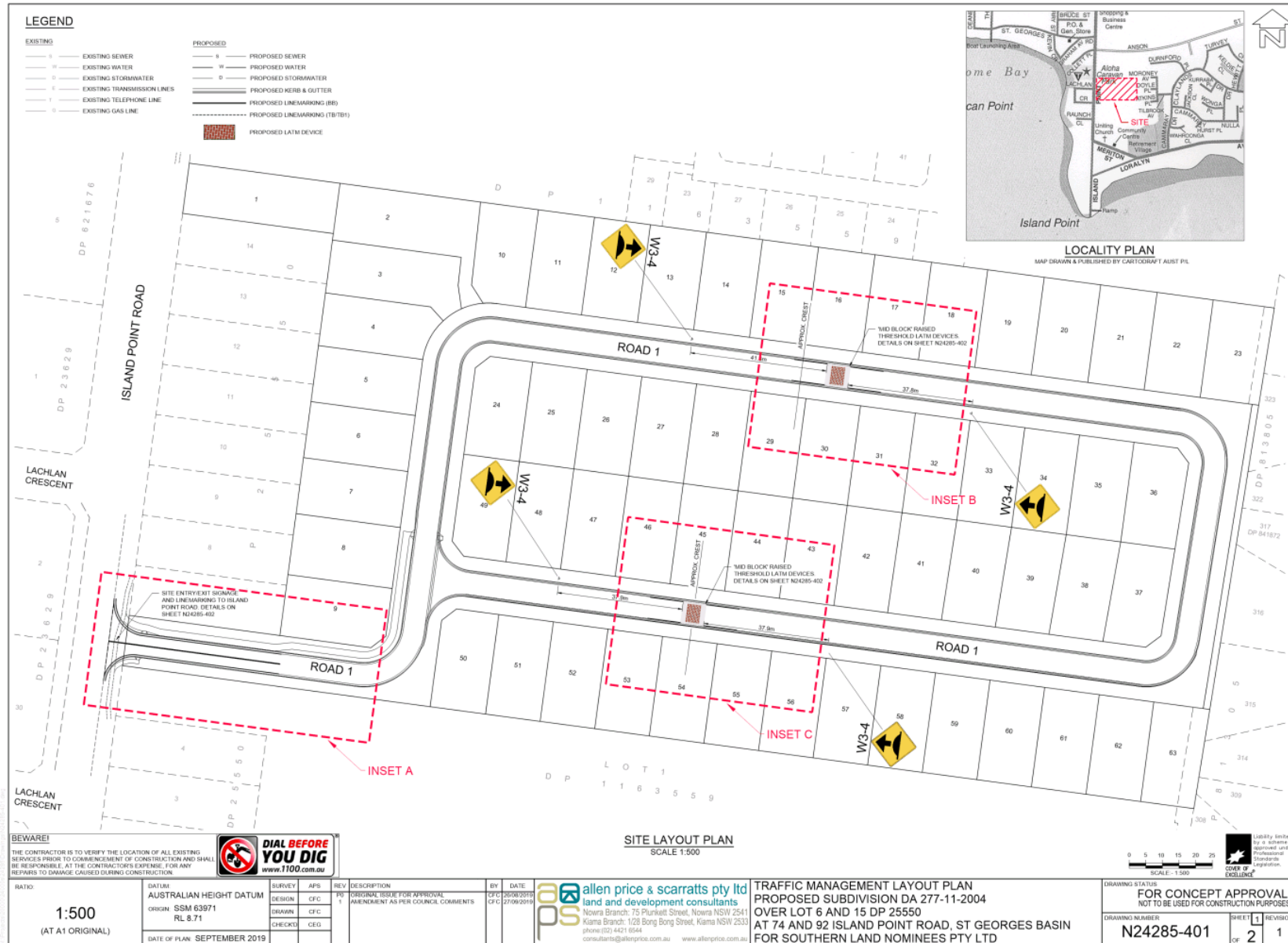


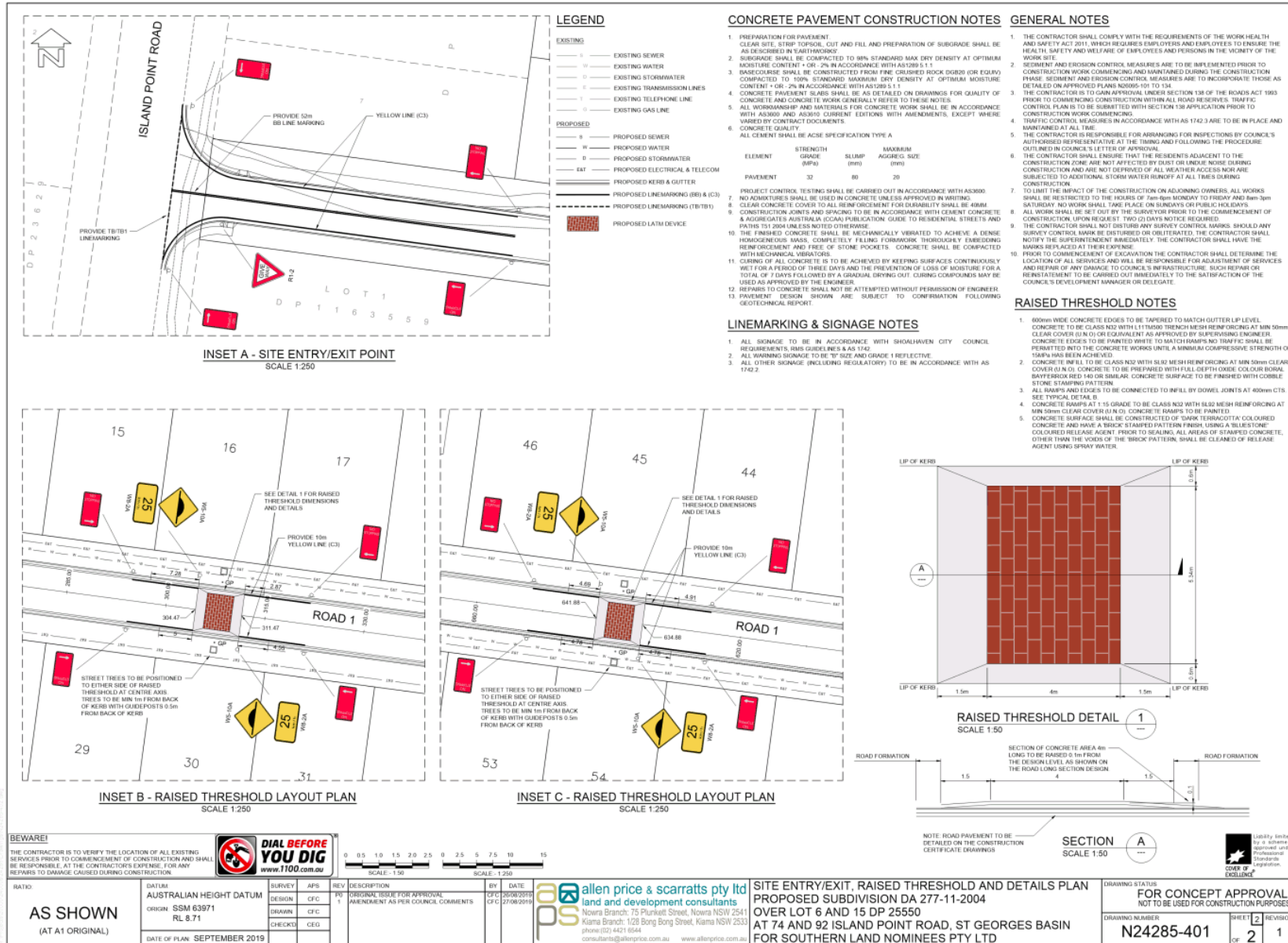


www.invarion.com



**Private use of Public Parking application
South Street Ulladulla**





BWARE!

THE CONTRACTOR IS TO VERIFY THE LOCATION OF ALL EXISTING SERVICES PRIOR TO COMMENCEMENT OF CONSTRUCTION AND SHALL BE RESPONSIBLE AT THE CONTRACTOR'S EXPENSE, FOR ANY REPAIRS TO DAMAGE CAUSED DURING CONSTRUCTION.

DIAL BEFORE YOU DIG
www.1100.com.au

RATIO:	AS SHOWN (AT A1 ORIGINAL)
DATUM:	AUSTRALIAN HEIGHT DATUM
ORIGIN:	SSM 63971 RL 8.71
DATE OF PLAN:	SEPTEMBER 2019
DESIGN:	CFC
DRAWN:	CFC
CHECKED:	CEG

REV	DESCRIPTION	DATE
01	ORIGINAL ISSUE FOR APPROVAL	27/09/2019
02	AMENDMENT AS PER COUNCIL COMMENTS	27/09/2019

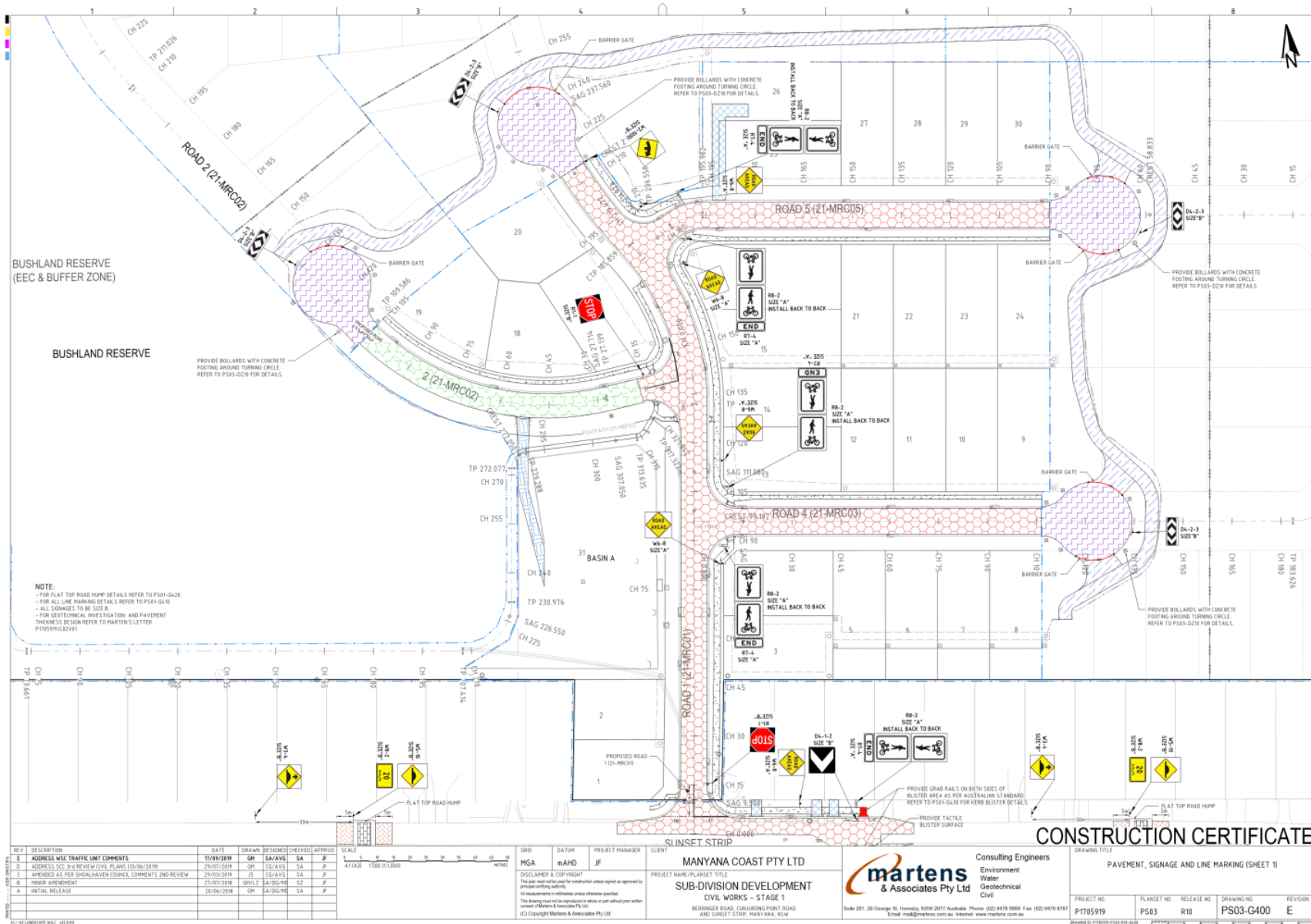
allen price & scarratts ply ltd
land and development consultants

Norwa Branch: 75 Plumkett Street, Norwa NSW 2541
Kiama Branch: 102 Bong Bong Street, Kiama NSW 2533
phone (02) 4421 6544
consultants@allenprice.com.au www.allenprice.com.au

SITE ENTRY/EXIT, RAISED THRESHOLD AND DETAILS PLAN
PROPOSED SUBDIVISION DA 277-11-2004
OVER LOT 6 AND 15 DP 25550
AT 74 AND 92 ISLAND POINT ROAD, ST GEORGES BASIN
FOR SOUTHERN LAND NOMINEES PTY LTD

DRAWING NUMBER	N24285-401
SHEET	2
REVISION	1
OF	2

FOR CONCEPT APPROVAL
NOT TO BE USED FOR CONSTRUCTION PURPOSES



NOTE:
 - FOR FLAT TOP ROAD HUMP DETAILS REFER TO P501-G426
 - FOR ALL LINE MARKING DETAILS REFER TO P501-G410
 - ALL DIMENSIONS TO BE SIZE 0
 - FOR GEOTECHNICAL INVESTIGATION AND PAVEMENT THICKNESS DESIGN REFER TO HARTEN'S LETTER: P1020591822V01

REV	DESCRIPTION	DATE	DRAWN	DESIGNED	CHECKED	APPROVED
1	ADDRESS SIGN TRAFFIC UNIT COMMENTS	17/09/2019	GM	SA/AVG	SA	JF
2	ADDRESS SIGN REVIEW CIVIL PLANS (18/09/2019)	19/09/2019	GM	CO/AVG	SA	JF
3	APPENDED AS PER SHOALHAVEN COUNCIL COMMENTS 2ND REVIEW	24/09/2019	JS	CO/AVG	SA	JF
4	FINAL AMENDMENT	27/07/2019	GM/LS	SA/DUPRE	SZ	JF
5	FINAL RELEASE	28/09/2019	GM	SA/DUPRE	SA	JF

GRID	DATUM	PROJECT MANAGER	CLIENT
MGA	mAHM	JF	MANYANA COAST PTY LTD

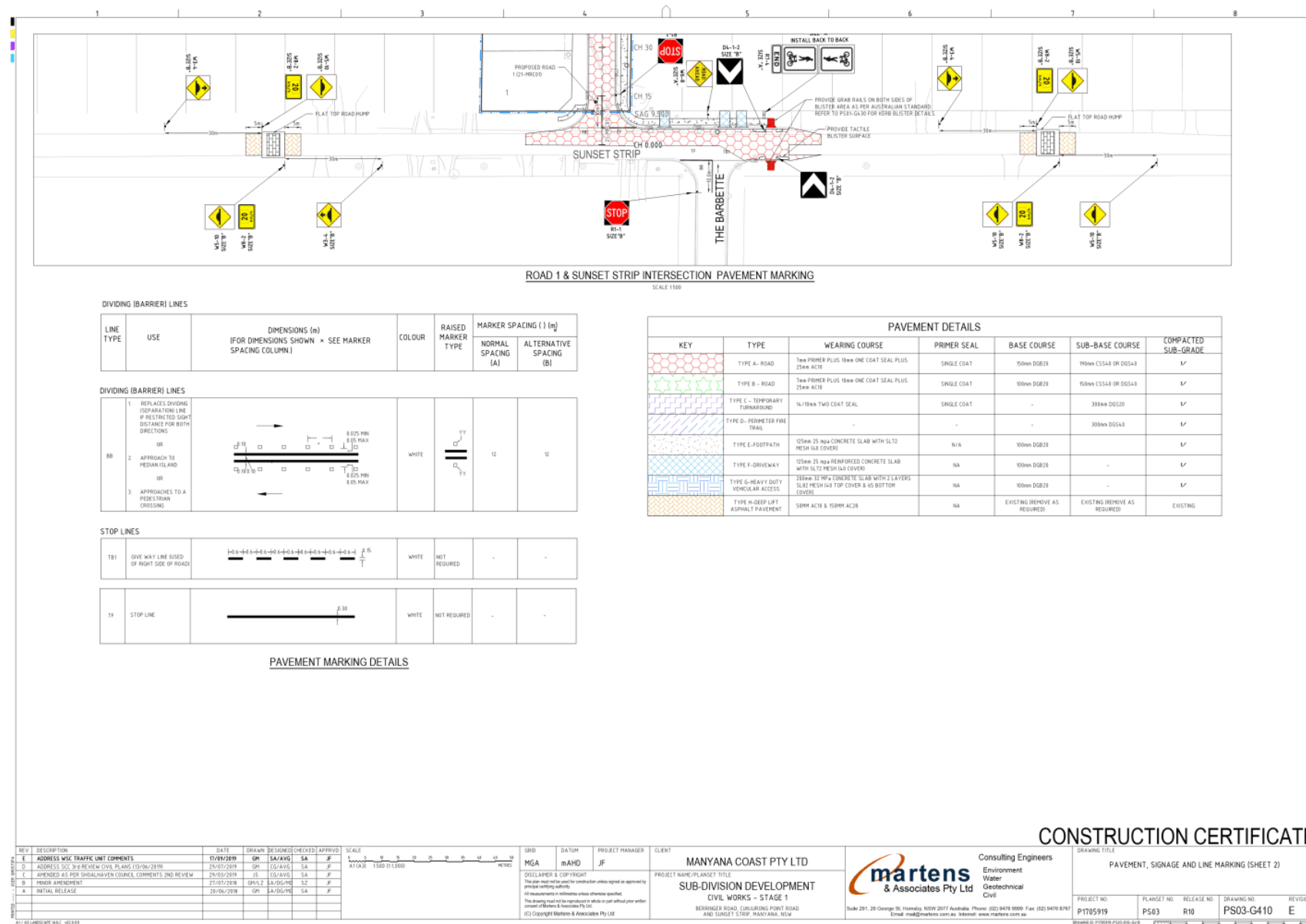
DECLARATION & COPYRIGHT
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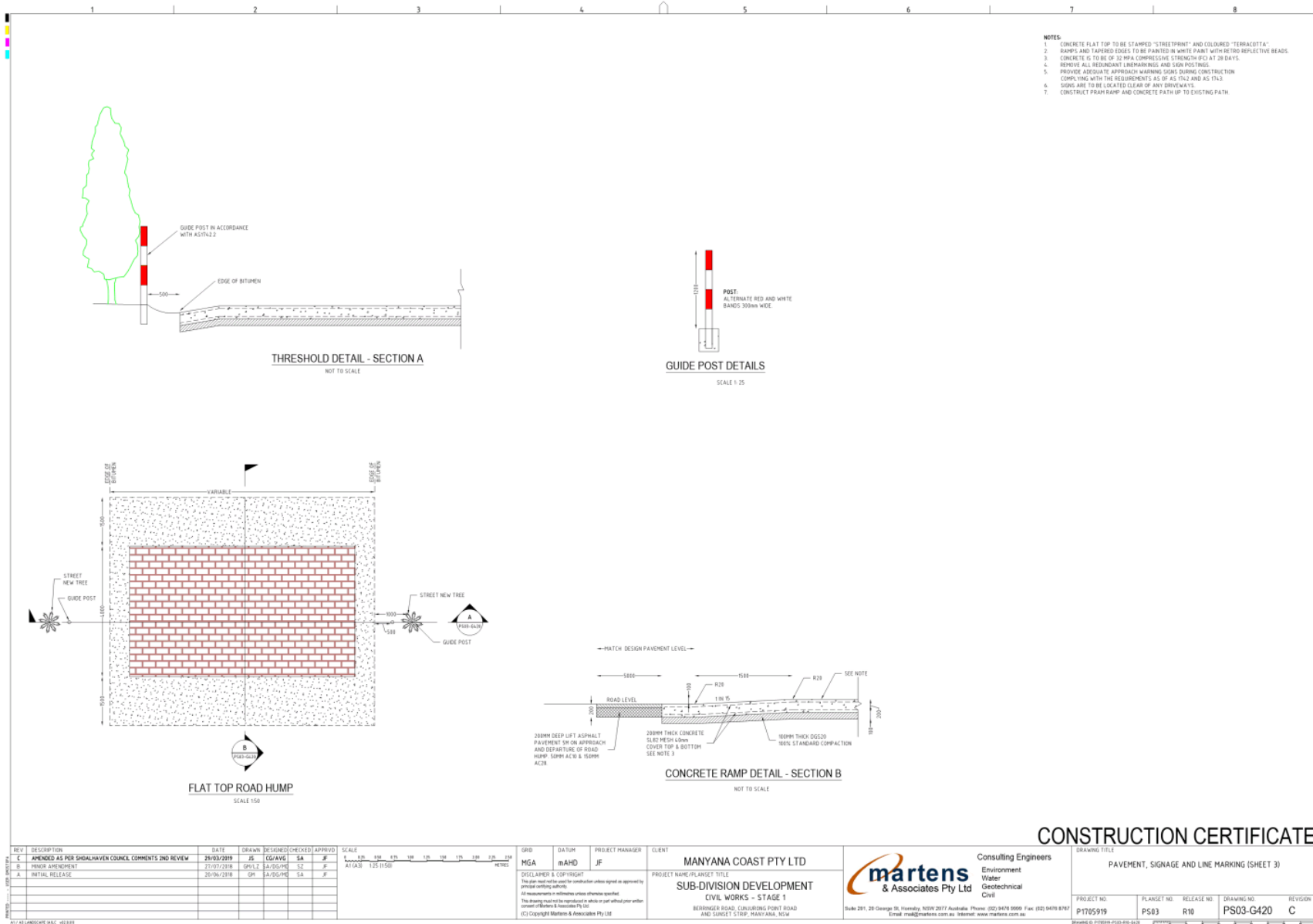
PROJECT NAME/PLANSET TITLE
SUB-DIVISION DEVELOPMENT
 CIVIL WORKS - STAGE 1
 BENDER ROAD, LUNBURG POINT ROAD
 AND SUNSET STRIP, MANYANA, NSW

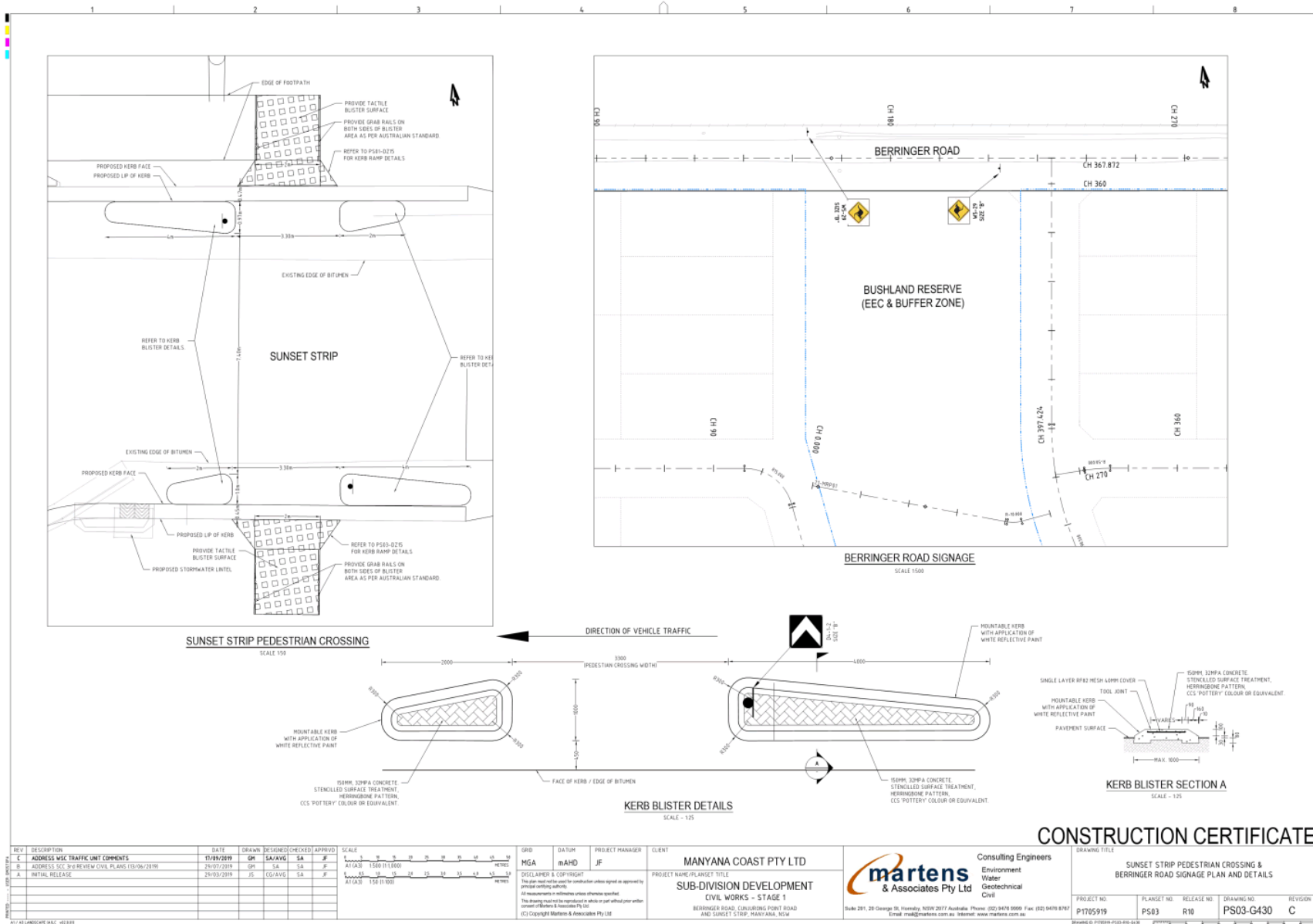
martens & associates Pty Ltd
 Consulting Engineers
 Environment
 Water
 Geotechnical
 Civil
 Suite 201, 28 George St, Hervey Bay NSW 2477 Australia Phone: (02) 8478 5500 Fax: (02) 8478 8747
 Email: info@martens.com.au Website: www.martens.com.au

PROJECT NO.	PLANSET NO.	RELEASE NO.	DRAWING NO.	REVISION
P1705919	PS03	R10	PS03-G400	E

CL19.318 - Attachment 8







CL19.319 Instrument of Delegation - Chief Executive Officer

HPERM Ref: D19/232828

Group: CEO Group

Attachments: 1. Instrument of Delegation [↓](#)

This item was deferred from the Ordinary Meeting held on 30 July 2019.

Purpose / Summary

Council deferred consideration of this item (CL19.181) at the Ordinary Meeting held on 30 July 2019 to allow the CEO to seek legal advice on the recommendation. Following the receipt of legal advice confirming the wording is appropriate, the report is again provided for the purpose of authorising the Instrument of Delegation for the newly appointed Chief Executive Officer.

Recommendation

That Council

1. Delegate to the Chief Executive Officer the authority as outlined in the Instrument of Delegation provided as Attachment 1.
2. That for the period 29 October 2019 to 30 September 2020, one of the persons (determined by the Mayor at the relevant time) holding the position of:
 - a. Director of Assets and Works or
 - b. Director of Planning, Environment and Development, or
 - c. Director of Finance, Corporate and Community Services, or
 - d. Director of Shoalhaven Water

be appointed to act as the Chief Executive Officer if the Chief Executive Officer is sick or otherwise absent from work on leave or for any other purpose. Such appointment is to cease upon the return to work of the Chief Executive Officer or by other resolution of the Council.

3. That any person acting as the Chief Executive Officer pursuant to this resolution has all the functions, delegations, and sub-delegations given to the Chief Executive Officer by the Council.

Options

1. As recommended
2. Amend the Instrument prior to endorsement

Implications: Not known

Background

Following the appointment of Mr Stephen Dunshea as the General Manager (styled as Chief Executive Officer) on 25 June 2019, a new instrument of delegation has been created and is provided to the Council for endorsement in accordance with Section 377 of the Local Government Act, 2019.

The instrument of delegation reflects the powers previously Delegated to the position of General Manager with relevant policy and legislative updates included.

The Instrument previously provided to the General Manager has applied to Mr Dunshea as the Acting General Manager and CEO; however, the new instrument is provided for clarity.

CL19.319

SHOALHAVEN CITY COUNCIL

INSTRUMENT OF DELEGATION TO CHIEF EXECUTIVE OFFICER - P00001

On _____ the Shoalhaven City Council (“Council”) resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who from time to time holds the position of Chief Executive Officer of Council (“**Chief Executive Officer**”), being at the date of this instrument Stephen DUNSHEA, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council’s Functions under all Legislation in force and as amended from time to time:
 - 2.a **Subject to** any condition or limitation on a Function specified in Schedule 1; and
 - 2.b **Excluding** those Functions:
 - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
 - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
3. The Chief Executive Officer be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2, excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The Chief Executive Officer be conferred authority to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.
5. The Chief Executive Officer be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.
6. In the absence of the Chief Executive Officer that a person appointed by resolution to act as Chief Executive Officer assume all Functions, delegations, and sub-delegations of the Chief Executive Officer for the period only of the absence of the Chief Executive Officer unless otherwise resolved by the Council.
7. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. the requirements of the relevant Legislation;
 - b. any conditions or limitations set out in Schedule 1 and Schedule 3; and
 - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
8. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.

9. In this delegation:

- **“Functions”** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
- **“Legislation”** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
- **“LG Act”** means the *Local Government Act 1993* as amended.

Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
Legislation	Limitation (if any)
N/A	N/A
Part B – General Limitations	
N/A	

Schedule 2: Instruments of Delegation to Council

Delegator	Instrument Name	Date Of Instrument
Department of Fair Trading	Instrument of delegation under section 21 of the Plumbing and Drainage Act 2011	Thursday, 8 November 2012
Roads and Maritime Services	Transport Administration Act Delegation - Section 50	Monday, 31 October 2011

Schedule 3: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
AA05 - Crisis Management - Level 1	Authority to direct staff and other resources, authorise expenditure or any other action necessary for the management of a crisis and the recovery of operations in accordance with Council's <i>Business Continuity Plan</i> , the <i>Local</i>	N/A

	<p><i>Government Act 1993</i> or other relevant Acts.</p> <p>Pursuant to the <i>Local Government Act 1993</i>, Council's <i>Business Continuity Plan</i> and other relevant legislation.</p>	
F01 - Authority to Operate on Accounts - Shoalhaven City Council	<p>Authority with one other authorised person to:</p> <p>i) Operate on any account(s) now opened or to be opened by the Shoalhaven City Council with Financial Institutions so long as the account(s) shall be in credit or at the Financial Institutions discretion notwithstanding that they shall become thereby or be already overdrawn.</p> <p>ii) Authority to sign, draw, make, accept and negotiate cheques and electronic transfers on behalf of Council.</p> <p>Pursuant to the <i>Local Government Act 1993</i> and a resolution of Council dated 31/01/2017 – MIN17.54</p>	N/A
F02 - Accounts Receivable - Write-Offs <\$4000	<p>To authorise the abandonment or write off of accounts receivable for any amount up to but not exceeding \$4,000.</p> <p>Pursuant to the Local Government Act 1993, Council policies - Rates and Other Monies - Delegation of Authority to Write Off (POL16/199 s3(b)) and Revenue - Debt Recovery (POL 16/119 s5) as reviewed from time to time</p>	N/A
GM01 POL14/66 - International Gift Giving and Receiving	<p>Authority to administer the giving and receiving of gifts to the City as a result of international interactions by Councillors or staff, according to Code of Conduct Guidelines.</p> <p>Pursuant to the Local Government Act 1993 and Council POL 14/66 - International Gift Giving Policy as reviewed from time to time</p>	N/A
GM02 - Leases < 5 Years < \$5000	<p>Authority to approve and execute leases and licences that are a maximum term of 5 years, are in accordance with current policies and</p>	N/A

	<p>relevant legislation, have an annual rental of \$5,000 or less and have not been objected to as a result of the public exhibition process. Community Land MIN14.912.</p> <p>Authority to approve and execute telecommunications licences where the agreement relates to an existing telecommunication site</p> <p>Pursuant to the Local Government Act 1993 and Council MIN15.237 adopted at Council Meeting 21 April 2015</p>	
GM03 - Leases - Integrity Real Estate	<p>Authority to approve and finalise all lease negotiations in relation to the properties managed by Integrity Real Estate and to sign any documents necessary (MIN15.237).</p> <p>Pursuant to the Local Government Act 1993 and Council MIN15.237 adopted at Council Meeting 21 April 2015</p>	N/A
GM04 - POL16/10 - Expend Funds for Tree Removal	<p>Authority to expend funds to remove trees subject to a Court Order under the <i>Trees (Dispute Between Neighbours) Act 2006</i>.</p> <p>Pursuant to the <i>Environmental Planning & Assessment Act 1979</i>, the <i>Trees (Dispute Between Neighbours) Act 2006</i> and Council Tree Management Policy - POL 16/10 as reviewed from time to time</p>	N/A
GM08 - Determine and Accept Tenders < \$1M	<p>Authority to determine and accept any tenders with a value of less than \$1M except those tenders required by law to be determined by the Council; and</p> <p>Authority to determine and accept tenders initiated by the Illawarra Shoalhaven Joint Organisation (ISJO) on behalf of all or a majority of member councils.</p> <p>Pursuant to a Resolution of Council dated 26 April 2017 – MIN17.334</p>	N/A

Pursuant to a Resolution of the Council at its meeting of Tuesday, 25 June 2019, MIN19.402C

Mayor Amanda FINDLEY

Mayor / Councillor

Date:

Review date: Wednesday, 1 September 2021

Chief Executive Officer's acknowledgement of Delegations of Authority

I Stephen Dunshea, currently employed by the Council in the position of Chief Executive Officer, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

Chief Executive Officer of Shoalhaven City Council

Date:

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CL19.319 - Attachment 1

CL19.320 Register of Pecuniary Interest Returns - 1 July 2018 to 30 June 2019

HPERM Ref: D19/283906

Group: Finance Corporate & Community Services Group
Section: Human Resources, Governance & Risk

Attachments: 1. Designated Person List - 2019 Returns [↓](#)

Purpose / Summary

To provide the Council with the Register of Pecuniary Interest Returns lodged with the Chief Executive Officer (CEO) for the period of 1 July 2018 to 30 June 2019 as required under Section 4.21 of the Model Code of Conduct.

Recommendation

That:

1. The report regarding the Register of Pecuniary Interest Returns lodged for the period of 1 July 2018 to 30 June 2019 be received for information;
2. The Chief Executive Officer consider appropriate action in respect of any Designated Persons who have failed to provide their return for the period of 1 July 2018 to 30 June 2019.

Options

1. Council may withdraw delegated authority to the Committees whose members have not completed the returns.

Implications: Withdrawing Delegated Authority from Committees may impact on more resolutions being reported to Council.

2. The Chief Executive Officer may suspend membership of Committees for any member in contravention of the Model Code of Conduct.

Implications: Suspending membership until the form has been returned may result in the Committees not reaching Quorum for meetings.

Background

The lodgement date for Pecuniary Interest returns covering 1 July 2018 to 30 June 2019 was 30 September 2019.

Persons with an obligation to lodge a pecuniary interest return by 30 September 2019 are listed in **Attachment 1** of the register tabled at this meeting.

Notice was provided to all Councillors, designated Staff and Committee members on 14 August 2019, with reminders sent via email on 24 September 2019, 1 October 2019 and 8 October 2019.

All Councillors have completed and lodged their returns.

Despite the attempts and reminders stated above and additional telephone calls, the following designated persons have not completed returns at the time of preparing this report

and have not provided explanation for their failure to do so (i.e. not on leave or unable to complete due to illness or other reason):

- Nowra CBD Revitalisation Strategy Committee - George Parker
- Shoalhaven Arts Board – Paul McLeod

Advice provided to Council by the Office of Local Government in September 2015 was that 'hard copies' of returns are no longer required to be tabled at the Council meeting. Therefore, the register of returns for this period is attached and tabled and electronic versions of the documents may be viewed upon request.

Risk Implications

A failure of meeting the obligations with respect to the Pecuniary Interest Returns by designated officer leaves Council at risk of non-compliance with legislative requirements, conflict of interests and limited transparency.

Group	Last Name	First Name	Title	Returned
A&W	Andriske	Mark	Acting Unit Manager - Mechanical and Fleet Services	2/10/2019
A&W	Apolo	Matthew	Unit Manager - Engineering Design Service	23/08/2019
A&W	Brighton	Wayne	Project Manager	2/10/2019
A&W	Bryant	Jeffrey	Environmental Officer	23/08/2019
A&W	Carter	Brett	Unit Manager - Parks and Facilities	20/08/2019
A&W	Critchley	Philip	Unit Manager - District Engineer - Basin	23/08/2019
A&W	Cronk	Trevor	Unit Manager - Property	23/08/2019
A&W	Davis	Bradley	Unit Manager - Asset Strategy Manager	23/09/2019
A&W	Dimec	Tom	Section Manager - Asset Management	23/08/2019
A&W	Dunn	Melissa-Ann	Unit Manager - District Engineer - North	19/09/2019
A&W	George	Gary	Project Manager	3/09/2019
A&W	Green	Pamela	Manager Bereavement Services	23/08/2019
A&W	Green	Pamela	Acting - Section Manager - Commercial Services	3/09/2019
A&W	Harris	Michael	Design Engineer	23/08/2019
A&W	Hojem	David	Unit Manager - Waste Services	20/08/2019
A&W	Holmes	Roslyn	Unit Manager - City Design and Support	23/08/2019
A&W	Keech	Paul	Director Assets and Works	23/09/2019
A&W	Knill	Peter	Section Manager - Project Delivery and Contracts	8/10/2019
A&W	Lipman	Stephen	Section Manager - Works and Services	23/08/2019
A&W	Merange	Darrell	Acting - Manager - Tourist Parks	25/09/2019
A&W	Paisley-Topp	David	Unit Manager - Roads Assets Manager	23/08/2019
A&W	Punnett	Troy	Unit Manager - District Engineer - South	23/08/2019
A&W	Strachan	Michael	Infrastructure Manager	2/10/2019
A&W	Tipton	Micaiah	Team Coordinator - Contracts Construction	23/08/2019
A&W	Wagstaff	David	Project Manager	30/09/2019
A&W	Wells	Scott	Manager - Traffic and Transport	23/08/2019
A&W	Young	Geoffrey	Environmental Officer	20/08/2019
CEO	Dunshea	Stephen	Chief Executive Officer	18/09/2019
CEO	Neilson	Samantha	Legal Services Coordinator	14/08/2019
CEO	Pullen	Gregory	Manager - Economic Development	27/08/2019
CEO	Rippon	Jessica	Executive Manager - Communications	23/08/2019
CLR	Alldrick	Annette	Councillor	23/09/2019
CLR	Digiglio	Nina	Councillor	23/08/2019
CLR	Findley	Amanda	Councillor	3/10/2019
CLR	Gartner	Kaye	Councillor	23/08/2019
CLR	Gash	Joanna	Councillor	23/09/2019
CLR	Guile	Andrew	Councillor	20/09/2019
CLR	Kitchener	Mark	Councillor	23/08/2019
CLR	Levett	John	Councillor	23/08/2019
CLR	Pakes	Mitchell	Councillor	23/09/2019
CLR	Proudfoot	Bob	Councillor	27/09/2019
CLR	Watson	Greg	Councillor	2/10/2019
CLR	Wells	John	Councillor	23/08/2019
CLR	White	Patricia	Councillor	23/08/2019
FCCS	Aney	Peter	Unit Manager - Business Systems	8/10/2019

Group	Last Name	First Name	Title	Returned
FCCS	Ball	Roslyn	Unit Manager - Records	24/09/2019
FCCS	Bell	Coralie	Section Manager - Tourism	14/08/2019
FCCS	Buckingham	Lauren	Project Manager - Corporate Systems	24/09/2019
FCCS	Coulston	Bronwyn	Unit Manager - Arts & Culture	12/09/2019
FCCS	Crangle	Amanda	Unit Manager - HR & Organisation Development	23/08/2019
FCCS	Edwards	Susan	Unit Manager - Community Building	20/08/2019
FCCS	French	Paul	Manager - Supply Chain	6/09/2019
FCCS	George	Samuel	Team Supervisor - Logistics	4/09/2019
FCCS	Goldsmith	Michael	Complaints Officer	23/08/2019
FCCS	Hahn	Donald	Unit Manager - WHS Risk	14/08/2019
FCCS	Jones	Daniel	Unit Manager - IT Support	20/08/2019
FCCS	McCoy	Melissa	Section Manager – HR, Gov. and Customer Service	20/08/2019
FCCS	McMahon	Sara	Unit Manager - Governance	23/08/2019
FCCS	Norwood	Kevin	Unit Manager Swim, Sport & Fitness	23/08/2019
FCCS	Patterson	Karen	S.E.C Manager	8/10/2019
FCCS	Pennisi	Michael	Chief Financial Officer	23/08/2019
FCCS	Phelan	Vanessa	Finance Manager	23/09/2019
FCCS	Raison	Karla	Unit Manager - Customer Service	23/08/2019
FCCS	Taylor	Sarah	Unit Manager - Library Services	20/08/2019
FCCS	Voegt	Kevin	Chief Information Officer	23/08/2019
FCCS	Lewis	Jane	Acting Director, Finance Corporate and Community	23/09/2019
JRPP	Royston	Ernie	Joint Regional Planning Panel (JRPP)	10/10/2019
NCBD	Aldous	Annie	Nowra CBD Revitalisation Strategy Committee	14/10/2019
NCBD	Baxter	Scott	Nowra CBD Revitalisation Strategy Committee	25/09/2019
NCBD	Caldwell	James	Nowra CBD Revitalisation Strategy Committee	8/10/2019
NCBD	Goddard	Brendan	Nowra CBD Revitalisation Strategy Committee	27/08/2019
NCBD	Hindmarch	Wesley	Nowra CBD Revitalisation Strategy Committee	18/10/19
NCBD	Parker	George	Nowra CBD Revitalisation Strategy Committee	
PEDS	Ahmed	Tanvir	Floodplain Engineer	26/09/2019
PEDS	Aldous	Kaitlin	Cadet Planner	13/09/2019
PEDS	Anderson	David	Senior Building Surveyor	23/08/2019
PEDS	Baker	Rodney	Senior Parking Patrol Officer	23/08/2019
PEDS	Bedson	Hannah	Development Assessment Officer	28/08/2019
PEDS	Bern	Catherine	Section Manager - Development Services	23/08/2019
PEDS	Birmingham	Megan	Bushfire and Bushland Management Officer	20/08/2019
PEDS	Blatch	Peter	Building Surveyor	25/09/2019
PEDS	Blood	Anthony	Supervisor - Development Assessment/Senior Planner	8/10/2019
PEDS	Bonner	James	Unit Manager - Development Services	4/09/2019
PEDS	Brandt	Adrian	Parking Patrol Officer	23/08/2019
PEDS	Brooks	Peta	Strategic Planner	25/09/2019
PEDS	Brown	Shane	Ranger	4/09/2019
PEDS	Choros	Roy	Ranger	23/08/2019
PEDS	Clark	Gordon	Section Manager- Strategic Planning	11/09/2019

Group	Last Name	First Name	Title	Returned
PEDS	Clarke	Kelie	Section Manager - Environmental Services	26/09/2019
PEDS	Clay	Shaun	Team Supervisor - Compliance	4/09/2019
PEDS	Clunas	Emma	Environmental Health Officer	19/09/2019
PEDS	Connors	Dwayne	Ranger	20/09/2019
PEDS	Cooper	Kayla	Parking Patrol Officer	4/09/2019
PEDS	Costello	Philip	Director Planning Environment & Development	23/08/2019
PEDS	Csanitz	Elizabeth	District Environmental Health Officer	30/09/2019
PEDS	Dalyell	Alison	Development Planner	On Leave
PEDS	Dillon	Malcolm	Team Supervisor - Certification	30/09/2019
PEDS	Dillon	Matthew	Parking Patrol Officer	23/08/2019
PEDS	Domm	Robert	Manager - Ulladulla Service Centre	2/09/2019
PEDS	Downing	Elizabeth	Senior Development Planner	12/09/2019
PEDS	Dwyer	Christopher	Ranger / Amo	23/08/2019
PEDS	Fernie	Ariann	Ranger	2/10/2019
PEDS	Fisher	Andrew	Swimming Pool Comp Officer	23/08/2019
PEDS	Foscolo	Robert	Parking Patrol Officer	23/08/2019
PEDS	Freeman	Luke	Compliance Officer	2/10/2019
PEDS	Gillespie	Shane	Compliance Officer	2/10/2019
PEDS	Griggs	Adam	Building Surveyor	On Leave- 22 Oct 19
PEDS	Haylett	Scott	Senior Engineer	23/08/2019
PEDS	Hernell	Anna	Team Supervisor- Ranger Support	4/09/2019
PEDS	Hislop	Suzanne	Ranger	23/09/2019
PEDS	Hollinger	Eric	Coordinator - Special Projects Team	16/09/2019
PEDS	Hollywood	Lenell	Environmental Assessment Officer	4/09/2019
PEDS	Howarth	Gregory	Environmental Health Officer Ulladulla	23/08/2019
PEDS	Hutchinson	Renee	Environmental Health Officer	23/08/2019
PEDS	Irwin	Garon	Unit Manager - Building and Compliance	23/08/2019
PEDS	Jameson	Ryan	Strategic Planner	23/08/2019
PEDS	Johnston	Peter	Senior Planner	23/08/2019
PEDS	Jones	Nathaly	Environmental Assessment Officer	8/10/2019
PEDS	Keech	Belinda	Fire Safety Officer	23/08/2019
PEDS	Khodaverdi	Kamran	Environmental Health Officer	13/09/2019
PEDS	Kilminster	Nicholas	Ranger	4/09/2019
PEDS	Koglin	Lee	Development Assessment Officer	4/09/2019
PEDS	Komadina	Natalia	Compliance Officer	18/09/2019
PEDS	Kunang	Mary	Development Planner	26/09/2019
PEDS	Lamerton	Justin	Development Planner	23/09/2019
PEDS	Lampard	Brendan	Building Surveyor	27/09/2019
PEDS	Lissenden	Kristie	Environmental Health Officer	20/09/2019
PEDS	Little	Trent	Senior Parking Patrol Officer	20/08/2019
PEDS	Lockhart	Harley	Development Assessment Officer	26/09/2019
PEDS	Mahmud	Md Nahid	Development Planner	20/08/2019
PEDS	Marr	Thelma	Senior Environmental Health Officer	4/09/2019
PEDS	Martin	Alice	Building Surveyor - Fire Safety	20/08/2019
PEDS	Massie	Raymond	Coast and Estuaries Officer	20/08/2019

Group	Last Name	First Name	Title	Returned
PEDS	McDonald	Anne	Development Planner / Building Surveyor	11/09/2019
PEDS	Mcloughlin	Patrick	Building Surveyor	11/09/2019
PEDS	McMillan	Kane	Plumbing and Drainage Inspector	14/10/2019
PEDS	McMullen	David	Plumbing and Drainage Inspector	14/10/2019
PEDS	McNiece	Phil	Ranger	21/10/19
PEDS	McVey	Alison	Team Supervisor – Sewerage Management Facilities	17/09/2019
PEDS	Meehan	Bethany	District Environmental Health Officer	11/09/2019
PEDS	Meier	Wayne	Ranger / AMO	11/09/2019
PEDS	Moffitt	Luke	Compliance Officer	23/08/2019
PEDS	Moyle	Melissa	District Environmental Health Officer	23/08/2019
PEDS	Netzler	Bryan	Development Planner	20/08/2019
PEDS	Nile	David	Ranger	20/08/2019
PEDS	O'Brien	Jessica	Development Assistant	28/08/2019
PEDS	O'Sullivan	Kristy	Strategic Planner	23/08/2019
PEDS	Painter	Hannah	Trainee Town Planner	20/08/2019
PEDS	Pearman	Tony	Unit Manager - Ranger Services	20/08/2019
PEDS	Pickering	Shane	Unit Manager – Environmental Health	20/08/2019
PEDS	Pikoss	Laura	Building Surveyor	4/09/2019
PEDS	Porter	Molly	Strategic Planner	20/08/2019
PEDS	Price	John	Building Surveyor	19/08/2019
PEDS	Ratcliffe	Danielle	Strategic Planner	On Extended Leave - 2020
PEDS	Reed	Kylie	Environmental Assessment Officer	20/08/2019
PEDS	Roose	Thomas	District Environmental Health Officer	8/10/2019
PEDS	Rose	Matthew	Coordinator Strategy Planning Team	18/08/2019
PEDS	Sage	Mark	Building Surveyor	5/09/2019
PEDS	Sevenler	Ali	Senior Floodplain Engineer	23/09/2019
PEDS	Smith	Mark	S138 Officer	23/08/2019
PEDS	Smith	Michael	Team Leader - Environmental Planning & Assessment	11/09/2019
PEDS	Sneesby	Mark	Trainee Environmental Health Officer	20/08/2019
PEDS	Staples	Ian	Senior Compliance Officer	18/09/2019
PEDS	Stone	Mark	Floodplain & Stormwater Quality Engineer	25/09/2019
PEDS	Stratton	Alasdair	Unit Manager - Natural Resources & Floodplains	26/09/2019
PEDS	Swan	Trent	Environmental Health Officer - Food	23/09/2019
PEDS	Tague	Jenna	Coordinator Policy Planning Team	20/08/2019
PEDS	Taylor	Rachel	Compliance Officer	1/10/2019
PEDS	Tooley	Diana	Building Surveyor	20/08/2019
PEDS	Trezise	Thomas	Strategic Planner	12/09/2019
PEDS	Vernez	Andre	Senior Development Planner	1/10/2019
PEDS	Watts	Catherine	Environmental Health Officer	12/09/2019
PEDS	Weston	Elliott	Senior Development Planner	8/10/2019
PEDS	Witte	Jethro	Development Assessment Officer	23/08/2019
PEDS	Wood	Colin	Section Manager - Building & Compliance	8/10/2019

Group	Last Name	First Name	Title	Returned
PEDS	Wood	Stephanie	Development Planner	1/10/2019
PEDS	Woodgate	Michael	Ranger / AMO	8/10/2019
PEDS	Woodworth	Alexander	Development Planner	20/08/2019
PEDS	Wyllie	Jason	Team Supervisor - Rangers	20/09/2019
SAB	Akehurst	Karen	Shoalhaven Arts Board	Resigned
SAB	Chiam	Alison	Shoalhaven Arts Board	25/09/2019
SAB	Crow	Rob	Shoalhaven Arts Board	25/09/2019
SAB	Lavelle	Peter	Shoalhaven Arts Board	25/09/2019
SAB	McLeod	Paul	Shoalhaven Arts Board	
SW	Banwell	David	Unit Manager - Projects/Design	23/08/2019
SW	Brignell	Jared	Unit Manager - Projects/Regulatory	23/08/2019
SW	Gilkes	Allan	Unit Manager - Mechanical/Electrical	8/10/2019
SW	Holmes	Anthony	Section Manager - Water Customer and Business	18/09/2019
SW	Horner	Robert	Section Manager - Water Asset Planning and Development	20/08/2019
SW	Jennings	Mark	Unit Manager - Water Operations	23/08/2019
SW	Kidd	Matthew	Unit Manager - Projects/Assets	23/08/2019
SW	Lazarevski	Ljupco	Unit Manager - Projects/Development	11/09/2019
SW	McVey	Andrew	Section Manager - Operations and Maintenance	29/08/2019
SW	Spreitzer	Carmen	Unit Manager - Business Operations	2/10/2019
SW	Wady	Ivan	Unit Manager - Wastewater Operations	23/08/2019

CL19.321 Draft End of Year Financial Statements

HPERM Ref: D19/360395

Section: Finance

Approver: Jane Lewis, Acting Director Finance Corporate & Community Services

Attachments: 1. Draft Financial Statements 2019 (councillors information folder) [⇒](#)
2. Draft Financial Statements 2019 Commentary (councillors information folder)

Reason for Report

Under Sections 413 and 418 of the Local Government Act 1993, Council is required to formally refer the draft financial statements to audit, sign statements on the preparation of the statements, and set the date for the presentation of the audited financial statements to the public.

Recommendation

That:

1. The Mayor, Deputy Mayor, the Chief Executive Officer and the Responsible Accounting Officer sign statements on the preparation of the Financial Statements for the year ended 30 June 2019 in accordance with Section 413(2)(c) of the Local Government Act 1993 and requirements under the Local Government Code of Accounting Practice and Financial Reporting Update No. 27
2. The draft Financial Statements for the year ended 30 June 2019 be formally referred to Council's external auditor, Audit Office of New South Wales, in accordance with Section 413 of the Local Government Act 1993
3. Council present its audited Financial Statements and Audit Report to the public at the Ordinary Meeting of Council to be held on Tuesday 26 November 2019 and, in accordance with section 418 of the Local Government Act 1993, public notice of this date be placed in local newspapers on Wednesday 13 November 2019.

Options

1. Adopt the recommendation

Implications: Council will proceed in submitting the Draft End of Year Financial Statements in line with the requirements of the Local Government Act.

2. Adopt part of the recommendation and make an alternative resolution

Implications: Council may not meet the required timeframes for the submission of the Draft End of year Financial Statements

Background

Council's Financial Statements for the year ended 30 June 2019 have been prepared and informally referred for audit.

CL19.321

In accordance with Section 413 of the Local Government Act 1993, Council must now formally refer these statements for audit. Prior to the completion of the audit, Council is required to give its opinion on the Financial Statements.

Section 413(2)(c) of the Local Government Act 1993 and the Local Government Code of Accounting Practice and Financial Reporting requires the Mayor, one other Councillor, the Chief Executive Officer and Responsible Accounting Officer to certify the following:

1. The General Purpose Financial Statements have been prepared in accordance with:
 - Local Government Act 1993 (as amended) and Regulations made thereunder
 - The Australian Accounting Standards and professional pronouncements
 - Local Government Code of Accounting Practice and Financial Reporting

And that to the best of Council's knowledge and belief that the statements:

- Present fairly the Council's operating result and financial position for the year; and
- Accord with Council's accounting and other records

2. The Special Purpose Financial Statements have been prepared in accordance with:
 - NSW Government Policy Statement "Application of National Competition policy to Local Government"
 - Office of Local Government Guidelines "Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality"
 - The Local Government Code of Accounting Practice and Financial Reporting
 - The NSW Office of Water "Best-Practice Management of Water Supply and Sewerage Guidelines"

And that to the best of Council's knowledge and belief, the statements:

- Present fairly the operating result and financial position for each of Council's declared business activities for the year, and
- Accord with Council's accounting and other records
- Present overhead reallocation charges to the water and sewerage businesses as fair and reasonable

The General Purpose Financial Statements and Special Purpose Financial Statements have been prepared in accordance with the Local Government Code of Accounting Practice and Financial Reporting and applicable Accounting Standards (draft confidential copies are included in Councillors' Information Folder).

The General Purpose Financial Statements are prepared on a consolidated basis. The information presented reflects all of Council's activities including the General Fund, Water Fund, Sewer Fund and any other entities controlled by Council. It should be noted that all internal transactions are eliminated, including expenses relating to Council rates, water usage charges, waste management charges, etc. levied on Council activities.

The Special Purpose Financial Statements relate to activities that Council has declared as business activities under the National Competition Guidelines. Declared activities are further classified as either a Category 1 or Category 2 business depending on whether the annual turnover is above or below \$2 Million.

In preparing the Special Purpose Financial Statements, certain taxes and charges that Council is not normally liable to pay must be calculated. These "notional" taxes include company income tax, land tax and payroll tax. These amounts are included in the Special Purpose Financial Statements but only as notional amounts.

The audit of the draft Financial Statements has been reviewed and discussed with the Audit, Risk and Improvement Committee and the Audit Office on 8 October 2019, there were no significant issues identified.

Community Engagement

When the audit is finalised, the audited Financial Statements and Audit Report are to be presented to the public at a meeting of Council in accordance with Section 418 of the Local Government Act 1993. It is proposed that the Financial Statements and Audit Report be presented to the public at the Ordinary Meeting of Council to be held on Tuesday 26 November 2019. Public notice of this meeting will be made on Wednesday 13 November 2019 with the Financial Statements and Audit Report being available for inspection at Council's offices and website from Wednesday 13 November 2019 to Wednesday 27 November 2019.

The process that Council must follow in the preparation, audit and presentation of the Financial Statements is prescribed in detail by the Local Government Act 1993. The following timetable will allow these processes to be satisfied.

29 October 2019	Ordinary Meeting of Council – 2018/19 draft Financial Statements presented to Council seeking Council to resolve to refer them for audit and make statements on the preparation as required by Section 413 of the Local Government Act 1993 and the Local Government Code of Accounting Practice and Financial Reporting
Prior to 31 October 2019	Auditor's report received by Council and the Financial Statements and Audit Report submitted to the Office of Local Government
13 November 2019	Public advertisement notifying that the Financial Statements and Audit Report are available for inspection at Council's Offices and Libraries until 27 November 2019. The advertisement also advises that the Financial Statements and Audit Report will be presented to the public at a Council meeting on 26 November 2019
26 November 2019	Ordinary Meeting of Council – Financial Statements and Audit Report presented to the public at a meeting of Council
4 December 2019	Closing date for public submissions on the Financial Statements. Any submissions received must be referred to Council's auditor for consideration (Section 420)

Conclusion

The purpose of this report is for Council to formally refer the draft Financial Statements for Audit. A detailed report on the Key Financial Result for 2018/19 along with the Audit Report will be presented to the Ordinary Meeting on 26 November 2019.

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CL19.322 Investment Report - September 2019

HPERM Ref: D19/363320

Section: Finance

Approver: Jane Lewis, Acting Director Finance Corporate & Community Services

Attachments: 1. Monthly Investment Report - Shoalhaven City Council - September 2019 (under separate cover) ⇄

Reason for Report

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

1. The report of the Chief Executive Officer (Finance, Corporate & Community Services Group) on the Record of Investments for the period to 30 September 2019 be received for information.
2. Council note Council's investment portfolio returned a solid 2.27% for the month of September 2019, exceeding the benchmark AusBond Bank Bill Index (1.03% pa) by 124 basis points (1.24%)

Options

1. The report on the Record of Investments for the period to 30 September 2019 be received for information.

Implications: Nil

2. Further information regarding the Record of Investments for the period to 30 September 2019 be requested.

Implications: Nil

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

Implications: Nil

Background

Please refer to the attached monthly report provided by Council's Investment Advisor, CPG Research and Advisory Pty Ltd.

The Investment Advisors have noted on page 10 of the Investment Report that Council is above the compliance for investing in BBB Institutions. This advice was reported to Council in the August Investment Report. This is due to the downgrading of AMP from A to BBB by the rating agency, Standard and Poor's. Council has acted upon CPG's recommendation and

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taken steps to draw down on the funds invested in the 31-day notice account with AMP. These funds will be received by Council and re-invested in October in A-rated institutions.

There has been no further investments with BBB rated institutions since the downgrading of AMP, and until our compliance with BBB is met, there will be no further investments made with BBB rated institutions.

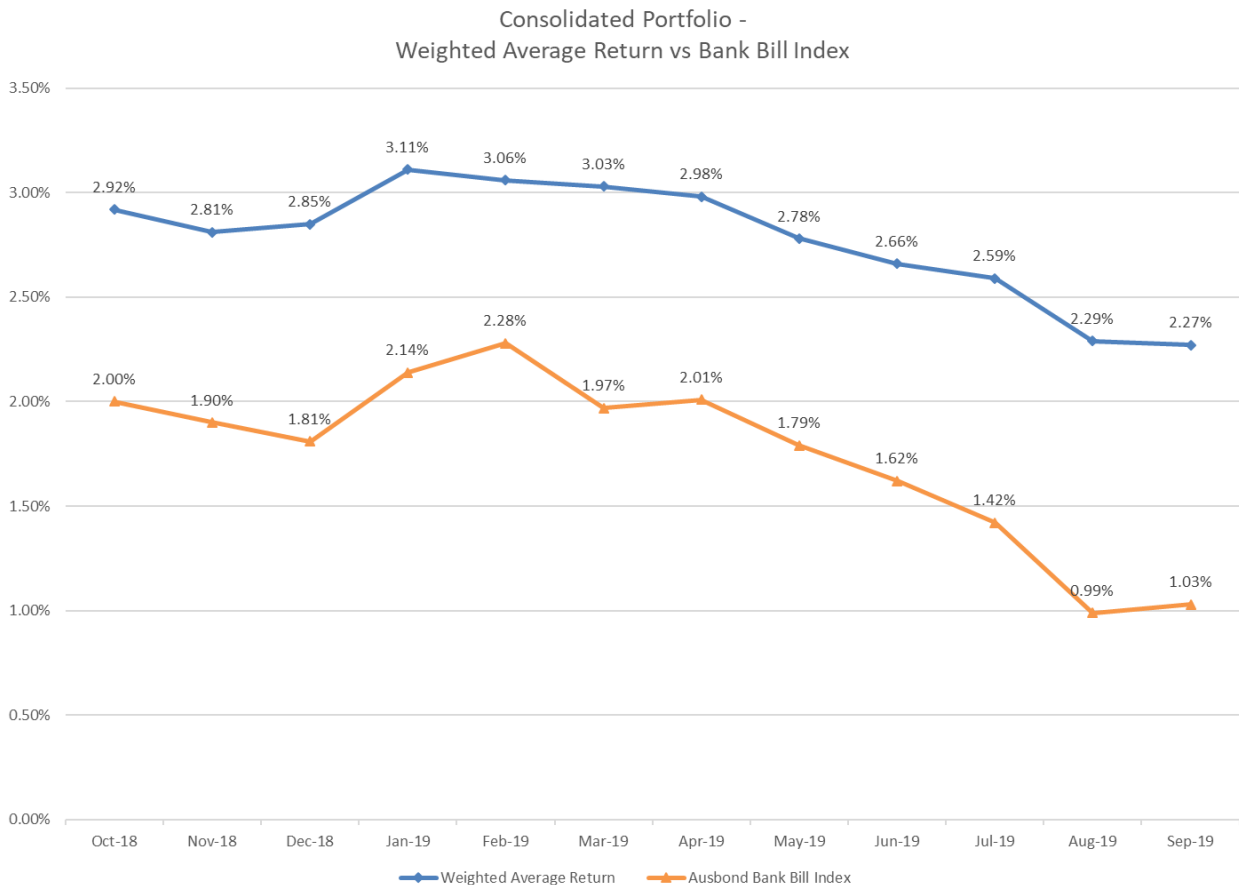
Additionally, on page 6 of the attached Investment Report they note that the margins have fallen for Westpac's green bond deposits and that Council invested more in September. Please note that the new investment was made before the margins fell and the rate that Council secured was comparable to the other institutions.

Councillors will recall a Councillor Briefing with Andrew Vallner, Managing Director CPG, was held on 20 June 2019 that identified options for Council to consider when it revises its Investment Policy. An evaluation of the options presented by Mr Vallner has been undertaken and it is proposed to have a follow-up Councillor Briefing with Mr Vallner prior to presenting a report to a Strategy and Assets Committee on a revised Investment Policy. Staff are still liaising with Mt Vallner to confirm a suitable date for a follow-up briefing.

Portfolio Return

Council's investment portfolio returned a solid 2.27% for the month of September 2019, exceeding the benchmark AusBond Bank Bill Index (1.03% pa) by 124 basis points (1.24%).

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 the benchmark due to the mix of Council's investment portfolio.



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Interest Earned – September 2019

The following table shows the interest earned for the month of September 2019. The interest earned for the month of September was \$393,405; which was \$20,090 above the current budget.

Fund	Original Monthly	Actual Earned	Difference	Revised Budget	Revised Difference
General	\$268,520	\$249,111	-\$19,409	268,520	-\$19,409
Water	\$55,479	\$96,811	\$41,332	55,479	\$41,332
Sewer	\$49,315	\$47,482	-\$1,833	49,315	-\$1,833
Total	\$373,315	\$393,405	\$20,090	\$373,315	\$20,090

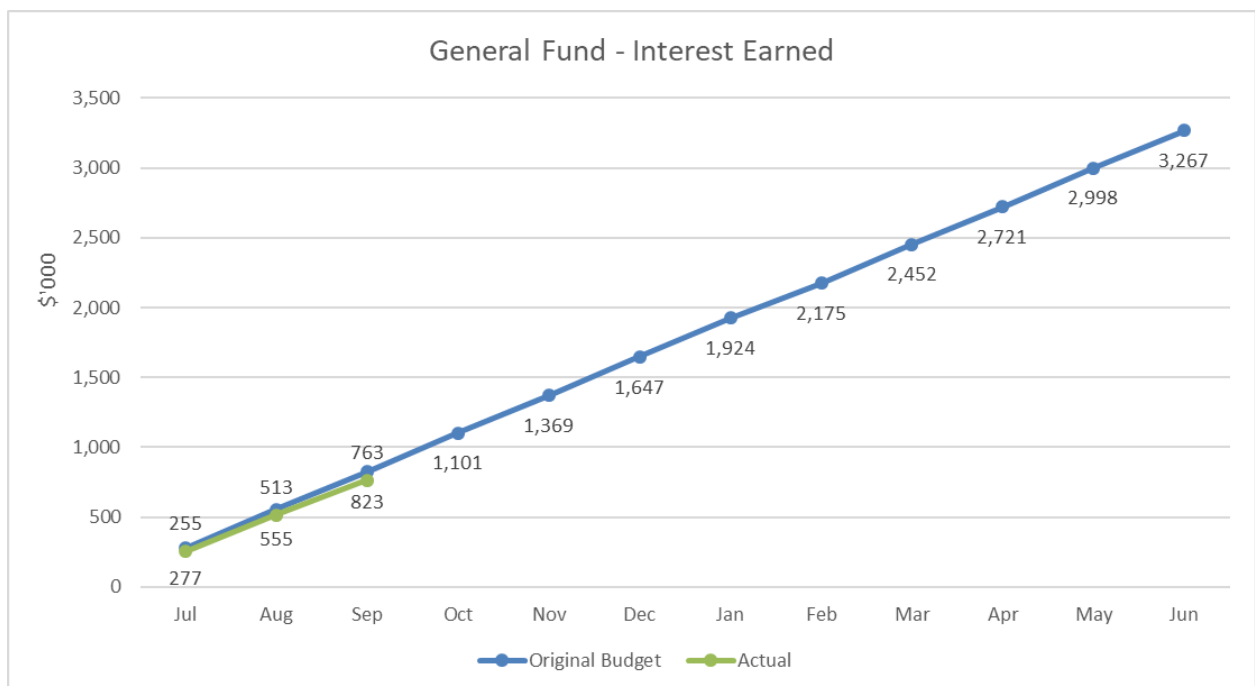
Interest Earned - Year to Date

The following table shows how the interest earned year to date actual dollars against the total budget forecast dollars is performing with 25% of the year passed - the interest earned to the month of September was \$1.252,615, 27.58% of the current full year budget.

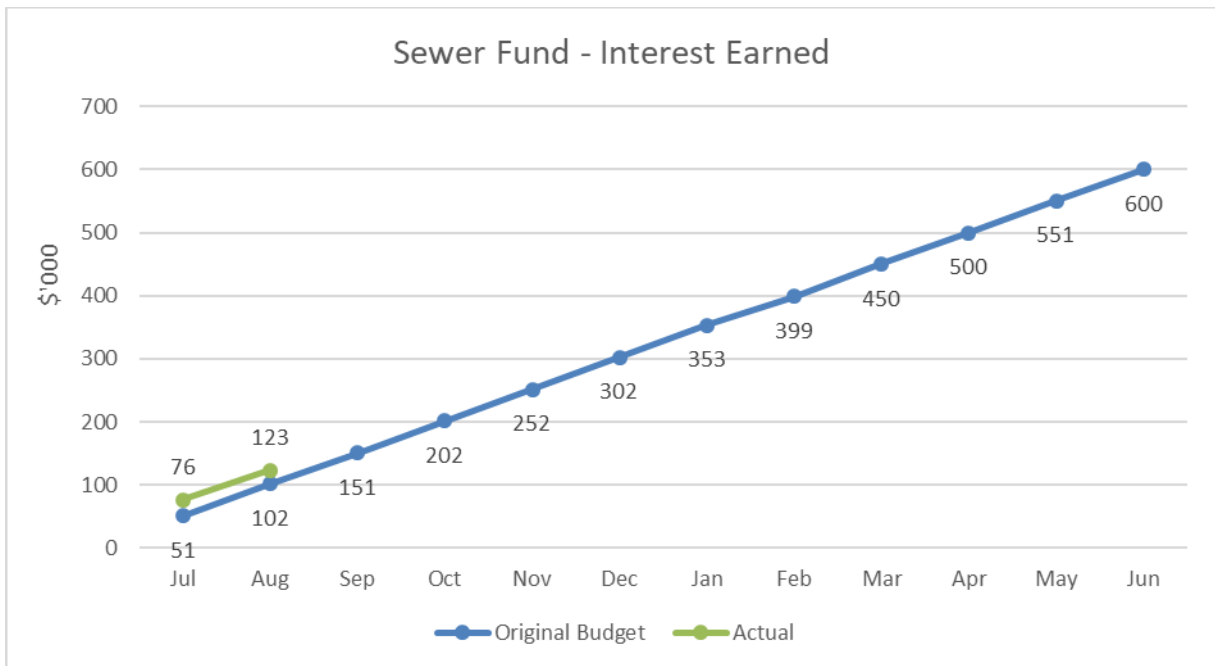
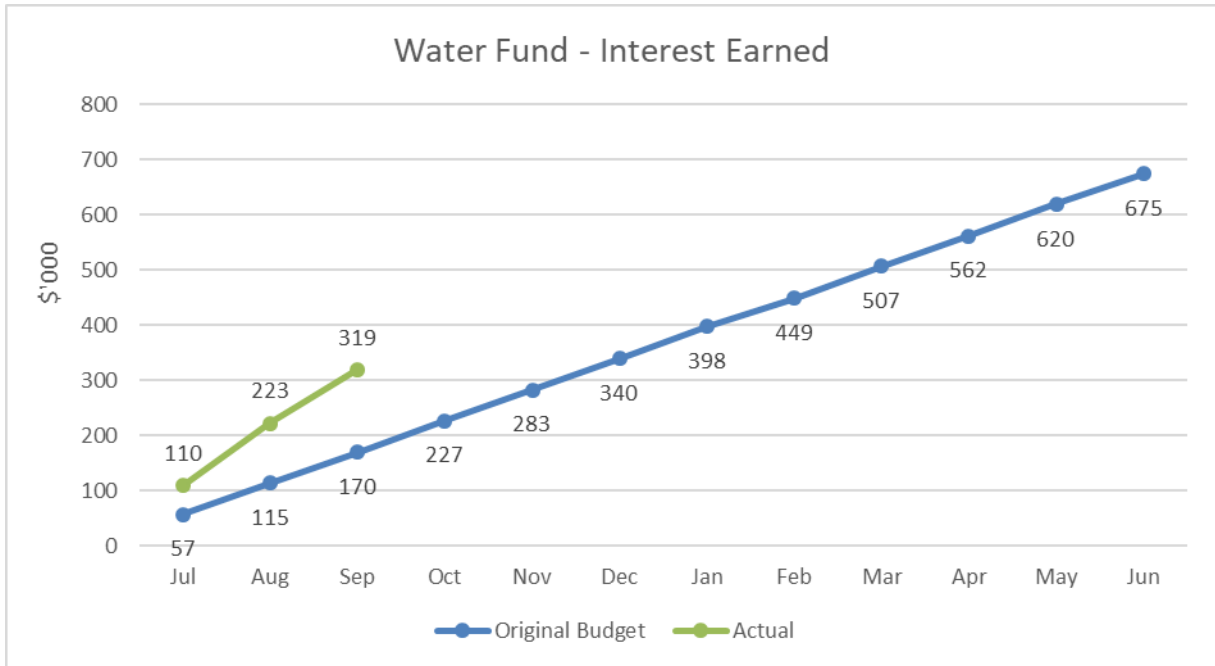
Appropriate budget adjustments will be considered as part of the quarterly budget reviews.

Fund	Original Total Annual Budget	Actual YTD August	% Achieved	Revised Budget	Revised %
General	\$3,266,999	\$762,587	23.34%	\$3,266,999	23.34%
Water	\$675,000	\$319,487	47.33%	\$675,000	47.33%
Sewer	\$600,000	\$170,540	28.42%	\$600,000	28.42%
Total	\$4,541,999	\$1,252,615	27.58%	\$4,541,999	27.58%

The graphs below illustrate the cumulative interest earned for the year for each Fund against original budget.



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RECORD OF INVESTMENTS Cash and Investment Balances

	September 2019	August 2019
Cash And Investments Held		
Cash at Bank - Transactional Account	\$6,126,316	\$6,509,812
Cash at Bank - Trust Fund	\$0	\$0
Cash on Hand	\$50,240	\$62,890
Other Cash and Investments	\$205,525,730	\$211,583,119
	\$211,702,285	\$218,155,821
Fair Value Adjustment	\$364,572	\$399,521
Bank Reconciliation	-\$381,902	\$56,949
	-\$17,330	\$456,470
Book Value of Cash and Investments	\$211,684,955	\$218,612,290
Less Cash & Investments Held In Relation To Restricted Assets		
Employee Leave Entitlements	\$8,119,913	\$8,119,913
Land Decontamination	\$872,980	\$940,037
Critical Asset Compliance	\$1,990,230	\$2,066,591
North Nowra Link Road	\$35,269	\$36,861
Other Internal Reserves	\$7,943,756	\$7,601,321
Section 7.11 Matching Funds	\$311,169	\$311,169
Strategic Projects General	\$2,244,751	\$2,719,684
Industrial Land Development Reserve	\$6,186,554	\$6,181,886
Plant Replacement	\$2,196,316	\$2,221,021
Financial Assistance Grant	\$4,724,485	\$4,724,485
S7.11 Recoupment	\$24,778,268	\$24,786,683
Commitment To Capital Works	\$1,699,842	\$2,219,588
Property Reserve	\$1,186,780	\$1,297,840
	\$62,290,313	\$63,227,079
Loans - General Fund	\$9,644,657	\$10,644,038
Self Insurance Liability	\$1,550,964	\$1,662,534
Grant reserve	\$3,879,620	\$4,939,798
Section 7.11	\$10,584,213	\$10,616,520
Storm Water Levy	\$1,185,222	\$1,116,037
Trust - Mayors Relief Fund	\$88,881	\$88,806
Trust - General Trust	\$3,060,818	\$3,261,768
Waste Disposal	\$9,411,978	\$8,425,213
Sewer Fund	\$29,420,119	\$37,593,971
Sewer Plant Fund	\$1,870,190	\$2,084,334
Section 64 Water	\$18,386,319	\$18,248,592
Water Fund	\$31,041,640	\$28,490,585
Water Communication Towers	\$1,373,108	\$1,347,247
Water Plant Fund	\$1,984,874	\$1,965,801
	\$123,482,603	\$130,485,241
Total Restricted	\$185,772,916	\$193,712,320
Unrestricted Cash And Investments		
General Fund	\$25,912,039	\$24,899,970

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Restricted Asset Movements

The table below lists the major movements in Restricted Assets:

Total Cash	\$6,453,536	
Loans	-\$999,381	Expenditure on projects
Grants	-\$1,060,178	Expenditure on projects
Sewer Fund	-\$8,173,852	Spending on REMS
Water Fund	\$2,551,055	Normal Operating Cycle / Lower capital works expenditure
Unrestricted Cash	\$1,012,069	August was a rates instalment month, there was \$4m received on Monday 2 September.

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 POL18/57.

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CL19.323 Tomerong Quarry - Submission of Landscaping and Rehabilitation Plan - Lot 4, DP775296, No.146 Parnell Road, Tomerong

HPERM Ref: D19/368060

Section: Building & Compliance Services

Approver: Phil Costello, Director Planning Environment & Development Group

Reason for Report

On 17 October 2019, Council received a rehabilitation plan for the Tomerong Quarry. The submission of this plan followed Council's advice to the quarry owner that works at the quarry were not to re-commence unless such a plan was received and approved by Council. This report updates Councillors on the receipt of this information and associated actions to date.

Recommendation

That Council note:

1. Receipt of the Landscape and Rehabilitation plan on behalf of the owners of Tomerong Quarry,
2. Council staff advice to owners of Tomerong Quarry in regard to the expectation that they, the owners, will liaise with the Tomerong community in regard to any rehabilitation plan,
3. Council staff advice to the owners of Tomerong Quarry that works at the quarry are not to recommence until such time as Council has approved a rehabilitation plan
4. Council staff will report back to Council following a detailed review of the submitted Landscape and Rehabilitation plan and comments from NSW Soil Conservation Service.

Background

On 4 October 2019, Council issued a Development Control Order on the owners of the Tomerong Quarry directing them to submit a detailed landscape and rehabilitation plan. Amongst other things, the order required the report to consider the following:

- 1) Management Plan: A site rehabilitation management plan.
- 2) Community Consultation: Tomerong Community to be included in the consultation process and provided with an opportunity for comment during the preparation of the plan and once the plan has been completed.
- 3) Desired Outcome
 - (a) To achieve rehabilitation that is considerate of the future use of the area.
 - (b) To batter or fill the area and achieve a maximum slope to 25 degrees.
 - (c) To regenerate the area with endemic native vegetation.
 - (d) To have no truck movements on Parnell Road during the rehabilitation of the site
 - (e) To provide a dilapidation report on access to the site from Gumden Lane and to repair any damage to this road upon completion of the works. Alternatively, suggest a Levy payable on tonnage.

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- 4) Identification of Rehabilitation Area: This is to include a survey of the rehabilitation area depicting:
 - (a) all current vegetated areas,
 - (b) all areas of the property used as part of the quarrying operations such as internal roads, fuelling sites, weighbridge, offices, amenities, parking areas, dams, spoil stockpiles, the quarry itself and the like.
- 5) Protection of Existing Native Vegetation, Fauna and Revegetation: including the following:
 - (a) Identification of surrounding and / or pre-existing vegetation communities in addition to aspect and soil conditions of the site to identify suitable revegetation species (particularly survey for *Melaleuca biconvexa* – known to occur around the quarry);
 - (b) Appropriate flora and fauna survey to identify threatened species constraints prior to planning and undertaking levelling, cutting and or filling of site;
 - (c) Stockpiling soil by horizons and appropriate re-structuring / translocation (if cutting to create battered banks);
 - (d) Identify opportunities for brush-matting (if cutting to create battered banks);
 - (e) Measures to stabilise soil such as Geotech fabric/hessian matting, sediment fencing and coir-log terracing or similar;
 - (f) Collection of local provenance endemic seed for propagation and use in rehabilitation works;
 - (g) Appropriate protection for *Melaleuca biconvexa* occurring on the site;
 - (h) Revegetation planting plan including:
 - i. differentiation of zones (if appropriate);
 - ii. planting species list;
 - iii. planting densities for different strata (canopy trees, shrubs and groundcovers);
 - iv. minimum diversity numbers (to avoid over-planting of readily available species and poor representation of vegetation communities);
 - v. planting methods, including use of water crystals and planting guards;
 - vi. maintenance regime including watering and weed control;
 - vii. survival and replacement policy (e.g. minimum 90% survival at 12-month intervals);
 - (i) Monitoring and reporting regime;
 - (j) Schedule of works which includes tasks, responsibilities and timeframes;
- 6) Other inclusions in the Rehabilitation Plan: including the following:
 - (a) Geotech/Environmental
 - (b) To what extent existing material can be used in the rehabilitation of the site to limit the need for importation of material
 - (c) Time restrictions on when rehabilitation works can be undertaken. For example, Monday – Friday (7.00 am to 4.00 pm) with no work on Saturday, Sunday or Public Holidays.
 - (d) Truck movements (To be minimised)

- (e) Capacity, tonnage and type of imported materials required (To be minimised)
- (f) Quality of imported materials (VENM & ENM) with documentation to be provided to Council on a weekly basis
- (g) Where fill material is sourced.
- (h) Sediment and erosion controls for the project including a maintenance regime to extend beyond the completion of works and until Council has deemed the site stable.
- (i) Protection of the Environment Operations Act requirements with regard water/air/noise monitoring.
- (j) Mapping of threatened species and existing remnant native vegetation including areas where there is no canopy (e.g. *Melaleuca biconvex*)
- (k) Stability and revegetation
- (l) Supervision, monitoring
- (m) Staging

In a letter to Council dated 17 October 2019, Street Quinn Pty Limited submitted the *“Tomerong/Bellfields Quarry Landscape and Quarry Rehabilitation Plan, Parnell Road, Tomerong”*. Further, the letter stated:

“with the submission of this updated rehabilitation plan, we understand there are no other limitations on recommencing the extraction of the existing material from the quarry. According, to minimise any further financial loss to in-ja-ghoondji and our licensee Hisway Pty Ltd, it is proposed to recommence quarry operations in accordance with DA90/1912 and subsequent amendments on 28 October 2019”

This report has been forwarded to Council’s Planners and Environmental Officers for comment. It has also been referred to the NSW Soil Conservation Service for comment.

The main issue that will concern the community is that the submitted rehabilitation plan proposes the importation of approx. 305,200m³ of fill. This will no doubt have an impact on traffic movements to and from the site and will be a major consideration. Whilst identifying the approximate amount of fill to rehabilitate the quarry, there has been no detail provided in regard to;

- Timeframe for commencement and completion of rehabilitation
- Method of delivery of fill to the quarry or time frames involved
- Travel routes for delivery of fill and maintenance/upkeep of such routes
- Environmental controls to be utilised
- Controls to mitigate amenity impacts

On 23 October 2019 Council’s Compliance Officers wrote to Street Quinn Pty Limited acknowledging receipt of the plan and requesting them to provide information on the community consultation that had been undertaken in the preparation of the plan (refer to item 2 above). Council Officers have also indicated that they will conduct community consultation of the final plan once any changes or adjustments have been made following receipt of the comments from Council’s Planners and Environmental Officers.

Council’s Compliance Officers have also confirmed in writing that no operations can commence on site until such time as the landscape and rehabilitation plan assessment has been completed and approved by Council.

When the plan has been approved, a legal framework will need to be established to ensure that all undertaking in the plan are able to be enforced.

CL19.324 Variations to Development Standards - September Quarter Report 2019

HPERM Ref: D19/343613

Group: Planning Environment & Development Group
Section: Development Services

Attachments: 1. Variation Report - 3rd Quarter (September 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 the Variations to Development Standards – September Quarter Report 2019 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.

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 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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Council DA reference number	Lot number	DP number	Apartment/Unit number	Street number	Street name	Suburb/Town	Postcode	Description of Development e.g residential - multi dwelling housing - 6 units e.g - commercial - shop top housing - 3 shops, 6 residential units	Development standard to be varied e.g SLEP 2014 - Clause 4.3 - height	Extent of variation (expressed as a percentage %)	Delegation, Council or other	Date DA determined dd/mm/yyyy
DA18/1502	11	758530		11	Beach Street	Huskisson	2540	7: Residential - Other	SLEP 2014 - Clause 4.3 - height	7.46%	Staff by Delegation	08/08/2019
DA19/1620	10	864493		150A	Tourist Rd	Beaumont	2540	1: Residential - Alterations & additions	SLEP 2014 - Clause 4.3 - height 9.26%		Staff by Delegation	06/09/2019

CL19.325 Collingwood Beach Dunecare Group - Formation and Plan

HPERM Ref: D19/348203

Group: Planning Environment & Development Group
Section: Environmental Services

Purpose / Summary

Report on the formation of the Collingwood Beach Dunecare Group and the preparation of the Collingwood Beach Dunecare Group Plan as per MIN19.723

Recommendation

That Council:

1. Note the steps taken to date and the continuing actions in regard to the development of the Collingwood Beach Dunecare Management Plan.
2. Receive a further progress report at the December Development and Environment Committee meeting.

Options

1. As per recommendation

Implications: The Collingwood Beach Dunecare Group can proceed with preparing their plan in collaboration with Council

2. Not to proceed with the development of the Collingwood Beach Dunecare Group Plan

Implications: Further delays and possible loss of volunteers

3. Alternative recommendation

Implications: Depend on the recommendation

Background

At the Development and Environment Committee meeting held on 1 October 2019, Council resolved (MIN19.723) the following:

1. *As part of the Natural Area Volunteers Group, a Dunecare Group be formed at Collingwood Beach prior to the Ordinary Meeting of Council on 29 October 2019.*
2. *A draft Collingwood Beach Dunecare Management Plan be presented to the Ordinary Meeting of Council on 29 October 2019. This plan be formulated taking into consideration the submission by Coordinator, Dawn Thompson's group, the Collingwood Beach Reserve Bushcare Action Plan (2008) and the Collingwood Beach Dune Vegetation Action Two-year Trial Plan.*

Previously, on 28 May 2019, Council resolved to take all necessary steps required to form a Collingwood Beach Dunecare Group for the Susan Street to Moona Creek section of the dunes.

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In accordance with a previous resolution, Council staff undertook a recruitment drive, which included sending out flyers to all residents surrounding Collingwood Beach. This resulted in 40 individuals registering for the Collingwood Beach Dunecare Group, under Council's Bushcare Program.

An information/induction day was held at Collingwood Beach on 31 August 2019, to give volunteers an overview of the following:

1. Hazard identification and risk assessment;
2. Introduction to the plants present within the dunes, both natives and weeds; and
3. Identification of the actions within existing plans and progress against these (this was completed via an inspection of the site).

Nominations were also called for a Dunecare Group Coordinator, with Dawn Thompson being elected into the position. With the election of the Collingwood Beach Dunecare Coordinator, the group is now officially formed.

The next step in the process is to finalise a plan for the Collingwood Beach Dunecare Group. In this regard, the Collingwood Beach Dunecare Group developed a draft plan which was forwarded to Council staff for review and will form the basis of the new plan.

A meeting was held with volunteers of the Dunecare Group and Council staff on Friday 11 October 2019 to review the draft plan's content, including goals, objectives and actions. The draft document has been discussed/reviewed at this meeting and input is still being sought regarding the finalisation of a document for presentation to Council as per the subject resolution.

Community Engagement

In accordance with the subject resolution, once the Plan has been completed to the satisfaction of staff and community members, it will be reported back to Council, seeking endorsement.

Policy Implications

The Collingwood Beach Dunecare Plan will need to align with currently adopted Collingwood Beach Dune Vegetation Action – Two-Year Trail Plan, as well as the vision and objectives of Council's Bushcare/Parkcare Policy.

The Plan will also need to consider the aims, objectives and actions of the existing Collingwood Beach Reserve Bushcare Acton Plan, adopted by Council in 2008. This plan is the current active volunteer management plan for the reserve and is presently guiding previous and existing dune restoration volunteer work.

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.